



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD  
1747 North Market Blvd., Suite 230, Sacramento, CA 95834-2978  
P (916) 515-5220 | Toll-Free (866) 229-0170 | www.vmb.ca.gov



March 14, 2019

**VIA REGULAR & CERTIFIED MAIL**

Amanda Jones, RVT  
630 Silverwood Avenue #5  
Upland, CA 91786

**RE: HEARING NOTICE**  
**OAH Case No. 2019030442**  
**Petition for Termination of Probation – Amanda Jones, RVT**

Dear Ms. Grosso:

You are hereby notified that a hearing will be held before the Veterinary Medical Board, Department of Consumer Affairs at:

**Date:** April 18, 2019  
**Time:** 9:00 a.m.  
**Location:** Mission Inn Hotel  
3649 Mission Inn Avenue  
Riverside, California 92501

The hearing will be conducted before the Veterinary Medical Board, Department of Consumer Affairs and an administrative law judge of the Office of Administrative Hearings, who will preside over the Petition for Reinstatement matter.

If you object to the place of the hearing, you must notify the presiding officer within ten (10) days after this notice is served on you. Failure to notify the presiding officer within ten (10) days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to:

**Office of Administrative Hearings  
Attn: General Jurisdiction  
2349 Gateway Oaks, Suite 200  
Sacramento CA 95833**

**INTREPRETER:** Pursuant to section 11435.20 of the Government Code, the hearing shall be conducted in English language. If a party or party's witness does not proficiently speak or understand the English language and before commencement of the hearing requests language assistance, an agency subject to the language assistance requirement in section 11435.15 of the Government Code shall provide a certified interpreter or an interpreter approved by the administrative law judge conducting the proceedings. The cost of providing the interpreter shall be paid by the agency having jurisdiction over the matter if the administrative law judge or hearing officer so directs, otherwise by the party for whom the interpreter is provided. If you or a witness requires the assistance of an interpreter, ample advance notice of this fact should be given to the Office of Administrative Hearings so that appropriate arrangements can be made.

**CONTINUANCES:** Under section 11524 of the Government Code, the agency may grant a continuance, but when an administrative law judge of the Office of Administrative Hearings has been assigned to the hearing, no continuance may be granted except by him or her or by the presiding judge for good cause. When seeking a continuance, a party shall apply for the continuance within 10 working days following the time the party discovered or reasonably should have discovered the event or occurrence which establishes good cause for the continuance. A continuance may be granted for good cause after the 10 working days have lapsed only if the party seeking the continuance is not responsible for and has made a good faith effort to prevent the condition or even establishing the good cause.

Please visit the Board's website at [www.vmb.ca.gov](http://www.vmb.ca.gov) to get a copy of the agenda or feel free to contact me at (916) 515-5244.

Sincerely,



Sidney Villareal  
Probation Monitor

cc: Tory Polin, Deputy Attorney General  
Office of Administrative Hearings



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March 27, 2019

**VIA REGULAR & CERTIFIED MAIL**

Amanda Jones, RVT  
630 Silverwood Avenue #5  
Upland, CA 91786

**RE: HEARING NOTICE**  
**OAH Case No. 2019030442**  
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Sincerely,



Sidney Villareal  
Probation Monitor

cc: Tory Polin, Deputy Attorney General  
Office of Administrative Hearings

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**  
(Separate Mailings)

**Case Name:** Amanda Jones, RVT  
**Case No:** 4602017000578

I declare:

I, the undersigned, am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Veterinary Medical Board for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Veterinary Medical Board is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 27, 2019, I served the attached Notice of Hearing by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the Notice of Hearing was enclosed in a second sealed envelope as first-class mail in the internal mail collection system at the Veterinary Medical Board at 1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834, addressed as follows:

Amanda Jones, RVT  
630 Silverwood Avenue #5  
Upland, CA 91786

**Certified Article No.:** 7013 1090 0001 1327 7163

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and that this declaration was executed on March 27, 2019, at Sacramento, California.

Sidney Villareal  
Declarant

Sidney Villareal  
Signature

7013 1090 0001 1327 7163

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

PS Form 3800, August 2006 See Reverse for Instructions



### CERTIFICATION OF LICENSE HISTORY

This is to certify that I, Robert Stephanopoulous, Enforcement Manager, of the California State Veterinary Medical Board (Board), have custody and control of the official records of the Board, and that the following information was obtained from the records of **AMANDA JONES**:

**Address of Record:**

Amanda Jones  
630 Silverwood Ave #5  
Upland, CA 91786

**RVT No. 12441:**

Issued: 11/02/2017  
Expiration: 10/31/2019  
Status: Current - Probation

**Prior Discipline:** Yes

Case No. 4602017000578 Respondent stipulated to be issued a probationary registration based on a 2012 DUI; placed on probation for 2 years

**Citation No. XX:** None

Given under my hand and the seal of the State Veterinary Medical Board, at Sacramento, California, this 18<sup>th</sup> day of March 2019.

Robert Stephanopoulous, Enforcement Manager

**CLEAR FORM**



Business, Consumer Services, and Housing Agency

Governor, Edmund G. Brown, Jr.

**Veterinary Medical Board**

1747 N. Market Boulevard, Suite 230, Sacramento, CA 95834  
 Telephone: (916) 515-5220 Fax: (916) 928-6849 | www.vmb.ca.gov



## PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY

**INSTRUCTIONS: Please type or print neatly.** All blanks must be completed; if not applicable enter N/A. If more space is needed attach additional sheets. Attached to this application should be a "Narrative Statement" and two original verified recommendations from a veterinarian licensed by the Board who has personal knowledge of activities since the disciplinary action was imposed.

<b>TYPE OF PETITION [Reference Business and Professions Code section 4887]</b>				
<input type="checkbox"/>	Reinstatement of Revoked/Surrendered License or Registration		<input checked="" type="checkbox"/>	Modification of Probation
			<input checked="" type="checkbox"/>	Termination of Probation
<p><b>NOTE:</b> A Petition for Modification and/or Termination of Probation can be filed together. If you are requesting Modification, you must specify in your "Narrative Statement" the term(s) and condition(s) of your probation that you want reduced or modified and provide an explanation. Please check all boxes above that apply.</p>				
<b>PERSONAL INFORMATION</b>				
NAME: _____				
	First	Middle	Last	
	AMANDA	RAYE	JONES	
Other name(s) licensed under, if any: N/A				
HOME ADDRESS: _____				
	Number & Street	City	State	Zip
HOME TELEPHONE NUMBER ( )		WORK TELEPHONE NUMBER	CELL NUMBER	
E-mail address:		CA License or Registration Number		
		12441		
Are you licensed by any other state(s) or country(ies) (please include license number(s), issue date(s), and status of license(s)): N/A				
<b>ATTORNEY INFORMATION (If Applicable)</b>				
Will you be represented by an attorney? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," please provide the following information)				
NAME: N/A				
ADDRESS:				
PHONE:				
<b>DISCIPLINARY INFORMATION</b>				
Provide a brief explanation in your "Narrative Statement" as to the cause for the disciplinary action (e.g., negligence or incompetence, self use of drugs or alcohol, extreme departures from sanitary conditions, conviction of a crime, etc.)				
Have you ever had your license revoked, suspended, voluntarily surrendered, denied, or placed on probation in any other state or country? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
(If Yes, give a brief cause for administrative action or license denial in your "Narrative Statement" section, including dates and discipline ordered (e.g., 5 years probation.)				

**VETERINARIAN/REGISTERED TECHNICIAN BACKGROUND**

Total number of years in veterinary practice: 6 YEARS

**CONTINUING EDUCATION** (List continuing education completed since the date of the disciplinary action)

- TRIAGE FOR THE ENTIRE VETERINARY TEAM.
- ANESTHESIA CERTIFICATION (WITH MULTIPLE CASE SCENARIOS)
- CPR TRAINING / REVIEW
- BEHAVIOR: OVERVIEW OF CONCEPTS INCLUDING Body Language & RESTRAINT TECHNIQUES
- HOW TO READ A PET FOOD LABEL
- NUTRITIONAL approaches to Gastrointestinal Disease in Cats & Dogs
- ZOETIS - Antimicrobial Resistance
- LIFE LEARN - FLEAS & TICKS

**CURRENT OCCUPATION OTHER THAN VETERINARIAN OR REGISTERED VET TECHNICIAN**

(Answer only if currently not practicing as a Veterinarian or Registered Vet Technician)

List employer, address, e-mail address, phone number, job title, and duties:

N/A

**EMPLOYMENT HISTORY** (list for the past 5 years only)

Provide the employer's name, address, phone number, job title and dates of employment:

VCA Central 281 N. CENTRAL AVE, UPLAND, CA (909) 981-2855  
- Technician - May 2014 - Present.

Inland Valley Humane Society - 500 Humane Way, Pomona CA  
(909) 623-9777 - VET ASSISTANT NOV - 2013 - AUG. 2014

**REHABILITATION**

Describe any rehabilitative or corrective measures you have taken since your license/registration was disciplined. List dates, nature of programs or courses, and current status. You may include any community service or volunteer work.

I received a DUI in 2012, Before I ever applied for my RVT license. All of my DUI classes where completed in 2012 and were court mandated.



**CURRENT COMPLIANCE**

Since the effective date of your last Veterinary Medical Board disciplinary action have you:

- 1. Been placed on criminal probation or parole?  Yes  No
- 2. Been charged in any pending criminal action by any state, local or federal agency or court?  Yes  No
- 3. Been convicted of any criminal offense? (A conviction includes a no contest plea; disregard traffic offenses with a \$100 fine or less.)  Yes  No
- 4. Been charged or disciplined by any other veterinary board?  Yes  No
- 5. Surrendered your license to any other veterinary board?  Yes  No
- 6. Had your licensee manager's premise permit disciplined?  Yes  No
- 7. Had any civil malpractice claims filed against you of \$10,000 or more?  Yes  No
- 8. Become addicted to the use of narcotics or controlled substances?  Yes  No
- 9. Become addicted to or received treatment for the use of alcohol?  Yes  No
- 10. Been hospitalized for alcohol or drug problems or for mental illness?  Yes  No

NOTE: If your answer is "Yes" to any of the above questions, please explain in the "Narrative Statement."

**COST RECOVERY**

Was cost recovery ordered?  Yes  No If yes, what is the remaining balance? \_\_\_\_\_  
When is payment anticipated? \_\_\_\_\_

**DECLARATION**

Executed on January 27<sup>th</sup> 20 19, at Upland, CA  
(City) (State)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that all statements and documents attached in support of this petition are true and correct.

Amanda Raye Jones  
Petitioner (print name)

[Signature]  
Signature

The information in this document is being requested by the Veterinary Medical Board (Board) pursuant to Business and Professions Code section 4887. In carrying out its licensing or disciplinary responsibilities, the Board requires this information to make a determination on your petition for reinstatement or modification of penalty. You have a right to access the Board's records containing your personal information as defined in Civil Code section 1798.3. The Custodian of Records is the Executive Officer at the address shown on the first page.

RECEIVED

FEB 08 2019

January 28, 2019

VMB/RVTC

To whom it may concern:

I am writing this letter to the Veterinary Medical Board formal discipline unit requesting to petition for early termination of my probation and or modification of probation. I have currently been on probation since November 2017. I believe that my request should be granted. I have done everything the board has asked of me in a timely manner. I have provided my monthly reports on time and have always received excellent review scores from my employer, along with on time quarterly reports. All of my probation fees have been paid on time and never missed. I have also provided 23 clean drug/alcohol tests to the lab within the year of my probation. I made a huge mistake back in 2012 and choose to drive after having a few drinks; I must admit to the board that I have learned my lesson. Prior to applying for my RVT license I had stopped drinking even though I only drank socially. Receiving a DUI was very life changing for me as a person. But, since then going through this whole probation process has been an even bigger eye opener. I realize that making wrong choices can potentially ruin my career as Registered Veterinary Technician. I urge the board to greatly consider my request for early termination and if at the very minimum consider modifying my probation. The modification I am requesting is to stop drug testing, as I have mentions above I have already provided the board with 23 clean tests. Testing 2 times a month gets very costly. If the board decides to grant me modifications versus early termination I would also like to request that my probation fees be lowered if possible. I have followed through with my part to the best of my ability regarding my probation. I would also like to mention that the total costs of my monthly fees are quite expensive; probation fees \$100 a month, each drug test is \$43 from the lab, and \$35 from the clinic. Paying all of the monthly fees has been a financial burden on me. It has been hardship for me to pay all of these fees as well as trying to make ends meet in my house hold on a technician salary.

As a Registered Veterinary Technician I am constantly partaking in continuing education. Working for VCA has been a huge motivating factor to excel in my career, there is so many options they provide for us as technicians to grow and learn as our industry is constantly evolving. I have had opportunities to attend training champion seminars with my supervisor, which during those seminars I received RACE approved CE hours and certificates which I have provide in this packet. VCA also has a website called Woof University which offers their employees hundreds of learning tools, I myself have completed several of these online videos followed by test. I have also provided some of my anesthesia CE training certificates from VCA. I am very passionate about Veterinary medicine; I focus on trying to provide the best patient care I can, and constantly striving to be a great technician. I have also provided 4 letters of recommendation from my hospital manager, my tech supervisor, and 2 Doctors. I hope that with the aforementioned information, letters of recommendation, and my sincere remorse from my past mistake that the board would genuinely consider my request for early termination/modification.

Thank you for your time

Amanda Jones



AGO-010



September 25, 2018

David Liss, MS, RVT  
Hospital Manager- VCA Central Animal Hospital  
281 N. Central Ave  
Upland, CA 91786

California Veterinary Medical Board  
1747 N. Market Blvd. Suite 230  
Sacramento, CA 95834-2987

Re: Probation Status of Amanda Jones, RVT

To whom it may concern:

I am the current hospital manager of VCA Central Animal Hospital, a 24-hour general practice and emergency facility operating in the greater Los Angeles area. I assumed this position just over two months ago. In my long tenure as an RVT, veterinary technician specialist, supervisor, manager and Program Director of a veterinary technology program, I have come across many credentialed veterinary technicians. I can state with conviction that Amanda Jones, in the short time I have known her, upholds the morals, ethics, and skills of a registered veterinary technician in the state of California.

Amanda is currently a surgery and nursing care technician at our facility. She is responsible for the care of critically ill patients, as well as performing anesthesia and assisting with emergency surgical procedures. Her job performance is excellent and her skills are top-notch.

Amanda informed me of her probationary status with the Board. I was happy to write her this letter of recommendation seeing that her work ethic, skill-set, and devotion to this profession are representative of her work at VCA Central.

I urge the Board to reconsider her probation and grant her full status as an RVT. I am happy to answer any questions at my contact information below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sincerely,

David Liss, MS, RVT

P: [REDACTED]

E: [REDACTED]



VCA Central Animal Hospital  
281 North Central Avenue  
Upland, CA 91786

P • (909) 981-2855  
F • (909) 985-9398

[VCAcentral.com](http://VCAcentral.com)

September 30, 2018

**Re: Recommendation for Amanda Jones, RVT**

To Whom it may concern:

My name is Angela Toth and I am a registered veterinary technician. I am the veterinary technician supervisor at VCA Central Animal Hospital, a 24 hour GP/ER. I have been Amanda Jones' supervisor since she began employment on May 27, 2014.

Amanda left an immediate first impression when she came into the hospital and introduced herself to apply for a job. The fact that she showed up in person combined with her infectious smile was what made me call her in for an interview. Needless to say she got the job and has really grown, in such a short amount of time, to be my right hand woman. Since the beginning Amanda has always taken direction well, she has great attention to detail and is a highly self-motivating individual. During her short four years, she has consistently met with enthusiasm all responsibilities given to her and her work is always thorough and completed within a reasonable amount of time.

Amanda has completed school and obtained her RVT license all the while working a 40 hour work schedule. Within the last two years she has become my lead trainer for our surgical department. In fact, her self motivation and natural leadership skills has made her a "go-to" person when it comes to training for most departments. She has an ability to train and teach in a calm and respectful way and this is why I am able to rely on Amanda to mentor new employees. She has recently taken on the responsibility of maintaining the medical equipment at our facility adding maintaining a budget to her resume. Amanda is a passionate and hardworking professional. She has great ambition and is always up for a challenge. I would recommend Amanda Jones because in the almost four and a half years that I've know her; she is consistently responsible, reliable and trustworthy.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Sincerely,

A handwritten signature in black ink that reads "Angela Toth, RVT". The signature is written in a cursive style.

Angela Toth, RVT  
Technician Supervisor

Exceptional Pet Healthcare

AGO-012

Cynthia Y. Servantez, DVM

September 2, 2018

California Veterinary Medical Board  
1747 N. Market Boulevard, Suite 230  
Sacramento, California 95834-2987

To Whom It May Concern:

I am addressing the Veterinary Medical Board in regards to registered veterinary technician, Miss Amanda Jones. Miss Jones is petitioning for termination of penalty associated with her licensure. I have known Amanda for 3 years where she has worked as my veterinary assistant and later as my RVT. During this time I have come to know her not only on professional level, but on a personal level as well. Amanda exemplifies everything an RVT should embody. She has a wide knowledge base, a wealth of experience, attention to detail, compassion and most importantly honesty and accountability.

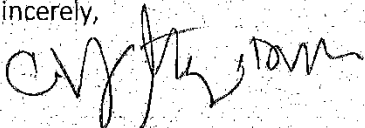
Amanda's main job role is as a surgical technician. She is responsible for drug calculations, administering controlled substances, inducing anesthesia and monitoring and recovering patients. With multiple procedures occurring daily, this job can be very demanding and highly stressful, making mistakes more likely to happen. Miss Jones always checks and rechecks all calculations bringing any discrepancies to the doctors attention while making sure that every patient receives excellent care. If she foresees an area where a mistake is more likely to occur or where patient care can improve, she is the first one to voice her concerns.

I want to convey to the board that I hold Miss Jones in the highest esteem and place full trust in her abilities on a daily basis. This esteem and trust is something that evolves between a doctor and technician through daily interactions. It is based on proven dependability and accountability. I think Amanda has shown this accountability not only in her job setting, but in regards to her previous transgression as well. She is self-aware and takes her license and the responsibility of maintaining that licensure very seriously.

In closing, I hope that I have adequately conveyed my confidence in Miss Jones and ask the board to please consider her petition. I can be reached via the contact information provided is you should have any questions or concerns.

" I declare under penalty of perjury under the laws of the State of California that the foregoing is true and accurate"

Sincerely,



Cynthia Y. Servantez, DVM

September 06, 2018

To Whom It May Concern:

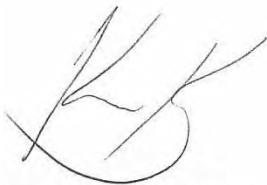
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I have had the pleasure of working with Amanda Jones for 1 ½ years now. She is an incredibly hardworking woman who constantly strives to improve her skills. Being human, she makes mistakes sometimes but always comes forward and learns from those mistakes. Amanda has a very positive attitude and puts a lot of emotion into her work. She treats her patients with the utmost respect and takes her job of animal healthcare and wellbeing very seriously.

Amanda puts forth effort to become a better version of herself not only at work, but also in her personal life. She has made a commitment to herself to lead a healthier lifestyle. Amanda has been going to the gym and eating better to become healthier.

I am so fortunate to have Amanda as part of the team at work and and encourage you to consider removing the probation on her license.

Please feel free to reach out if you have any follow up questions regarding Amanda Jones' work ethic.



Kimberly Kessler DVM, cVMA

[REDACTED]  
[REDACTED]  
[REDACTED]



# VCA Southern California Technician & Assistant Development Continuing Education Certificate of Achievement

Fountain Valley, CA

May 5, 2018

This is to certify that

AMANDA JONES 12441, CA  
/ lic. no., State  
has successfully completed

## CPR Review for Southern California

presented by *Cindy Ziegler, BA, RVT, VTS (ECC)*

This program 19-32491 is approved by the AAVSB RACE to offer a total of 0.00 CE Credits (0.00max) being available to any one veterinarian: and/or 1.50 Veterinary Technician CE Credits (1.50 max). This RACE approval is for the subject matter categories of: Category One: Scientific using the delivery method of Seminar/Lecture. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. RACE does not "accredit" or "endorse" or "certify" any program or person, nor does RACE approval validate the content of the program.



Todd R. Tams, DVM, Diplomate ACVIM  
Chief Medical Officer, VCA



VCA Inc.  
12401 W. Olympic Blvd.  
Los Angeles, CA 90064  
[vcace@vca.com](mailto:vcace@vca.com)



# VCA Southern California Technician & Assistant Development Continuing Education Certificate of Achievement

Fountain Valley, CA

May 5, 2018

This is to certify that

AMANDA JONES

12441, CA  
/ lic. no., State

has successfully completed

**Behavior: An Overview of Concepts Including Body Language  
and Restraint Techniques**

*presented by Amy Sturlini, RVT*

This program 19-32492 is approved by the AAVSB RACE to offer a total of 0.00 CE Credits (0.00max) being available to any one veterinarian: and/or 1.50 Veterinary Technician CE Credits (1.50 max). This RACE approval is for the subject matter categories of: Category One: Scientific using the delivery method of Seminar/Lecture. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. RACE does not "accredit" or "endorse" or "certify" any program or person, nor does RACE approval validate the content of the program.



Todd Tams, DVM, Diplomate ACVIM  
Chief Medical Officer, VCA



VCA Inc.  
12401 W. Olympic Blvd.  
Los Angeles, CA 90064  
[vcace@vca.com](mailto:vcace@vca.com)





This Certificate of Attendance is awarded to

Name: AMANDA JONES  
State of Licensure: CALIFORNIA  
License Number: 12441

### How to Read a Pet Food Label

Elizabeth Reed, BS, LVT/CVT, CCRA  
May 5, 2018  
Fountain Valley, California

Presented by: Royal Canin USA  
500 Fountain Lakes Blvd.  
St. Charles, MO 63301

RACE Approved Program #80-31923  
Subject Matter: Clinical/Scientific  
Format: Seminar/Lecture

This program 80-31923 is approved by the AAVSB RACE to offer a total of **1.0 CE Credits** (1.0 max) being available to any one veterinarian; and/or 1.0 Veterinary Technician CE Credits (1.0 max). This RACE approval is for the subject matter categorie(s) of: Category One: Scientific using the delivery method(s) of: Seminar/Lecture. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. RACE does not "endorse" or "certify" or "accredit" any program or person, nor does RACE approval validate the content of the program.



This Certificate of Attendance is awarded to

Name: AMANDA JONES  
State of Licensure: CALIFORNIA  
License Number: 12441

## Nutritional Approaches to Gastrointestinal Disease in Cats and Dogs

Speaker: Elizabeth Reed, BS, LVT/CVT, CCRA  
May 5, 2018  
Fountain Valley, California

Presented by: Royal Canin USA  
500 Fountain Lakes Blvd.  
St. Charles, MO 63301


RACE Course #80-31883  
Subject Matter: Clinical/Scientific  
Format: Seminar/Lecture

This program 80-31883 is approved by the AAVSB RACE to offer a total of **1.0 CE credits** (1.0 Max) being available to any one Veterinary Technician (1.0 Max). This RACE approval is for the subject matter categorie(s) of: Category One: Scientific using the delivery method(s) of Seminar/Lecture. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. RACE does not "certify" or "accredit" or "endorse" any program, nor does RACE approval validate the content of the program.

## Continuing Education Course Completion Certificate

# FLEAS & TICKS: Talking it O.V.E.R. with Pet Owners

Awarded to: Amanda Jones

Address: 

State of license: California

License #: 12441

Speaker: Kenichiro Yagi, BS, RVT, VTS (ECC, SAIM)

Method of delivery: Seminar/Lecture

Contact hours: 1.0

Category: Non-Scientific-Clinical (0.5)  
Non-Scientific Practice Management/  
Professional Development (0.5)

Program #: 26143

Date of completion:

CE Provider:

**LIFELEARN**  
KNOWLEDGE UNBOUND

*Agnes Chan*

Agnes Chan

CE Administrator  
Corporate Solutions - LifeLearn Inc.  
Provider # 412  
367 Woodlawn Rd W  
Guelph Ontario N1H 7K9  
ceinfo@lifelearn.com

Sponsored by:



This program **412-26143** is approved by the AAVSB RACE to offer a total of 0.00 CE Credits (0.00 max) being available to any one Veterinarian, and/or **1.00 Veterinary Technician CE Credits (1.00 max)**. This RACE approval is for the subject matter categorie(s) of: **Category Two: Non-Scientific-Clinical**, and **Category Three: Non-Scientific-Practice Management/Professional Development**, using the delivery method(s) of: **Seminar/Lecture**.

This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements.

For questions regarding your CE credit or for more information, contact [ceinfo@lifelearn.com](mailto:ceinfo@lifelearn.com).



## CERTIFICATE OF ATTENDANCE

Amanda Jones

has attended a continuing education symposium

Participant Signature & Date:

[Signature] 5/5/18

Participant State(s) of Licensure:

California

Participant License #(s):

12441

# of CE Hours:

(1 Hour)

PROGRAM TITLE: Overview of Antimicrobial Resistance (AAVSB RACE Approval #192-31962)

DATE: May 5, 2018

LOCATION: VCA West Coast Animal Hospital, Fountain Valley, CA

SPEAKER(S): Tracey Hanna, MVB, DABVP

PRESENTED BY: Zoetis, Parsippany, NJ  
AAVSB RACE Provider #192  
Email: VLeedle@MEDtrakedu.com

SUBJECT CATEGORY: Category One: Scientific

METHOD OF DELIVERY: Seminar/Lecture

Authorized By:

[Signature]  
Zoetis Representative

*This program 192-31962 is approved by the AAVSB RACE to offer a total of 1.00 CE Credits (1.00 max) being available to any one veterinarian: and/or 1.00 Veterinary Technician CE Credits (1.00 max). This RACE approval is for the subject matter categories of: Category One: Scientific using the delivery method of Seminar/Lecture and/or Interactive-Distance. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. RACE does not "accredit" or "endorse" or "certify" any program or person, nor does RACE approval validate the content of the program.*

# Certificate of Attendance

**Name: Amanda Jones**

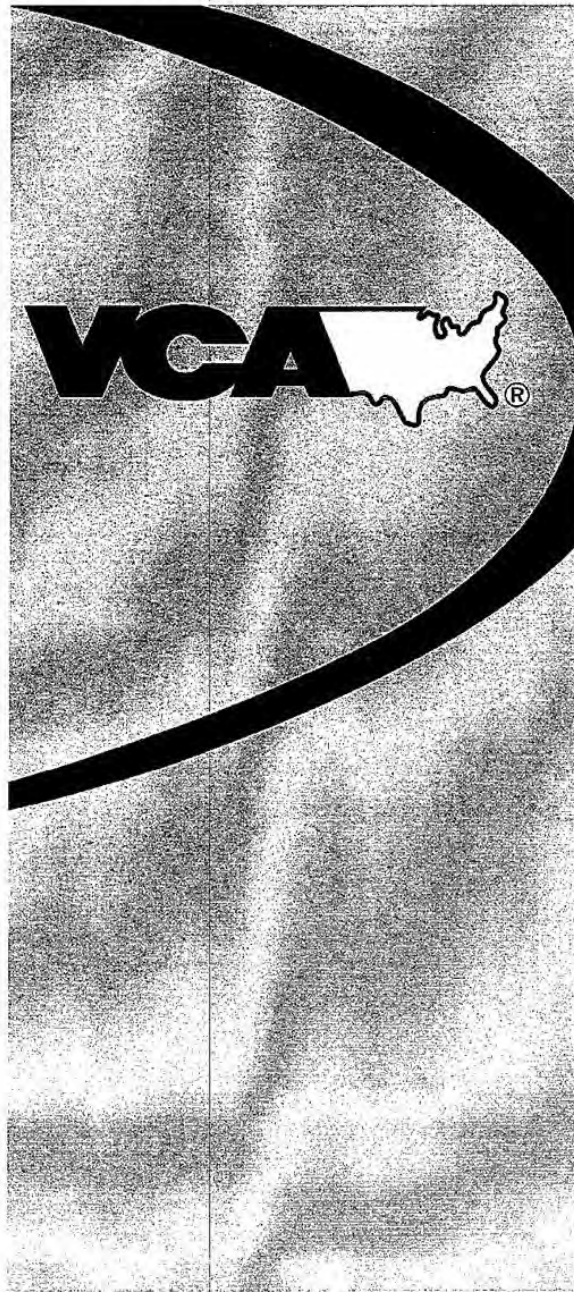
**Course: Triage for the Entire Veterinary Team**

**Completion Date: Monday, August 27, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064



# Certificate of Attendance



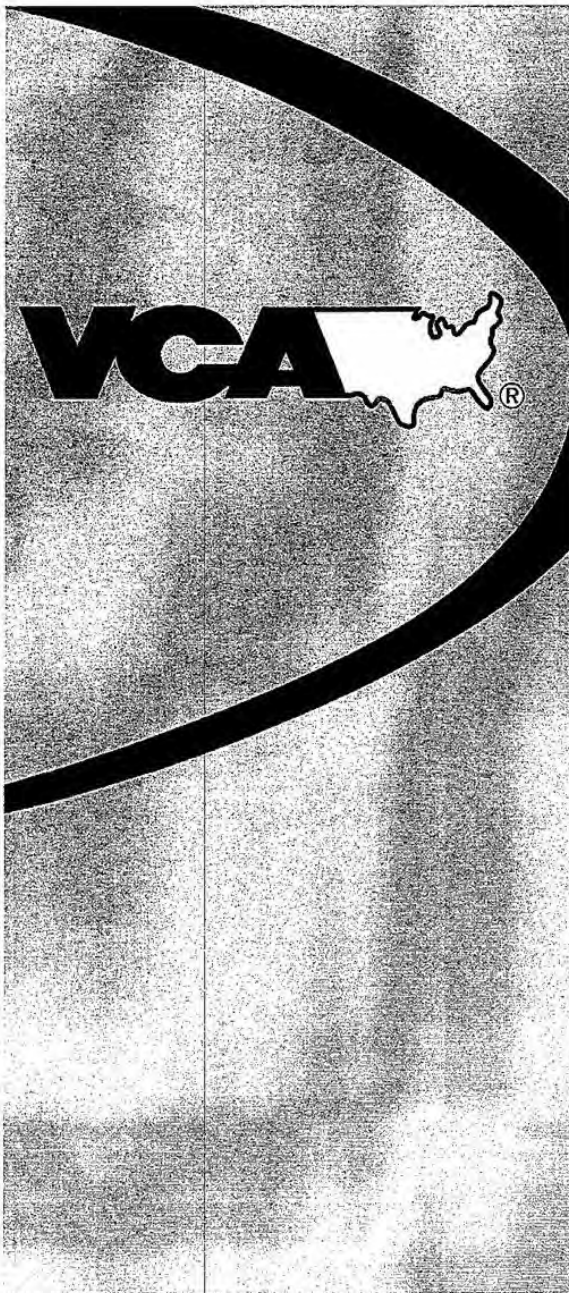
**Name: Amanda Jones**

**Course: Anesthesia**

**Completion Date: Saturday, November 04, 2017**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064

# Certificate of Attendance



**Name: Amanda Jones**

**Course: Case Scenario 5 - Hershey**

**Completion Date: Thursday, October 25, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064

# Certificate of Attendance



**Name: Amanda Jones**

**Course: Case Scenario 4 - Michelangelo**

**Completion Date: Tuesday, October 23, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064



# Certificate of Attendance



**Name: Amanda Jones**

**Course: Case Scenario 3 - Spice**

**Completion Date: Tuesday, October 23, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064

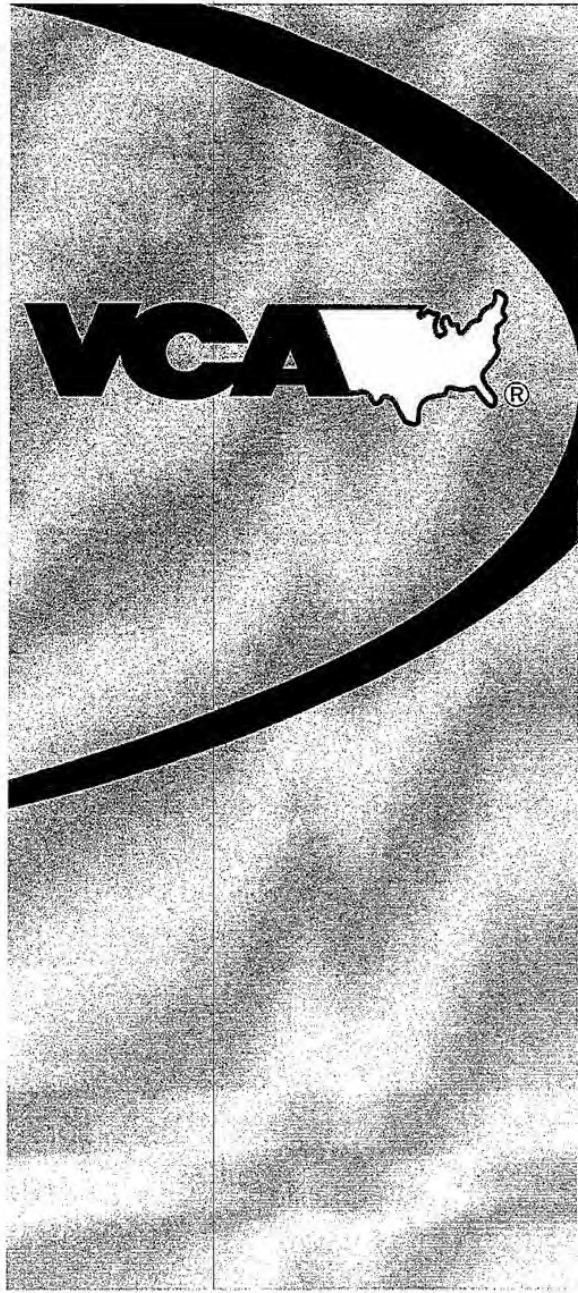
# Certificate of Attendance

**Name: Amanda Jones**

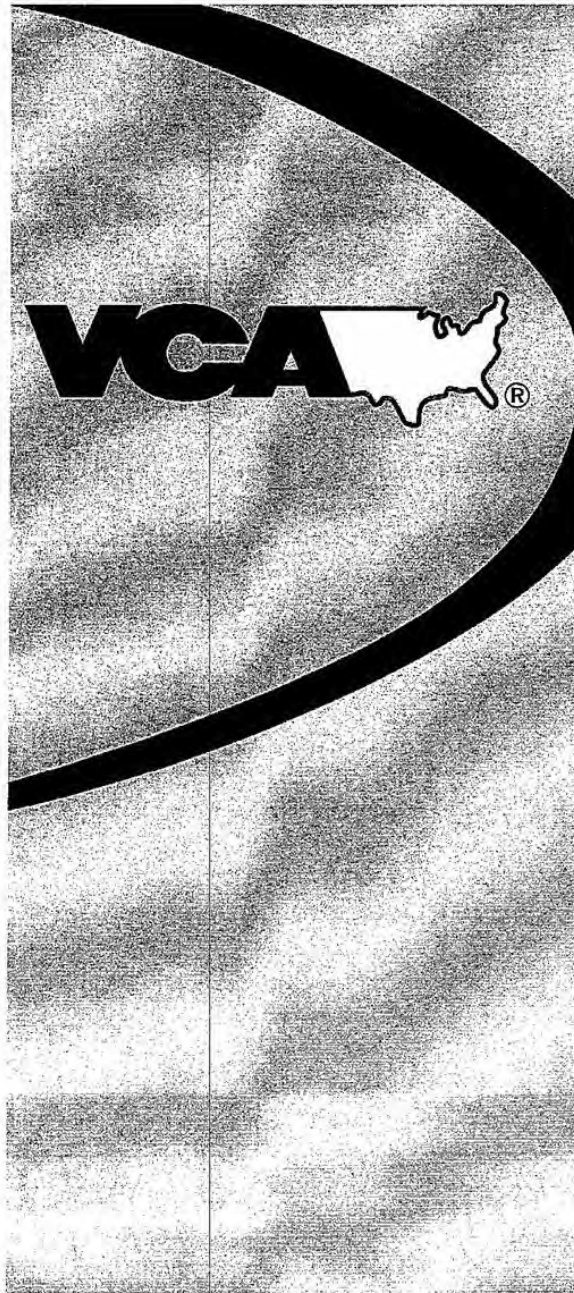
**Course: Case Scenario 2 - Silver**

**Completion Date: Tuesday, October 23, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064



# Certificate of Attendance



**Name: Amanda Jones**

**Course: Case Scenario 1 - Muffin**

**Completion Date: Tuesday, October 23, 2018**

VCA Inc., 12401 West Olympic Blvd., Los Angeles, CA 90064



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

In the Matter of the Stipulation for a Probationary  
License: )

AMANDA RAYE JONES )

) Case No. 4602017000578  
)  
)  
)  
)  
)


Registered Veterinary Technician Applicant )

DECISION AND ORDER

The attached Stipulation for a Probationary License is hereby accepted and adopted as the Decision and Order of the Veterinary Medical Board, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 on July 22, 2017, although the probation shall not commence until the applicant completes any remaining requirements for licensure and the license is issued.

IT IS SO ORDERED June 22, 2017

  
FOR THE VETERINARY MEDICAL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Application of:	)	Case No. 4602017000578
AMANDA RAYE JONES	)	
For a Registered Veterinary Technician	)	STIPULATION FOR A
Registration	)	PROBATIONARY REGISTRATION

1) AMANDA RAYE JONES, applicant for a Registered Veterinary Technician registration (hereinafter "applicant"), and, Annemarie Del Mugnaio, Executive Officer of the Veterinary Medical Board of California, hereby stipulate as follows:

2) On November 1, 2016, applicant submitted a Registered Veterinary Technician Initial Exam application for a Registered Veterinary Technician Registration in the State of California. Applicant disclosed a September 12, 2012 conviction for driving under the influence of alcohol above the legal limit in violation of section 23152(b) of the California Vehicle Code on the Registered Veterinary Technician application.

3) Section 480 (a) of the Business and Professions Code states that a board may deny a license on the grounds that the applicant has one or more of the following: Section 480 (a)(1) Been convicted of a crime; and Section 480 (a)(3)(A) Done any act that if done that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. Section 4883 of the Business and Professions Code states that the Board may take action for criminal convictions including, but not limited to the following: Section 4883 (g)(2)(B) The use of any of the dangerous drugs specified in Section 4022; or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.

The above support a conclusion that grounds exist for denial pursuant to Sections 480(a)(1), 480 (a)(3)(A), 4883, and 4883(g)(2)(B) of the Business and Professions Code.

4) Under Section 4842 of the Business and Professions Code, the Veterinary Medical Board of California (Board) may deny a registration to an applicant because of criminal convictions.

Alternatively, the Board has the discretionary authority to issue a probationary registration with terms and conditions, pursuant to Section 4845 of the Business and Professions Code.

5) Applicant acknowledges he has a right to request a Statement of Issues and a hearing upon denial of registration for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary Registration, which is subject to approval by the Board. If not approved, this Stipulation is null and void and may not be used for any purpose.

6) This Stipulation for a Probationary Registration shall be subject to approval by the Veterinary Medical Board of California. Applicant understands and agrees that counsel for the staff of the Veterinary Medical Board of California may communicate directly with the Board regarding this proposed Stipulation, without notice to or participation by applicant or his/her counsel. By signing the Stipulation, applicant understands and agrees that he/she may not withdraw this agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation, the offer of a Stipulation for a Probationary Registration shall be of no force or effect; except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

The staff recommends to the Board that a Probationary Registration be issued as follows:

#### ORDER

IT IS ORDERED that upon completion of all requirements for licensure, a Registered Veterinary Technician Registration shall be issued to Amanda Raye Jones, applicant, on a probationary basis. Failure to successfully complete all statutory and regulatory requirements for licensure within two (2) years from the effective date shall void this decision and it will have no effect. Upon issuance of a Registered Veterinary Technician Registration, on a probationary basis, said registration will be subject to the following terms and conditions:

#### 1. TWO year probation

You shall be placed on probation for a period of two years to begin after satisfactory completion of all statutory and regulatory requirements for registration, including but not limited to taking and passing all required Veterinary Technician examinations.

#### 2. OBEY ALL LAWS

You shall obey all federal and state laws and regulations substantially related to the

practice of veterinary medicine. Further, within 30 days of any arrest or conviction, you shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements.

### **3. QUARTERLY REPORTS AND INTERVIEWS**

You shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. In addition, the Board, at its discretion, may request additional in-person reports of the probationary terms and conditions. If the final written quarterly report is not made as directed, the period of probation shall be extended until such time as the final report is received by the Board. You shall make available all patient records, hospital records, books, logs, and other documents to the Board, upon request.

### **4. COOPERATION WITH PROBATION SURVEILLANCE**

You shall comply with the Board's probation surveillance program. All costs for probation monitoring shall be borne by you. Probation monitoring costs are set at a rate of \$100 per month for the duration of probation. You shall notify the Board of any change of name or address of record within thirty (30) days of the change. You shall notify the Board immediately in writing if you leave California to reside or practice in another state. You shall notify the Board immediately upon return to California.

### **5. NO PRECEPTORSHIPS OR SUPERVISION OF INTERNS**

You shall not supervise a registered intern and shall not perform any of the duties of a preceptor.

### **6. NOTICE TO EMPLOYERS**

You shall notify all present and prospective employers of the decision in this case and the terms, conditions, and restrictions imposed on you by the decision in this case. Within thirty (30) days of the effective date of this decision and within fifteen (15) days of you undertaking new employment, you shall cause your employer to report to the Board in writing, acknowledging the employer has read the decision in this case and understands your terms and conditions of probation.

### **7. NOTICE TO EMPLOYEES**

You shall, upon or before the effective date of this decision, post or circulate a notice which actually recites the offenses for which you have been disciplined and the terms and conditions of probation, to all registered veterinary employees, and to any preceptor, intern or extern involved in your veterinary practice. With fifteen (15) days of the effective date of the decision, you shall cause your employees to report to the Board in writing, acknowledging the employees have read the decision in the case and understand your terms and conditions of probation.



**8. OWNERS AND OFFICERS (CORPORATIONS OR PARTNERSHIPS): KNOWLEDGE OF THE LAW**

You shall provide, within thirty (30) days after the effective date of the decision, signed and dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more of the interest in you or your stock, stating said individuals have read and are familiar with federal and state laws and regulations governing the practice of veterinary medicine.

**9. TOLLING OF PROBATION**

If you reside out of state upon or after effective date of the decision, you must comply with the following conditions only: quarterly reports and interviews, tolling of probation, continuing education and cost recovery. If you return to California, you must comply or be subject to all probationary conditions for the period of probation.

During probation, you shall engage in the practice of veterinary medicine in California for a minimum of 24 hours per week for six (6) consecutive months or as determined by the Board. Should you fail to engage in the practice of veterinary medicine in California as set forth above, the time outside of the practice shall not apply to reduction of the probationary terms.

**10. VIOLATION OF PROBATION**

If you violate probation in any respect, the Board, after giving you notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against you during probation, or if the Attorney General's Office has been requested to prepare any disciplinary action against your license, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

**11. COMPLETION OF PROBATION**

All costs for probation monitoring and/or mandatory premises inspections shall be borne by you. Failure to pay all costs due shall result in an extension of probation until the matter is resolved and costs paid. Upon successful completion of probation and all payment of all fees due, your license will be fully restored.

**12. LIMITATION ON PRACTICE**

During probation, you are prohibited from practicing veterinary medicine from a location or mobile veterinary practice which does not have a current premises permit issued by the Board.

**13. SUPERVISED PRACTICE**

You shall practice only under the supervision of a veterinarian. Within thirty (30) days of the effective date of the decision, you shall have your supervisor submit a report to the

Board in writing stating the supervisor has read the decision in case number 4602017000578. Should you change employment, you shall have your new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the decision in case number 4602017000578.

Your supervisor shall file monthly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides his or her conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions. If the supervisor terminates or is otherwise no longer available, you shall not practice until a new supervisor has been appointed by the Board.

#### **14. NO OWNERSHIP**

You shall not have any legal or beneficial interest in any business, firm, partnership, or corporation currently or hereinafter licensed or registered by the Board and shall not own any veterinary hospital.

#### **15. NO MANAGEMENT OR ADMINISTRATION**

You shall not manage or be the administrator of any veterinary hospital.

#### **16. SUBMIT TO DRUG TESTING**

You shall immediately submit to drug testing, at your cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to your current employer.

Drug testing will be mandatory for a minimum of six (6) months. After six (6) months, the Board, at its discretion, may suspend or reduce the frequency of drug testing if you have submitted to all required drug tests and all tests have been negative for prohibited substances.

#### **17. ABSTAIN FROM CONTROLLED SUBSTANCES**

You shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4211 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness. You shall submit to random drug testing during the period of probation.

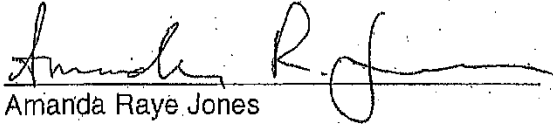
#### **18. ABSTENTION FROM ALCOHOL USE**

You shall abstain completely from the use of alcoholic beverages.

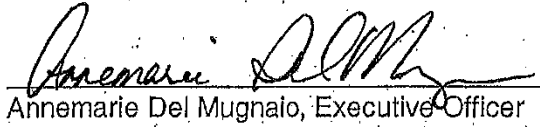
Amanda Raye Jones

Page 6

Applicant agrees to comply with the terms and conditions of the above Order.

  
Amanda Raye Jones

3/22/17  
Date

  
Annemarie Del Mugnaio, Executive Officer

3/22/17  
Date





BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
DEPARTMENT OF CONSUMER AFFAIRS • VETERINARY MEDICAL BOARD  
1747 North Market Blvd., Suite 230, Sacramento, CA 95834-2978  
P (916) 515-5220 | Toll-Free (866) 229-0170 | www.vmb.ca.gov



March 4, 2019

**VIOLATION LETTER**  
**Sent Via Electronic and Regular Mail**

Amanda Jones, RVT  
[REDACTED]

**RE: POSITIVE TEST RESULT**

Dear Ms. Jones:

This letter is to inform you that you are currently in noncompliance with your probation terms. On February 27, 2019, FirstSource Solutions reported to the Board that you had a positive biological fluid test, collected on February 23, 2019. You tested positive for **Ethylglucuronide (EtG)** and **Ethylsulfate (EtS) alcohol**.

Per condition 18 of your disciplinary Order, "*You shall abstain completely from the use of alcoholic beverages.*"

Please provide the Board with a detailed explanation by **March 13, 2019** regarding this positive test. Note that failure to comply with the terms and conditions of your probationary order may result in the Board seeking subsequent disciplinary action against your license including, but not limited to, the filing of a Petition to Revoke your probation.

If you have any questions or concerns about these violations, please contact me immediately at (916) 515-5244.

Sincerely,

*Sidney Villareal*

Sidney Villareal  
Probation Monitor



**LABORATORY REPORT**

P.O. Box 347, Horsham, PA 19044-0347  
 www.drugscan.com  
 Lab Director: Anthony Costantino, Ph.D., F-ABFT

REQUESTOR	PATIENT	REFERENCE
<b>Account:</b> HP0154 - Vet Medical Board/FirstSource Solutions 100 Highpoint Dr Ste 102 Chalfont, PA 18914  <b>MRO:</b> MR0523 JAMES FERGUSON, D.O. C/O FSSOLUTIONS	<b>Patient Name:</b> JONES, AMANDA  <b>Patient ID:</b> xxx-xx-9310	<b>Requisition ID:</b> 210937841 <b>Accessioning ID:</b> 19138342 <b>Collected Date:</b> February 23, 2019 06:21 PM <b>Received Date:</b> February 26, 2019 <b>Reported Date:</b> February 27, 2019 <b>Specimen Type:</b> URINE <b>Collector Name:</b> ROSA M <b>Collector Phone:</b> 9092058888 <b>Observed Collection:</b> YES

<b>Profile Ordered</b>
<b>Test(s) Requested:</b> 552007 - CA Panel VII

**SUMMARY RESULTS OF FINDINGS: POSITIVE**

**TESTS PERFORMED**

\*Units for Cut Off and Value are in ng/mL

\*Units for Ethanol (Alcohol) Cut Off and Value are reported as mg/dL

Test Name	Test Result	Value*	Cut Off *	Note
Amphetamines [1]	Negative		500	
Barbiturates [1]	Negative		300	
Benzodiazepines [1]	Negative		100	
Cocaine Metabolites [1]	Negative		150	
Ecstasy Analogues [1]	Negative		500	
<b>ETG/ETS</b>				
Ethylglucuronide [1][3]	Positive	1839	250	
Ethylsulfate [1][3]	Positive	353	250/75	
Ethanol (Alcohol) [1]	Negative		20	
Marijuana Metabolite [1]	Negative		20	
Methadone [1]	Negative		300	
Opiates - Basic [1]	Negative		100	
Oxycodone/Oxymorphone [1]	Negative		100	
Phencyclidine (PCP) [1]	Negative		25	
Propoxyphene [1]	Negative		300	

Test Method: [1] EIA Screening; [3] LC/MS/MS;  
 \*Units for Cut Off and Value are in ng/mL  
 \*Units for Ethanol (Alcohol) are reported as mg/dL

**VALIDITY TESTING**

Test Name	Screening Range	Result	Units	Method	Comment
Chromate	<50	0.4	mcg/mL	Colorimetric	
Creatinine	>20.00	73.6	mg/dL	Colorimetric	
Glutaraldehyde		Negative		Colorimetric	
Nitrite	<200	20.9	mcg/mL	Colorimetric	
pH	4.50 - 8.99	5.7		Colorimetric/pH Meter	

**Villareal, Sidney@DCA**

---

**From:** amanda jones [REDACTED]  
**Sent:** Wednesday, March 06, 2019 12:18 PM  
**To:** Villareal, Sidney@DCA  
**Subject:** Re: Violation Letter

[EXTERNAL]: [REDACTED]

Hi Sidney

I know we spoke yesterday addressing the email that was sent by you regarding a test that came back positive. I expressed my concerns and confusion to the results of the test, and how this could have happened. I would never put myself in a situation that could potentially extend my probation and or lose my license. I have provided the board with 25 clean test, and have complied with all of my probation stipulations since November 2017. As you also know I am currently in the process of petitioning for early termination of my probation. There is no way that I would even think about violating any conditions of my probation, and risk sabotaging the opportunity that the board has given me to go before them and petition. I have done everything the board has asked of me for the last 16 months. I would also like to add that there is nothing different I have done in the last 16 months that would have provided a positive test. Like I mentioned yesterday, the only thing I can think of is that the week that I was asked to test I was fighting a cold/flu bug and was taking over the counter medications. I am very concerned about this situation, and I hope that this issue can be rectified. I also hope that the board looks at my over all track record and that I have never given a positive test. I have 100 percent been in accordance with all of the things that have been asked of me. Please contact me with any new information, as I am concerned, and would like to have this resolved sooner then later as this is my career and my lively hood.

Thank you again for your time  
Amanda Jones

Sent from my iPhone







**FirstSource**  
SOLUTIONS

Detailed Test History Report  
Chronological By Event Version  
CA VMB  
CA VMB -org  
06/01/2016 - 03/11/2019

**Amanda Raye Jones**  
630 Silverwood ave #5,  
Upland, CA, 91786

**Status:** Active

**Frequency Code:** Random

**SSN/ID:** 850009310

**Missed Call History:**

Date	Details
12/09/2017	Missed Call

**Row Count:** 1

**Detailed Test History:**

Date	Access Time	Result	Obs	Obs Conf	Notes	Comments
11/27/2017	05:04	Specimen # 210937864 - Negative - Test Option - 3 - Creatinine:198.0 mg/dL	Y	Y		
12/04/2017	04:14	Specimen # 210937863 - Negative - Test Option - 3 - Creatinine:179.1 mg/dL	Y	Y		
01/15/2018	07:06	Specimen # 210937862 - Negative - Test Option - 3 - Creatinine:194.2 mg/dL	Y	Y		
01/23/2018	04:45	Specimen # 210937861 - Negative - Test Option - 3 - Creatinine:183.7 mg/dL	Y	Y		

Detailed Test History Report  
Amanda Jones

06/01/2016-03/11/2019  
Creation Date: 03/11/19 8:48:12 PM

Page 1  
CA VMB - Generated By FirstLab

AGO-041

Date	Access Time	Result	Obs	Obs Conf	Notes	Comments
02/07/2018	04:00	Specimen # 210937860 - Negative - Test Option - 3 - Creatinine:188.8 mg/dL	Y	Y		
02/20/2018	00:03	Specimen # 210937859 - Negative - Test Option - 3 - Creatinine:126.6 mg/dL	Y	Y		
03/04/2018	09:24	Specimen # 210937858 - Negative - Test Option - 3 - Creatinine:26.4 mg/dL	Y	Y		
03/28/2018	05:20	Specimen # 210937857 - Negative - Test Option - 3 - Creatinine:178.1 mg/dL	Y	Y		
04/01/2018	05:39	Specimen # 210937856 - Negative - Test Option - 3 - Creatinine:149.7 mg/dL	Y	Y		
04/02/2018	04:26	Specimen # 210937855 - Negative - Test Option - 3 - Creatinine:32.3 mg/dL	Y	Y		
05/25/2018	05:00	Specimen # 210937854 - Negative - Test Option - 3 - Creatinine:75.1 mg/dL	Y	Y		
06/21/2018	04:19	Specimen # 210937853 - Negative - Test Option - 3 - Creatinine:Dilute	Y	Y	<b>Result Notes:</b> CREATININE 14.3 mg/dL Specific Gravity 1.0027 Dilute	
06/29/2018	03:50	Specimen # 210937852 - Negative - Test Option - 3 - Creatinine:Dilute	Y	Y	<b>Result Notes:</b> CREATININE 15.9 mg/dL Specific Gravity 1.0029 Dilute	
07/13/2018	04:18	Specimen # 210937850 - Negative - Test Option - 3 - Creatinine:28.6 mg/dL	Y	N	<b>Result Notes:</b> Per Dr. Ferguson, Minimal pH elevation that is consistent with physiological process induced changes in the specimen during transit to the lab. It had to be reported but had minimal effect on the testing of this specimen and the result may be considered negative. <b>Not Observed Alert Comments</b> (alert date 07/23/2018): Per COC Pt was observed by collector	
08/24/2018	04:50	Specimen # 210937849 - Negative - Test Option - 3 - Creatinine:48.8 mg/dL	Y	Y		
09/30/2018	08:13	Specimen # 210937848 - Negative - Test Option - 3 - Creatinine:64.4 mg/dL	Y	Y		

Date	Access Time	Result	Obs	Obs Conf	Notes	Comments
10/25/2018	04:26	Specimen # 210937847 - Negative - Test Option - 3 - Creatinine:14.1 mg/dL	Y	Y	<b>Result Notes:</b> SPECIFIC GRAVITY:1.0034 CREATININE:14.1 mg/dL	
11/02/2018	04:24	Specimen # 210937846 - Negative - Test Option - 3 - Creatinine:65.4 mg/dL	Y	Y		
11/29/2018	03:32	Specimen # 210937845 - Negative - Test Option - 3 - Creatinine:15.9 mg/dL	Y	Y	<b>Result Notes:</b> SPECIFIC GRAVITY:1.0041 CREATININE:15.9 mg/dL	
12/14/2018	04:23	Specimen # 210937844 - Negative - Test Option - 3 - Creatinine:109.9 mg/dL	Y	Y		
01/18/2019	07:46	Specimen # 210937843 - Negative - Test Option - 3 - Creatinine:77.5 mg/dL	Y	Y		
02/05/2019	04:10	Specimen # 210937840 - Negative - Test Option - 3 - Creatinine:11.9 mg/dL	Y	Y	<b>Result Notes:</b> SPECIFIC GRAVITY:1.0034 CREATININE:11.9 mg/dL	
02/23/2019	01:07	Specimen # 210937841 - Positive Confirmed - Test Option - 3 - Creatinine:73.6 mg/dL	Y	Y	<b>Result Notes:</b> ETHYL GLUCURONIDE:1839 ng/mL ETHYL SULFATE:353 ng/mL	
03/02/2019	06:07	Specimen # 210937842 - Negative - Test Option - 3 - Creatinine:33.2 mg/dL	Y	Y		
03/07/2019	04:12	Specimen # 210696764 - Special - Negative	N	N		

Row Count: 25



## PETITION FOR MODIFICATION OF PENALTY Probation Unit Report

**NAME:** Amanda Jones, RVT

**TYPE OF PETITION:** Termination of Probation

**CASE NUMBER:** 4602017000578

**CURRENT ADDRESS:** [REDACTED]

**ADDRESS OF RECORD:** Same as above

**WORK TELEPHONE #:** (909) 981-2855

**CELL PHONE #:** [REDACTED]

**REGISTERED VETERINARY  
TECHNICIAN REGISTRATION:** RVT 12441

**ISSUE DATE:** November 2, 2017

**EXPIRATION DATE:** October 31, 2019

### **BACKGROUND:**

On June 22, 2017, the Veterinary Medical Board's (Board) Stipulation for A Probationary License and Disciplinary Order for Amanda Jones was adopted in case number 4602017000578 and went into effect on July 22, 2017. The Order granted the Registered Veterinary Technician (RVT) Registration upon successful completion of the licensure examination and all other licensing requirements. Once the registration was issued, it was immediately revoked, stayed, and placed on probation for 2 years. Jones' registration was issued on November 2, 2017. Her period of probation is from November 2, 2017 to November 2, 2019.

### **REASON FOR DISCIPLINE:**

On or about November 1, 2016, Ms. Jones' application for a Registered Veterinary Technician was submitted and subsequently denied. Reason for the denial of the application was due to

applicant's disclosure of a September 12, 2012 conviction for driving under the influence of alcohol above the legal limit (VC 23152b). Under the Board's discretionary authority to issue a probationary registration with terms and conditions (B&P 4845), the Board recommended an RVT registration be issued to Ms. Jones for two years with specific terms and conditions.

**PROBATION COMPLIANCE REPORT:**

Below are applicable terms and conditions of Jones' probation and their compliance:

<b>Obey All Laws</b>	In compliance
<b>Quarterly Reports and Interviews</b>	In compliance
<b>Cooperation with Probation Surveillance</b>	Paid \$1,600, in compliance
<b>Notice to Employers/Employees</b>	In compliance
<b>Supervised Practice</b>	In compliance
<b>Submit to Drug Testing</b>	In compliance
<b>Abstention from Controlled Substances</b>	In compliance
<b>Abstention from Alcohol Use</b>	NOT IN COMPLIANCE

Ms. Jones has been called to biological fluid test a total of 25 times and has not missed any tests or check ins (except one missed call on 12/9/2017).

Of the 25 biological fluid tests Ms. Jones has submitted, one (1) test came back with positive results:

- **2/23/2019 – positive for Ethyl Glucuronide and Ethyl Sulfate (metabolites of alcohol)**

A violation letter was sent to Ms. Jones and asked for her to submit an explanation for the positive test. Ms. Jones stated she could not explain the positive test and "the only thing [she] can think of is that the week that I was asked to test I was fighting a cold/flu bug and was taking over the counter medications."

**OUT-OF-STATE LICENSES/REGISTRATIONS**

Ms. Jones does not hold any veterinary licenses or registrations outside of California.

Submitted by: sidney villareal  
Probation Monitor

VETERINARY MEDICAL BOARD

# Disciplinary Guidelines



*July 2012*

AGO-046

## **Board Members**

Tom Kendall, DVM, President

Kim Williams, RVT, Vice-President

Patti Aguiar, Public Member

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*Special thanks to former Board President Stephanie Ferguson, DVM*

## **Executive Officer**

Susan M. Geranen

## **Enforcement Program Manager**

Sandra Monterrubio



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# BUSINESS AND PROFESSIONS CODE SECTIONS

## INTRODUCTION

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The Veterinary Medical Board (Board) developed the Disciplinary Guidelines outlined in this manual for its Executive Officer, staff, legal counsel, administrative law judges, and other persons involved in the Board's enforcement process to be used for the purpose of creating judgment orders in formal disciplinary actions. These guidelines are published in regulations for the public and the profession so that the processes used by the Board to impose discipline are readily available and transparent.

The Board recognizes that each case is unique and that mitigating or aggravating circumstances in a particular case may necessitate variations. Therefore, the Board has developed minimum and maximum penalties to assist in determining the appropriate penalty. If an accusation is sustained and less than the minimum penalty is assessed, the Board requires information from the administrative law judge on the circumstances that resulted in less than the minimum penalty being assessed. In addition, probationary conditions are divided into two categories: 1) standard terms and conditions that are used for all cases; and 2) optional terms and conditions that are used for specific violations and circumstances unique to a specific case.

The Board licenses veterinarians and registers veterinary premises and veterinary technicians. If there is action taken against both the individual license and the premises permit, then the disciplinary order should reflect actions against both. However, in some cases, minimum standard violations are so severe that it is necessary to take immediate action and close a facility. In these instances, the veterinary license and the premises permit may be disciplined separately, and the disciplinary order should reflect separate action.

Because of the severity of cases resulting in action by the Office of the Attorney General, the Board has established that the minimum penalty shall always include revocation or suspension with the revocation or suspension stayed and terms and conditions of probation imposed. The imminent threat of the revocation or suspension being reinstated helps to ensure compliance with the probationary terms and conditions. It is the recommendation of the Board that in any case involving a violation related to alcohol or drug abuse violations that the minimum term of probation should be five years. In addition, in any case involving a violation related to alcohol or drug abuse violations the mandatory terms and conditions listed specifically for this type of cases shall be imposed.

In cases where the penalties deviate from the minimum to maximum range without explanation of the deviation, the Board may non-adopt the Proposed Decision and review the case itself.

# PENALTIES BY BUSINESS AND PROFESSIONS CODE SECTION NUMBER

<b>SECTION</b>	<b>4883(a); 4837(b)</b>
<b>Violation</b>	Conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction shall be conclusive evidence.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty (as appropriate)</b>	Revocation and/or suspension stayed Two-year probation \$2,000 fine Standard terms and conditions Optional terms and conditions including but not limited to: Suspension Limitations on practice Supervised practice No ownership of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Continuing education Psychological evaluation and/or treatment Medical evaluation and/or treatment Rehabilitation program Submit to drug testing Abstain from controlled substances/alcohol Community service Restitution Ethics training
<p>Maximum penalties should be considered if the criminal act caused or threatened harm to an animal or the public, if there have been limited or no efforts at rehabilitation, or if there were no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of an attempt(s) at self-initiated rehabilitation. Evidence of self-initiated rehabilitation includes, but is not limited to, pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve general society's interactions with animals. Self-initiated rehabilitation measures also include, but are not limited to, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completions of treatment or other conditions of probation ordered by the court, or full compliance with all laws since the date of the occurrence of the criminal act.</p>	

<b>SECTION 4883(b); 4837(d)</b>	
<b>Violation</b>	Having professional connection with, or lending the licensee's or registrant's name to, any illegal practitioner of veterinary medicine and the various branches thereof.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension for each offense No ownership, of a veterinary hospital or clinic No management of a veterinary hospital/no supervision of interns or residents Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client or if there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

<b>SECTION 4883(c); 4837(e); 4839.5</b>	
<b>Title Violation</b>	Violation or attempt to violate, directly or indirectly, any of the provisions of the chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training
<p>Maximum penalties should be considered if the actions were intended to subvert investigations by the Board or in any way hide or alter evidence that would or could be used in any criminal, civil, or administrative actions.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

<b>SECTION 4883(d)(e)</b>	
<b>Violation</b>	Fraud or dishonesty in applying, treating, or reporting on tuberculin or other biological tests. Employment of anyone but a veterinarian licensed in the State to demonstrate the use of biologics in the treatment of animals.
<b>Maximum Penalty</b>	Revocation or suspension and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension of license and/or premises permit Continuing education Community service
<p>Maximum penalties should be considered if the acts or omissions caused public exposure of reportable diseases (rabies, brucellosis or tuberculosis) or other hazardous diseases of zoonotic potential.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

<b>SECTION 4883(f)</b>	
<b>Violation</b>	False or misleading advertising.
<b>Maximum Penalty</b>	Revocation and/or suspension and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation 60 day suspension Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: Restitution Ethics training
<p>Maximum penalties should be considered if the advertising was deceptive, caused or threatened harm to an animal, or caused a client to be misled and suffer monetary damages. One of the probationary terms in that case should be restitution to any client damaged as a result of the violation. The more severe penalty should be considered when there are prior violations of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client.</p>	

**SECTION****4883(g); 4837(c)****Violation**

Unprofessional conduct, that includes, but is not limited to the following:

- (1) Conviction of a charge of violating any federal statutes or rules or any statute or rule of this state regulating dangerous drugs or controlled substances.
- (2)(A) The use of, or prescribing for, or administering to himself or herself, any controlled substance.
- (B) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in any manner as to be dangerous or injurious to a person licensed or registered under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person so licensed or registered to conduct with safety the practice authorized by the license or registration.
- (C) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
- (3) A violation of any federal statute, rule, or regulation or any of the statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.

**Maximum Penalty**

Revocation and a \$5,000 fine

*continued on next page*

**SECTION****4883(g); 4837(c) continued****Minimum Penalty**

Revocation and/or suspension stayed  
 Two-year probation  
 Standard terms and conditions  
 \$5,000 fine  
 Optional terms and conditions including but not limited to:  
 30-day suspension  
 Supervised practice  
 Psychological evaluation and/or treatment  
 Medical evaluation and/or treatment  
 Surrender DEA license/send proof of surrender to Board  
 within 10 days of the effective date of the decision.  
 No ownership, of a veterinary hospital or clinic  
 No management of a veterinary hospital/no supervision  
 of interns or residents  
 Rehabilitation program  
 Submit to drug testing  
 Abstain from use of alcohol and drugs

Maximum penalties should be considered if acts or omissions caused or threatened harm to an animal or a client.

Minimum penalties may be considered if acts or omissions did not cause harm to an animal, there are no prior violations of the same type of offense, and there is evidence of self-initiated rehabilitation.

When considering minimum penalties, the terms of probation should include a requirement that the licensee submit the appropriate medical reports (including psychological treatment and therapy), submit to random drug testing, submit to a limitation of practice, or practice under the supervision of a California licensed veterinarian as applicable on the facts of the case, and submit quarterly reports to the Board (in writing or in person as the Board directs). Note: in any violation related to alcohol or drug violations the Board requires a minimum of five years probation.



<b>SECTION 4883(g)</b>	
<b>Violation</b>	General unprofessional conduct.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty (as appropriate)</b>	<p>Written Public Reproval</p> <p>Revocation and/or suspension stayed</p> <p>Two-year probation</p> <p>Standard terms and conditions</p> <p>Optional terms and conditions including but not limited to:</p> <ul style="list-style-type: none"> <li>Suspension</li> <li>Limitations on practice</li> <li>Supervised practice</li> <li>No ownership of a veterinary hospital or clinic</li> <li>No management of a veterinary hospital/no supervision of interns or residents</li> <li>Continuing education</li> <li>Psychological evaluation and/or treatment</li> <li>Medical evaluation and/or treatment</li> <li>Rehabilitation program</li> <li>Submit to drug testing</li> <li>Abstain from controlled substances/alcohol</li> <li>Community service/</li> <li>Restitution</li> <li>Ethics training</li> </ul>
<p>Maximum penalties should be considered if the acts or omissions caused substantial harm to an animal or a client, or there are prior actions against the licensee or registrant.</p> <p>Minimum penalties may be considered if there are no prior actions, if there are mitigating circumstances such as the length of time since the offense(s) occurred, if the acts or omissions did not cause substantial harm to an animal or a client, and if there is evidence of a self-initiated rehabilitation.</p>	

**SECTION 4883(h)**

<b>Violation</b>	Failure to keep the licensee's or registrant's premises and all equipment therein in clean and sanitary condition. (Requirements for sanitary conditions are also outlined in Sections 4853.5 and 4854 (practice sanitation standards).
<b>Maximum Penalty</b>	Revocation or suspension of premises permit and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to: A ten- to thirty-day suspension or suspension until compliance with minimum standards of practice is achieved Random hospital inspections

Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations, for example, unsanitary or hazardous workplace, improper sterilization of instruments, or improper husbandry practices.

Minimum penalties may be considered people if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies, and there is remorse for the existing unsanitary conditions.

*Note - A veterinary license and a premises permit can be disciplined separately.*

<b>SECTION 4883(i)</b>	
<b>Violation</b>	Negligence in the practice of veterinary medicine.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Three-year probation Standard terms and conditions Fine - not less than \$50 nor more than \$500 per day, not to exceed \$5,000 Optional terms and conditions including but not limited to: A ten- to thirty-day suspension or suspension until in compliance with minimum standards of practice is achieved Random hospital inspections
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to animals or the public, if there are prior actions and/or no attempt to remedy the violations.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to animals or people, remedial action has been taken to correct the deficiencies and there is remorse for the negligent acts.</p>	

<b>SECTION 4883(i)</b>	
<b>Violation</b>	Incompetence in the practice of veterinary medicine
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/ or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90-day suspension Supervised practice/ Hospital inspections Continuing education Clinical written examination Community service Restitution Ethics training
<p>Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there are limited or no efforts at rehabilitation, or there are no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation, and there are mitigating circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.</p>	

<b>SECTION 4883(i)</b>	
<b>Violation</b>	Fraud and/or deception in the practice of veterinary medicine.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Three-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 90-day suspension Hospital inspections Supervised practice Clinical written examination Community service Restitution Ethics training
<p>Maximum penalties should be considered based on the following factors: if the acts or omissions caused harm to an animal or an animal has died, there is limited or no evidence of rehabilitation or no mitigating circumstances at the time of the commission of the offense(s).</p> <p>Minimum penalties may be considered if the acts or omissions did not cause substantial harm to an animal, there is evidence of rehabilitation and there are mitigation circumstances such as no prior discipline, remorse for the harm that occurred, cooperation with the Board's investigation, etc.</p>	

<b>SECTION 4883(j); 4839.5</b>	
<b>Violation</b>	Aiding or abetting in acts which are in violation of any of the provisions of this chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client and the acts were repeated after a prior violation of the same type of offense.</p> <p>Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or cause detriment to a client, there were no prior actions, and there is evidence of remorse and an acknowledgement of the violation.</p>	

<b>SECTION 4883(k); 4837(a)</b>	
<b>Violation</b>	Fraud, misrepresentation, or deception in obtaining a license or registration.
<b>Maximum and Minimum Penalty</b>	Revocation and a \$5,000 fine
<p><i>Note - In this instance, the gravity of the offense warrants revocation in all cases since there was no legal basis for licensure in the first place.</i></p>	

<b>SECTION 4883(l)</b>	
<b>Violation</b>	The revocation, suspension, or other discipline by another state or territory of a license, certificate, or registration to practice veterinary medicine or as a veterinary technician in that state or territory.
<b>Maximum Penalty</b>	Revocation
<b>Minimum Penalty</b>	The penalty that would have been applicable to the violation if it had occurred in the State of California

<b>SECTION 4883(m)</b>	
<b>Violation</b>	Cruelty to animals or conviction on a charge of cruelty to animals, or both.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine.
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$5,000 fine Optional terms and conditions including but not limited to: 30-day suspension Psychological evaluation and/or treatment Medical evaluation and/or treatment Continuing education Ethics training
<i>Note - While the Board believes this violation is so severe that revocation is the only appropriate penalty, it recognizes that a lesser penalty may be appropriate where there are mitigating circumstances.</i>	

**SECTION 4883(n)**

<b>Violation</b>	Disciplinary actions taken by any public agency in any state or territory of any act substantially related to the practice of veterinary medicine or the practice of a veterinary technician.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$2,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing education

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or the public, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the commission of the offense(s).

Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation taken prior to the filing of the accusation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completions of treatment or other conditions of probation ordered by the court, and full compliance with all laws since the date of the occurrence of the violation.



<b>SECTION 4883(o)</b>	
<b>Violation</b>	Violation, or the assisting or abetting violation of any regulations adopted by the Board pursuant to this chapter.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: Continuing education Restitution Ethics training
<p>Maximum penalties should be considered if the acts or omissions caused or threatened harm to the animal or the public, there was more than one offense, there is limited or no evidence of rehabilitation, and there were no mitigating circumstances at the time of the offense(s).</p> <p>Minimum penalties may be considered if there is evidence of attempts at self-initiated rehabilitation. Self-initiated rehabilitation measures include pro bono services to nonprofit organizations or public agencies that improve the care and treatment of animals or improve generally society's interactions with animals. Self-initiated rehabilitation measures also include, when appropriate, specific training in areas of weakness, full restitution to persons harmed by the licensee or registrant, completion of treatment or other conditions of probation ordered by the court, and full compliance with all laws since the date of the occurrence of the violation.</p>	

<b>SECTION 4855</b>	
<b>Title Violation</b>	Written records.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/ or suspension stayed Two-year probation Standard terms and conditions 30-day suspension \$1,000 fine Optional terms and conditions including but not limited to: Continuing education
<p>Maximum penalties should be considered when there are a lack of records or omissions and/or alterations that constitute negligence.</p> <p>Minimum penalties may be considered when there is evidence of carelessness and corrective measures have been implemented to correct the process whereby the records were created.</p>	

<b>SECTION 4856</b>	
<b>Violation</b>	Failure to permit the inspection of records or premises by the Board.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Ethics training
<p>Maximum penalties should be considered if there is a deliberate attempt to prevent access to the Board, prior discipline of the managing licensee or the premises, or no mitigating circumstances at the time of the refusal.</p> <p>Minimum penalties may be considered when there are mitigating circumstances at the time of the request for records, where there is no deliberate attempt to prevent the Board from having access to the records or when there are no prior actions.</p>	

<b>SECTION 4857</b>	
<b>Violation</b>	Impermissible disclosure of information about animals and/or about clients.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension
<p>Maximum penalties should be considered when breaching confidentiality puts the animals or clients in jeopardy.</p> <p>Minimum penalties may be considered when the breach is inadvertent or when there is no prior action against the licensee.</p> <p><i>Note - The severity of violations may determine whether action taken is citation and fine or formal discipline.</i></p>	

<b>SECTION 4830.5</b>	
<b>Violation</b>	Duty to report staged animal fighting.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Eeducation Ethics training
<p>Maximum penalties should be considered when an animal or animals have been killed or severely harmed.</p> <p>Minimum penalties may be considered on a case-by-case basis.</p>	

<b>SECTION 4830.7</b>	
<b>Violation</b>	Duty to report animal abuse or cruelty.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Considered on a case-by-case basis

<b>SECTION 4836.5; 4837</b>	
<b>Violation</b>	Disciplinary proceedings against veterinarians and registered veterinary technicians.
<b>Maximum Penalty</b>	Revocation and a \$5,000 fine
<b>Minimum Penalty</b>	Revocation and/or suspension stayed Two-year probation Standard terms and conditions \$1,000 fine Optional terms and conditions including but not limited to: 30-day suspension Continuing Education Ethics training

Maximum penalties should be considered if the acts or omissions caused or threatened harm to an animal or client, or the acts were repeated after a prior violation of the same type of offense.

Minimum penalties may be considered if the acts or omissions did not cause or threaten harm to an animal or client, or if there are no prior violations.

*Note - The Practice Act is very specific on the authorized duties for RVTs that cannot be performed by unregistered assistants; therefore, these violations are more serious due to their blatant nature.*

# PROBATION TERMS AND CONDITIONS

## STANDARD TERMS AND CONDITIONS OF PROBATION (1-11)

The Board recommends one- to five-year probation, as appropriate, in cases where probation is part of a disciplinary order.

All standard terms and conditions are included in every order of probation applied to the licensee or registrant subject to discipline (Respondent).

### **1. Obey all Laws**

Respondent shall obey all federal and state laws and regulations substantially related to the practice of veterinary medicine. Further, within thirty (30) days of any arrest or conviction, respondent shall report to the Board and provide proof of compliance with the terms and conditions of the court order including, but not limited to, probation and restitution requirements.

### **2. Quarterly Reports and Interviews**

Respondent shall report quarterly to the Board or its designee, under penalty of perjury, on forms provided by the Board, stating whether there has been compliance with all terms and conditions of probation. In addition, the Board, at its discretion, may request additional in-person reports of the probationary terms and conditions. If the final written quarterly report is not made as directed, the period of probation shall be extended until such time as the final report is received by the Board. Respondent shall make available all patient records, hospital records, books, logs, and other documents to the Board, upon request.

### **3. Cooperation with Probation Surveillance**

Respondent shall comply with the Board's probation surveillance program. All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Probation monitoring costs are set at a rate of \$100 per month for the duration of the probation. Respondent shall notify the Board of any change of name or address or address of record within thirty (30) days of the change. Respondent shall notify the Board immediately in writing if Respondent leaves California to reside or practice in another state. Respondent shall notify the Board immediately upon return to California.

### **4. No Preceptorships or Supervision of Interns**

Respondent shall not supervise a registered intern and shall not perform any of the duties of a preceptor.

## **5. Notice to Employers**

Respondent shall notify all present and prospective employers of the decision in this case and the terms, conditions, and restrictions imposed on Respondent by the decision in this case. Within thirty (30) days of the effective date of this decision and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his or her employer to report to the Board in writing, acknowledging the employer has read the Accusation and decision in this case and understands Respondent's terms and conditions of probation. Relief veterinarians shall notify employers immediately.

## **6. Notice to Employees**

Respondent shall, upon or before the effective date of this decision, post or circulate a notice which actually recites the offenses for which Respondent has been disciplined and the terms and conditions of probation, to all registered veterinary employees, and to any preceptor, intern or extern involved in his or her veterinary practice. Within fifteen (15) days of the effective date of this decision, Respondent shall cause his/her employees to report to the Board in writing, acknowledging the employees have read the Accusation and decision in the case and understand Respondent's terms and conditions of probation.

## **7. Owners and Officers (Corporations or Partnerships): Knowledge of the Law**

Respondent shall provide, within thirty (30) days after the effective date of the decision, signed and dated statements from the owners, officers, or any owner or holder of ten percent (10%) or more of the interest in Respondent or Respondent's stock, stating said individuals have read and are familiar with federal and state laws and regulations governing the practice of veterinary medicine.

## **8. Tolling of Probation**

If Respondent resides out of state upon or after effective date of the decision, he or she must comply with the following conditions only: quarterly reports and interviews, tolling of probation, continuing education and cost recovery. If Respondent returns to California he or she must comply or be subject to all probationary conditions for the period of probation.

Respondent, during probation, shall engage in the practice of veterinary medicine in California for a minimum of 24 hours per week for six (6) consecutive months or as determined by the Board. Should Respondent fail to engage in the practice of veterinary medicine in California as set forth above, the time outside of the practice shall not apply to reduction of the probationary terms.

## **9. Violation of Probation**

If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, or if the Attorney General's Office has been requested to prepare any disciplinary action against Respondent's license, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

## **10. Completion of Probation**

All costs for probation monitoring and/or mandatory premises inspections shall be borne by Respondent. Failure to pay all costs due shall result in an extension of probation until the matter is resolved and costs paid. Upon successful completion of probation and all payment of all fees due, Respondent's license will be fully restored.

## **11. Cost Recovery and Payment of Fines**

Pursuant to Section 125.3 of the California Business and Professions Code, within thirty (30) days of the effective date of this decision, Respondent shall pay to the Board its enforcement costs including investigation, hearing, and probationary monitoring in the amount of \_\_\_\_\_ or the Respondent shall make these payments as follows: \_\_\_\_\_. FAILURE TO PAY THIS AMOUNT TO THE BOARD BY THE STATED DEADLINE SHALL RESULT IN AUTOMATIC REVOCATION OF THE LICENSE FORTHWITH, WITHOUT FURTHER NOTICE OR AN OPPORTUNITY TO BE HEARD.

## **OPTIONAL TERMS AND CONDITIONS OF PROBATION (1-21)**

*Note - In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on violations and fact patterns specific to individual cases.*

### **1. Suspension – Individual License**

As part of probation, Respondent is suspended from the practice of veterinary medicine for \_\_\_\_\_, beginning the effective date of this decision. During said suspension, Respondent shall not enter any veterinary hospital which is registered by the Board. Additionally, Respondent shall not manage, administer, or be a consultant to any veterinary hospital or veterinarian during the period of actual suspension and shall not engage in any veterinary-related service or activity.

### **2. Suspension – Premises**

As part of probation, Premises License Number \_\_\_\_\_, issued to Respondent \_\_\_\_\_, is suspended for \_\_\_\_\_, beginning the effective date of this decision. During said period of suspension, said premises may not be used by any party for any act constituting the practice of veterinary medicine, surgery, dentistry, and/or the various branches thereof.

### **3. Posted Notice of Suspension**

If suspension is ordered, Respondent shall post a notice of the Board's Order of Suspension in a place clearly visible to the public. The notice, provided by the Board, shall remain posted during the entire period of actual suspension.

### **4. Limitation on Practice/Inspections**

A. During probation, Respondent is prohibited from practicing \_\_\_\_\_  
(Type of practice) \_\_\_\_\_

B. During probation, Respondent is prohibited from the following:

1. Practicing veterinary medicine from a location or mobile veterinary practice which does not have a current premises permit issued by the Board; and
2. If Respondent is the owner or managing licensee of a veterinary practice, the following probationary conditions apply:
  - a. The location or mobile veterinary practice must not only have a current premises permit issued by the Board, but must also be subject to inspections by a Board representative to determine whether the location or veterinary practice meets minimum standards for a veterinary practice. The inspections will be conducted on an



announced or unannounced basis and shall be held during normal business hours. The Board reserves the right to conduct these inspections on at least a quarterly basis during probation. Respondent shall pay the Board for the cost of each inspection, which is \$500. If the veterinary practice has two consecutive non-compliant inspections, Respondent shall surrender the Premises Permit within ninety (90) days from the date of the second consecutive non-compliant inspection.

- b. As a condition precedent to any Premises Permit issued to Respondent as owner or managing licensee, the location or mobile veterinary practice for which the application is made shall be inspected by a Board representative to determine whether the location or mobile veterinary practice meets minimum standards for a veterinary practice. Respondent shall submit to the Board, along with any premises permit application, a \$500 inspection fee.

## 5. Supervised Practice

Respondent shall practice only under the supervision of a veterinarian approved by the Board. The supervision directed may be continuous supervision, substantial supervision, partial supervision, or supervision by daily review, as deemed necessary by the Board. All costs involved with practice supervision shall be borne by Respondent.

Each supervisor shall have been licensed in California for at least five (5) years and not have ever been subject to any disciplinary action by the Board. The supervisor shall be independent, with no prior business or personal relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, partner, or associate of Respondent.

Within thirty (30) days of the effective date of the decision, Respondent shall have his or her supervisor submit a report to the Board in writing stating the supervisor has read the decision in case number \_\_\_\_\_. Should Respondent change employment, Respondent shall have his/her new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the decision in case number \_\_\_\_\_.

Respondent's supervisor shall, on a basis to be determined by the Board, review and evaluate all or a designated portion of patient records of those patients for whom Respondent provides treatment or consultation during the period of supervised practice. The supervisor shall review these records to assess

- 1) the medical necessity and appropriateness of Respondent's treatment;
- 2) respondent's compliance with community standards of practice in the diagnosis and treatment of animal patients;
- 3) respondent's maintenance of necessary and appropriate treatment;
- 4) respondent's maintenance of necessary and appropriate records and chart entries; and

- 5) respondent's compliance with existing statutes and regulations governing the practice of veterinary medicine.

Respondent's supervisor shall file monthly reports with the Board. These reports shall be in a form designated by the Board and shall include a narrative section where the supervisor provides his or her conclusions and opinions concerning the issues described above and the basis for his or her conclusions and opinions. Additionally, the supervisor shall maintain and submit with his or her monthly reports a log designating the patient charts reviewed, the date(s) of service reviewed, and the date upon which the review occurred. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board.

If respondent is an employee rather a veterinary hospital owner, the supervisor shall additionally notify the Board of the dates and locations of all employment of respondent, during each month covered by his/her report.

## **6. No Ownership**

Respondent shall not have any legal or beneficial interest in any business, firm, partnership, or corporation currently or hereinafter licensed or registered by the Board and shall not own any veterinary hospital.

## **7. No Management or Administration**

Respondent shall not manage or be the administrator of any veterinary hospital.

## **8. Continuing Education**

Within sixty (60) days of the effective date of this decision, and on an annual basis thereafter, Respondent shall submit to the Board for its prior approval, an educational program or course related to Respondent's specific area(s) of weakness which shall not be less than \_\_\_\_\_ hours per year, for each year of probation. Upon successful completion of the course, Respondent shall provide proof to the Board. This program shall be in addition to the Continuing Education required of all licensees. All costs shall be borne by Respondent.

## **9. Clinical Training**

Within sixty (60) days of the effective date of this decision, Respondent shall submit an outline of an intensive clinical training program to the Board for its prior approval. The exact number of hours and the specific content of the program shall be determined by the Board or its designee. Respondent shall successfully complete the training program and may be required to pass an examination related to the program's contents administered by the Board or its designee. All costs shall be borne by Respondent.

## 10. Clinical or Written Examination

Within sixty (60) days of the effective date of this decision, or upon completion of the education course required above, or upon completion of the clinical training programs, Respondent shall take and pass a species specific practice (clinical/written) examination to be administered by the Board or its designee. If Respondent fails this examination, Respondent must wait three (3) months between reexaminations, except that after three (3) failures, Respondent must wait one (1) year to take each necessary reexamination thereafter. All costs shall be borne by Respondent. If Respondent fails to take and pass this examination by the end of the first year of probation, Respondent shall cease the practice of veterinary medicine until this examination has been successfully passed and Respondent has been so notified by the Board in writing.

## 11. Psychological Evaluation

Within thirty (30) days of the effective date of this decision, and on a periodic basis as may be required by the Board or its designee, Respondent shall undergo a psychiatric evaluation by a Board-appointed psychotherapist (psychiatrist or psychologist), to determine Respondent's ability to practice veterinary medicine safely, who shall furnish a psychological report to the Board or its designee. All costs shall be borne by Respondent.

If the psychotherapist (psychiatrist or psychologist) recommends and the Board or its designee directs psychotherapeutic treatment, Respondent shall, within thirty (30) days of written notice of the need for psychotherapy, submit the name and qualification of one or more psychotherapists of Respondent's choice to the Board for its prior approval. Upon approval of the treating psychotherapist by the Board, Respondent shall undergo and continue psychotherapy until further notice from the Board. Respondent shall have the treating psychotherapist submit quarterly written reports to the Board. All costs shall be borne by Respondent.

### ALTERNATIVE: PSYCHIATRIC EVALUATION AS A CONDITION PRECEDENT TO PRACTICE

As of the effective date of the decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of this determination that Respondent is mentally fit to practice safely. If recommended by the psychotherapist (psychiatrist or psychologist) and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating psychotherapist recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation. All costs shall be borne by Respondent.

## 12. Psychotherapy

Within thirty (30) days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one

or more psychotherapists of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment until the Board deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board. The Board may require Respondent to undergo psychiatric evaluations by a Board-appointed psychiatrist. All costs shall be borne by Respondent.

### **13. Medical Evaluation**

Within thirty (30) days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall undergo a medical evaluation by a Board appointed physician, to determine Respondent's ability to practice veterinary medicine safely, who shall furnish a medical report to the Board or its designee. If Respondent is required by the Board or its designee to undergo medical treatment, Respondent shall, within thirty (30) days of written notice from the Board, submit the name and qualifications of a physician of Respondent's choice to the Board for its prior approval. Upon approval of the treating physician by the Board, Respondent shall undergo and continue medical treatment until further notice from the Board. Respondent shall have the treating physician submit quarterly written reports to the Board. All costs shall be borne by Respondent.

#### ALTERNATIVE: MEDICAL EVALUATION AS A CONDITION PRECEDENT TO PRACTICE

As of the effective date of this decision, Respondent shall not engage in the practice of veterinary medicine until notified in writing by the Board of its determination that Respondent is medically fit to practice safely. If recommended by the physician and approved by the Board or its designee, Respondent shall be barred from practicing veterinary medicine until the treating physician recommends, in writing and stating the basis therefore, that Respondent can safely practice veterinary medicine, and the Board approves said recommendation.

### **14. Rehabilitation Program – Alcohol or Drug**

Within thirty (30) days of the effective date of this decision, Respondent shall submit in writing a(n) alcohol/drug rehabilitation program in which Respondent shall participate (for the duration of probation/for one/for two years) to the Board for its prior approval. In the quarterly written reports to the Board, Respondent shall provide documentary evidence of continuing satisfactory participation in this program. All costs shall be borne by Respondent.

### **15. Submit to Drug Testing**

Respondent shall immediately submit to drug testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to Respondent's current employer.

## 16. Abstain from Controlled Substances

Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4211 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness. Respondent shall submit to random drug testing during the period of probation.

## 17. Abstention from Alcohol Use

Respondent shall abstain completely from the use of alcoholic beverages.

## 18. Community Service

Within sixty (60) days of the effective date of this decision, Respondent shall submit a community service program to the Board for its prior approval. In this program Respondent shall provide free services on a regular basis to a community or charitable facility or agency for at least \_\_\_\_\_ ( \_\_\_\_\_ ) hours per \_\_\_\_\_ for the first \_\_\_\_\_ of probation. All services shall be subject to prior Board approval.

## 19. Fine

Respondent shall pay to the Board a fine in the amount of \_\_\_\_\_ (not to exceed five thousand dollars) pursuant to Business and Professions Code sections 4875 and 4883. Respondent shall make said payments as follows: \_\_\_\_\_ .

Pursuant to Business and Professions Code Section 125.3, enforcement costs (investigative, legal, and expert review), up to the time of the hearing, can be recovered.

## 20. Restitution

Respondent shall make restitution to any injured party in the amount of \_\_\_\_\_. Proof of compliance with this term shall be submitted to the Board within sixty (60) days of the effective date of this decision.

*Note - Name and address of injured party may be inserted in the body of this term.*

## 21. Ethics Training

Respondent shall submit to the Board for its prior approval, an ethics training course for a minimum of \_\_\_\_\_ hours during the probationary period. Upon successful completion of the course, Respondent shall provide proof to the Board. All costs shall be borne by Respondent.

# OVERVIEW GUIDE FOR DISCIPLINARY DECISIONS

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*Most of the background information provided below is contained in the Department of Consumer Affairs' Reference Manual for Board Members and gives an overview of part of a board's disciplinary process. Certain aspects of this overview were changed by the passage of SB 523 (Kopp, Chapter 938, Statutes of 1995). The changes were in regard to ex parte communications.*

## **Accusation/Statement of Issues**

The principal responsibility of a licensing board is to protect the public. This is accomplished by determining whether a license should be issued and whether a disciplinary action should be taken against a license. The Administrative Procedure Act prescribes the process necessary to deny, suspend, or revoke a license. An action to suspend or revoke a license is initiated by the filing of an Accusation. An action to deny a license is initiated by a Statement of Issues.

In disciplinary matters, a Deputy Attorney General (DAG) acts as the Board's prosecutor and coordinates all necessary legal proceedings. If a case is referred to the Office of the Attorney General (OAG) and accepted for prosecution, the DAG assigned the matter will prepare a Statement of Issues or an Accusation. The person against whom the action is filed is called the Respondent.

Once drafted, the Statement of Issues or Accusation is forwarded to the Executive Officer (EO) for approval. Except where the preparation of administrative pleadings is voluminous and routine, the EO will normally review an Accusation or Statement of Issues for accuracy. Board staff will then assign a case number and the EO will sign it before returning it to the OAG for service on the Respondent.

The document is then served on the Respondent. The Respondent may contest the charges by filing a Notice of Defense. The DAG will then schedule a hearing before an Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH).

## **Administrative Hearing Process**

An administrative hearing is similar to a trial in a civil or criminal court. Both parties have the opportunity to introduce evidence (oral and documentary) and the Respondent has a right to confront his or her accusers. Although a board may sit with the ALJ and hear the case, most cases are heard by the ALJ alone because it is a complex procedure and may require anywhere from several days to several weeks of time.

In order to take discipline against a license issued by the Board, either a veterinarian or registered veterinary technician, it must be demonstrated by "clear and convincing evidence" that a violation of law or regulation has occurred. The clear and convincing standard is more than the "preponderance of the evidence" standard required for civil trials but less than the "beyond a reasonable doubt" standard for criminal trials.

To sustain a citation against a licensee, the allegations need only be proven to the "preponderance of the evidence" standard.

## **Proposed Decision**

After hearing all the witnesses and arguments and considering all of the evidence presented, the ALJ renders a Proposed Decision that contains: 1) findings of fact, 2) a determination of issues, and 3) a proposed penalty (assuming a violation is found). The Proposed Decision is then submitted to the Board for consideration and a final decision. The Proposed Decision must be acted upon by the Board within 100 days of receipt, or it becomes final by operation of law as proposed by the ALJ.

In making a decision whether to adopt the Proposed Decision as its own decision, the Board may only consider the Proposed Decision itself; the Board may not consider evidence about the case not contained in the Decision. The Board may consider advice of legal counsel regarding their options, the legal sufficiency of the Proposed Decision, and the law applicable to the case at hand. If a Board member is personally acquainted with the licensee to a degree that it affects their decision-making ability, or the Board member has received evidence about the case not contained in the Proposed Decision, the Board member should recuse him or herself from any discussion about the case and the vote on the matter.

The Board may vote on the Proposed Decision by mail ballot or at a meeting in a closed session. Although a Proposed Decision carries great weight based on the fact that the ALJ was a witness to the evidence presented at the hearing, the actual testimony of the witnesses and the demeanor of those witnesses, the Board is the final decision-maker. The Board should consider the ALJ's narrative explanation in the Decision and how the Disciplinary Guidelines were applied. If the Decision is outside the Disciplinary Guidelines, the ALJ must explain to the satisfaction of the Board, the factors that were proved that caused the ALJ to deviate from the standards.

Adopting any decision is a serious responsibility of a Board member. When considering a Proposed Decision, the Board's legal counsel is present to respond to questions about the legal parameters of the case and the Board's authority. Board members must take time to fully discuss each case and to seek clarification from legal counsel for any question they may have prior to making a final decision on the case.

When considering a Proposed Decision, the Board has three basic options:

1. adopt the Decision as written including the proposed penalty;
2. adopt the Decision and reduce the penalty; or
3. not adopt the Proposed Decision.

## **Non-Adopt - Rejecting a Decision**

A Board may choose not to adopt a Proposed Decision of an ALJ for many reasons that might be grouped generally under the following categories:

1. The Board finds the penalty or terms of probation inappropriate to the violation(s).
2. The Board disagrees with the ALJ's determination of the issue(s) in the case.

When a Proposed Decision is not adopted, the Board is required to obtain a copy of the transcript of the hearing and documentary evidence unless this requirement is waived

by all parties. Each Board member must read the entire transcript and consider only that evidence presented at the hearing. The DAG and the Respondent are entitled to submit written arguments, or oral argument if the Board so orders, on the case to the Board. The Board must render its own decision after reading the transcript and arguments within 100 days from the receipt of the transcript. After the decision has been rendered, all parties will be served with the Decision After Non-Adoption.

The Board can elect to return the non-adopted decision to the OAH if it feels that additional evidence is required before the Board can render its decision. In this instance, the case is returned to the OAH and a new hearing date is scheduled. After the new hearing is complete the ALJ, the same one as before or a new ALJ if the prior one is unavailable, will issue a new Proposed Decision and the Board will consider the Proposed Decision anew.

### **Petition for Reconsideration**

A Respondent has a right to and may petition the Board before the effective date of the decision for reconsideration of the Board's decision.

If a Board does vote to reconsider its decision, it is equivalent to not adopting a Proposed Decision and the steps listed above apply. If the 30-day time period lapses or the Board does not act on the petition, the request for reconsideration is deemed to be denied by operation of law and the Board no longer has jurisdiction over the matter.

### **Appeal Process – Writ of Administrative Mandamus**

A Respondent has the right to request reconsideration and if denied, file a Writ to appeal a disciplinary action imposed by a Board.

A decision rendered by a Superior Court can be further appealed to the Court of Appeals and then to the Supreme Court by either the Board or the Respondent.

### **Stipulated Agreement**

Once an Accusation has been filed, rather than proceeding to a formal hearing and prior to requesting that the Board consider settlement terms and conditions, the Respondent shall provide mitigating factors and evidence of rehabilitation. Mitigating factors include factors beyond the control of the licensee that existed for a brief period of time but no longer exists that may mitigate the need for certain types of discipline. Evidence of rehabilitation would show that Respondent has taken serious steps to improve behavior and correct actions that led to the need for disciplinary action. The parties may then stipulate (agree) to a determination of the violations charged against the Respondent and to a proposed penalty. Stipulations are negotiated and drafted by the DAG representing the Board and the Respondent and his/her legal counsel. In negotiating a stipulation, the DAG works closely with the Board's EO (or designated Enforcement Program Manager) and utilizes the Board's Disciplinary Guidelines to arrive at a stipulation that is intended to be acceptable to the Board.



The stipulation is presented to the Board for its consideration in much the same way that a Proposed Decision is presented. Once a stipulation has been signed by the licensee and his or her counsel, if any, the Board must vote to approve or disapprove the stipulation as a whole. If the Board votes to disapprove a proposed stipulation, it may send back recommendations for inclusion into any future stipulations. The Board may look beyond the mere contents of an Accusation, though it must confine its consideration to information that is relevant to the charges at hand. While there is no time limit within which a stipulation must be considered, any undue delays should be avoided.

## **Default Decisions**

Default Decisions are rare; however, in some cases, the Respondent does not respond to an Accusation by returning the Notice of Defense, fails to return the Notice of Defense in a timely manner, or fails to appear at a scheduled hearing. There is a legal obligation to respond to an Accusation and to be present at a scheduled hearing. Failure to meet the legal obligations is grounds for a Default Decision whereby the discipline is imposed based on the Respondent's failure to respond. In these cases the Board need only demonstrate that it has served the Accusation on the licensee at the licensee's address of record. This is one reason it is imperative that licensees maintain a current address of record with the Board; failure to do so can have very serious consequences if the licensee becomes subject to an Accusation but has an old address of record on file with the Board because the Board has no legal obligation to make any attempt to locate the licensee. Service of an Accusation by first class mail is all that is required to prove proper service.

The result of a Default Decision is nearly always a straight revocation of the license. If the Respondent is also a managing licensee for a premises permit, the premises permit will automatically be canceled by operation of law. If the Accusation was pled against the premises as well as the licensee, the premises permit is revoked along with the license.

## **Definitions**

**Negligence** - A departure from the standard of care or practice. It can be an act of omission or commission. Harm or injury is not a necessary component of administrative negligence because we do not seek monetary damages (redress).

**Incompetence** - A lack of knowledge or ability in discharging professional obligations.

### **Fraud and Deception -**

**Deception** - Any act or omission that deceives or misleads another person.

**Fraud** - An intentional act or omission to deceive or mislead another person by misrepresentation, deceit, or concealment of a material fact.

Both fraud and deception can exist despite truthful statements if the statements made, whether written or oral, have a tendency to mislead or, do in fact, mislead.









Veteri i l Board

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