

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

In the Matter of the Citation Against:

Michael Reuben

Citation No. 4602021001211

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 fail to reveal that Marc Michael Reuben (“Respondent”) has been issued a veterinarian license.
3. The Board’s records fail to reveal that Respondent has been issued a veterinary premises registration.

STATUTORY PROVISIONS

Business and Professions Code (BPC) sections 125.9, 148, and 4875.2 and California Code of Regulations (CCR), title 16, 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).

4. BPC section 4825 states in pertinent part:

That it is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in the Act.

5. BPC section 4826 states in pertinent part:

[. . .]

(b) A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she performs any act set forth in BPC section 4826, including diagnosing or prescribing a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

[. . .]

6. BPC section 4853 states in pertinent part:

(a) All premises, including a building, kennel, mobile unit, or vehicle, where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof are being practiced to be registered with the Board.

[. . .]

REGULATORY PROVISIONS

7. CCR, Title 16, section 2038 states in pertinent part:

(a) The term musculoskeletal manipulation (MSM) is the system of application of mechanical forces applied manually through the hands or through any mechanical device to enhance physical performance, prevent, cure, or relieve impaired or altered function of related components of the musculoskeletal system of animals. MSM when performed upon animals constitutes the practice of veterinary medicine.

(b) MSM may only be performed by the following persons:

(1) A veterinarian who has examined the animal patient and has sufficient knowledge to make a diagnosis of the medical condition of the animal, has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, including a determination that MSM will not be harmful to the animal patient, discussed with the owner of the animal or the owner's authorized representative a course of treatment, and is readily available or has made arrangements for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen. The veterinarian shall obtain as part of the patient's permanent record, a signed acknowledgment from the owner of the patient or his or her authorized representative that MSM is considered to be an alternative (nonstandard) veterinary therapy.

(2) A California licensed doctor of chiropractic ("chiropractor") working under the direct supervision of a veterinarian. A chiropractor shall be deemed to be

working under the direct supervision of a veterinarian where the following protocol has been followed:

- (A) the supervising veterinarian shall comply with the provisions of subsection (b)(1) prior to authorizing a chiropractor to complete an initial examination of and/or perform treatment upon an animal patient.
 - (B) After the chiropractor has completed an initial examination of and/or treatment upon the animal patient, the chiropractor shall consult with the supervising veterinarian to confirm that MSM care is appropriate, and to coordinate complementary treatment, to assure proper patient care.
 - (C) At the time a chiropractor is performing MSM on an animal patient in an animal hospital setting, the supervising veterinarian shall be on the premises. At the time a chiropractor is performing MSM on an animal patient in a range setting, the supervising veterinarian shall be in the general vicinity of the treatment area.
 - (D) The supervising veterinarian shall be responsible to ensure that accurate and complete records of MSM treatments are maintained in the patient's veterinary medical record.
- (c) Where the supervising veterinarian has ceased the relationship with a chiropractor who is performing MSM treatment upon an animal patient, the chiropractor shall immediately terminate such treatment.
- (d)(1) A chiropractor who fails to conform with the provisions of this section when performing MSM upon an animal shall be deemed to be engaged in the unlicensed practice of veterinary medicine.

[. . .]

CAUSE FOR CITATION

8. On or about February 02, 2021, Respondent examined equine patient "K" during a scheduled barn visit and diagnosed the patient with an equine myofascial disorder without possessing a current, valid California veterinarian license. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).
9. On or about September 16, 2021, Respondent's personal Facebook page showed videos of the Respondent practicing MSM on multiple animal patients without possessing a current, valid California veterinarian license or complying with the provisions of CCR Title 16, section 2038. Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in CCR section 2038, subsection (d)(1).

10. On or about February 02, 2021, Respondent examined and diagnosed equine patient "K" during a scheduled barn visit without a valid veterinary premise registration. Such unlicensed practice constitutes a violation of BPC section 4853, subdivision (a).

DETERMINATION OF ISSUES
CASE OF ACTION

11. Violations exist pursuant to BPC section 4825, as defined in BPC section 4826, subdivision (b) set forth above in Paragraph 8. A cause of action thereby exists.
12. Violations exist pursuant to BPC section 4825, as defined in CCR, Title 16, section 2038, subsection (d)(1), as set forth above in Paragraph 9. A cause of action thereby exists.
13. Violations exist pursuant to BPC section 4853, as set forth above in Paragraph 10. A cause of action thereby exists.

PENALTY

14. In compliance with BPC sections 148 and 4875.2 and CCR, title 16, section 2043, it is determined that:

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 7 constitute a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 8 constitute a violation of BPC section 4825, as defined in CCR, Title 16, section 2038, subsection (d)(1).

Respondent be cited for a Class "C" violation in the amount of \$5,000 for the Cause for Citation, based upon a determination that the above-described facts set forth in paragraph 9 constitute a violation of BPC section 4853, subdivision (a).

15. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subdivision (c), the total penalty for the above violations is \$15,000. However, pursuant to BPC section 125.9(b)(3) in no event shall the administrative fine assessed by the Board exceed \$5,000.00. Therefore, total fine amount due to the Board is \$5,000.00.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC section 4825, 4826(b), 4853(a), and CCR section 2038(d)(1).

February 8, 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).)

If you are an unlicensed person, you may notify the Board and file a petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure within 30 calendar days after receipt of the citation, without engaging in an informal conference or administrative hearing. Payment of any fine shall not constitute an admission of the violation charged. (BPC, § 4875.6, subd. (b).)