

**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

**Sara Diane Hartzell, DVM,
Veterinary Medical License No. VET 18987,**

and

**Banfield Pet Hospital, #1188, INC,
Premises Registration No. HSP 6908,**

Respondent(s)

Citation No. 4602018001077

CITATION

Complainant alleges:

PARTIES

1. Jessica Sieferman (“Complainant”) brings this Citation solely in her official capacity as the Executive Officer of the Veterinary Medical Board (“Board”), Department of Consumer Affairs, State of California.
2. The Board’s records reveal that Sara Diane Hartzell, DVM (“Respondent”) has been issued a Veterinarian License Number 18987.
3. The Board’s records reveal that Banfield Pet Hospital, #1188, INC, has been issued a Veterinary Premises Registration Number HSP 1188.

STATUTORY PROVISIONS

4. Business and Professions Code (BPC) sections 125.9 and 4875.2, and California Code of Regulations (CCR) section 2043 authorize the Executive Officer of the Board to issue citations containing orders of abatement and/or administrative fines against a licensee of the Board, or to an unlicensed person, who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).
5. BPC section 4883 provides, in pertinent part:

The Board may deny, revoke, or suspend a license or registration or assess a fine as provided in section 4875 for any of the following:

[...]

- (i) Fraud, deception, negligence, or incompetence in the practice of veterinary medicine.

[...]

- (o) Violation, or the assisting or abetting violation, of any regulations adopted by the Board pursuant to this chapter of the Veterinary Practice Act.

[...]

REGULATORY PROVISIONS

6. CCR, title 16, section 2032.4, states in pertinent part:

[...]

- (b) When administering general anesthesia, a veterinarian shall comply with the following standards:

[...]

- (2) An animal under general anesthesia shall be observed for a length of time appropriate for its safe recovery.

CAUSE FOR CITATION

7. On or about April 20, 2018, the Respondent failed to provide appropriate postsurgical monitoring for Patient B. Such conduct constitutes a violation of BPC, section 4883, subdivision (i), Negligence.
8. On or about April 20, 2018, the Respondent failed to monitor Patient B for an appropriate amount of time after having been under general anesthesia. Such conduct constitutes a violation of BPC, section 4883, subdivision (i),

Negligence, and subdivision (o) as defined by CCR, Title 16, section 2032.4, subsection (b)(2).

DETERMINATION OF ISSUES
CAUSE OF ACTION

9. Violations exist pursuant to BPC section 4883, subdivision (i), Negligence, as set forth above in Paragraph 7. A cause of action thereby exists.
10. Violations exist pursuant to BPC section 4883, subdivision (i), Negligence, and subdivision (o), based upon a violation of CCR, Title 16, section 2032.4, subsection (b), as set forth above in Paragraph 8. A cause of action thereby exists.

PENALTY

11. In compliance with BPC sections 125.9 and 4875.2 and CCR section 2043, it is determined that:

Respondent be cited with a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts as set forth in Paragraph 7, constitutes a violation of BPC section 4883, subdivision (i) Negligence.

Respondent be cited with a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts as set forth in Paragraph 8, constitutes a violation of BPC, section 4883, subdivision (i), Negligence, and subdivision (o), based upon a violation of CCR, Title 16, section 2032.4, subsection (b).

12. In compliance with BPC sections 125.9 and 4875.2, and CCR, Title 16, section 2043, subsection (c), the total penalty for the above violations is \$10,000. However, pursuant to BPC section 125.9, subdivision (b)(3), in no event shall the administrative fee assessed by the Board exceed \$5,000. Therefore, the total penalty due is \$5,000.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC section 4883, subdivisions (i) and (o) and CCR, Title 16, section 2032.4, subsection (b)(2).

August 31, 2022
DATE

Signature on File

JESSICA SIEFERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California

CONTEST OF CITATION
(Business and Professions Code (BPC) Sections 125.9 and 4875.6)

If you desire to administratively contest the citation or the proposed assessment of a civil penalty therefor and want to request an informal conference, you must, within 10 business days after you receive the citation, notify the Executive Officer in writing of your request for an informal conference with the executive officer or his or her designee. (BPC, § 4875.6, subd. (a).)

If you desire a hearing to contest the finding of a violation, you must submit a written request for hearing to the Veterinary Medical Board (Board) within 30 days of the date of issuance of the citation or assessment. (BPC, § 125.9, subd. (b)(4).)

Submit your request for an informal conference or hearing to contest the citation to the following address:

Veterinary Medical Board
1747 N. Market Blvd., Suite 230
Sacramento, CA 95834.

If you fail to notify the Executive Officer or Board in writing that you intend to contest the citation or the proposed assessment of a civil penalty therefor, by either submitting a request for an informal conference or hearing as described above, the citation or the proposed assessment of a civil penalty shall be deemed a final order of the Board and shall not be subject to further administrative review. (BPC, § 4875.6, subd. (a).)

You may, in lieu of contesting a citation, transmit to the Board the amount assessed in the citation as a civil penalty, within 10 business days after receipt of the citation. (BPC, § 4875.6, subd. (b).)

Failure of a licensee or registrant to pay a civil penalty within 30 days of the date of receipt of the assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. When a citation is not contested and a civil penalty is not paid, the full amount of the assessed civil penalty shall be added to the fee for renewal of the license or registration. A license or registration shall not be renewed without payment of the renewal fee and civil penalty. (BPC, § 125.9, subd. (b)(5).)