

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

In the Matter of the Citation Against:

**KRISTINE HIGGINS
Respondent**

Citation No. 4602018000162

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 Kristine Higgins, (“Respondent”) has been issued a Veterinarian license.
3. The Board’s records fail to reveal that Respondent has been issued a Premises Permit.

STATUTORY PROVISIONS

4. 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).

5. BPC section 4825 provides 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

6. BPC section 4826 provides, in relevant part, a person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any of the following:
 - ...
 - (c) Administers 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, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4832) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or veterinary assistant pursuant to Section 4836.1
 - ...
 - (e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae.
 - ...

7. BPC section 4853 requires 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 being registered with the Board.

CAUSE FOR CITATION

8. On April 25, 2016, the Respondent performed reproductive services including diagnosing thawed semen motility, on patient "K". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).

9. On or about May 15, 2016, Respondent administered a controlled substance to patient "K". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (c).

10. On or about May 20, 2016, the Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "K". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).

11. On May 20, 2016, the Respondent administered a controlled substance to patient "K". Such unlicensed conduct constitutes a violation BPC section 4825 as defined in BPC section 4826, subdivision (c).
12. On May 21, 2016 the Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "K". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
13. On May 22, 2016 the Respondent performed an ultrasound for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "K." Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
14. On June 14, 2016 the Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "K." Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
15. On or about March 29, 2017, the Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "D". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
16. On or about April 22, 2017, Respondent administered medication to patient "G". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (c).
17. On or about April 22, 2017, Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "G". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
18. On or about April 23, 2017, Respondent performed reproductive services including performing rectal palpitation for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae on patient "G". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).
19. On or about May 15, 2017, Respondent administered medication to patient "G." Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (c).
20. On or about June 15, 2017, Respondent performed veterinary services including a saline flush for the diagnosis of pregnancy, sterility, or infertility upon

livestock or Equidae on patient "G". Such unlicensed conduct constitutes a violation of BPC section 4825 as defined in BPC section 4826, subdivision (e).

21. Commencing on or about May 25, 2016 through July 3, 2017, at Flying H Ranch located at 16836 Gas Point Road, Cottonwood CA 96022, veterinarian services were performed without a current and valid premises registration. Such unlicensed conduct constitutes a violation of BPC section 4853.

DETERMINATION OF ISSUES
CAUSE OF ACTION

22. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 8. A cause for action thereby exists.
23. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (c), as set forth above in Paragraph 9. A cause for action thereby exists.
24. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 10. A cause for action thereby exists.
25. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (c), as set forth above in Paragraph 11. A cause for action thereby exists.
26. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 12. A cause for action thereby exists.
27. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 13. A cause for action thereby exists.
28. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 14. A cause for action thereby exists.
29. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 15. A cause for action thereby exists.
30. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (c), as set forth above in Paragraph 16. A cause for action thereby exists.

exists.

31. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 17. A cause for action thereby exists.

32. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 18. A cause for action thereby exists.

33. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (c), as set forth above in Paragraph 19. A cause for action thereby exists.

34. Violations exist pursuant to BPC section 4825 as defined in BPC section 4826, subdivision (e), as set forth above in Paragraph 20. A cause for action thereby exists.

35. Violations exist pursuant to BPC section 4853 as set forth above in Paragraph 21. A cause of action thereby exists.

PENALTY

36. 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 as set forth in Paragraph 8 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 9 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (c).

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 as set forth in Paragraph 10 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 11 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (c).

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 as set forth in Paragraph 12 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 13 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 14 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 15 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 16 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (c).

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 as set forth in Paragraph 17 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 18 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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 as set forth in Paragraph 19 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (c).

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 as set forth in Paragraph 20 constitute violations of BPC section 4825 as defined in BPC section 4826, subdivision (e).

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

as set forth in Paragraph 21 constitute violations of BPC section 4853.

37. 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 \$70,000. However, pursuant to BPC section 125.9(b)(3), in no event shall the administrative fine assessed by the Board exceed \$5,000. Therefore, the total fine amount due to the Board is \$5,000.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC section 4825 as defined in BPC section 4826, subdivisions (c) and (e) as well as BPC section 4853.

12/16/2021

DATE

Signature on File

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