

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

In the Matter of the Amended Accusation Against:

Timothy M. Herrick, DVM,

Veterinarian License No. VET 21320,

and

La Habra Animal Hospital

Premises Registration No. HSP 216

Respondents

Case No. 4602020001068

OAH No. 2023020262

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Veterinary Medical Board, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on 06/21/2023.

It is so ORDERED 05/22/2023.

Signature on File

Christina Bradbury, DVM, President
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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8
9 **BEFORE THE**
10 **VETERINARY MEDICAL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 4602020001068

14 **TIMOTHY M. HERRICK; LA HABRA**
15 **ANIMAL HOSPITAL**
16 **741 W. La Habra Blvd.**
La Habra, CA 90631

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Veterinarian License No. 21320,**

18 **and**

19 **LA HABRA ANIMAL HOSPITAL**
20 **741 W. La Habra Blvd.**
La Habra, CA 90631

21 **Veterinary Premises Permit No. 216**

22 Respondents.

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Jessica Sieferman (Complainant) is the Executive Officer of the Veterinary Medical
28 Board (Board). She brought this action solely in her official capacity and is represented in this

1 matter by Rob Bonta, Attorney General of the State of California, by Nicole R. Trama, Deputy
2 Attorney General.

3 2. Respondent Timothy M. Herrick and Respondent La Habra Animal Hospital
4 (collectively Respondents) are represented in this proceeding by attorney Chester Jeng, DDS, JD,
5 LL.M., of the Law Offices of Jeng and Associates, located at 1440 North Harbor Blvd., Suite 900,
6 Fullerton, California 92835.

7 3. On or about January 20, 2016, the Board issued Veterinarian License No. 21320 to
8 Timothy M. Herrick (Respondent Herrick). The Veterinarian License was in full force and effect
9 at all times relevant to the charges brought in Accusation No. 4602020001068, and will expire on
10 March 31, 2023, unless renewed.

11 3. On or about December 31, 1965, the Board issued Veterinary Premises Registration
12 Number 216 to La Habra Animal Hospital (Respondent La Habra Animal Hospital). The
13 Veterinary Premises Registration was in full force and effect at all times relevant to the charges
14 brought in Accusation No. 4602020001068, and will expire on May 31, 2023, unless renewed.

15 **JURISDICTION**

16 4. Accusation No. 4602020001068 was filed before the Board, and is currently pending
17 against Respondents. The Accusation and all other statutorily required documents were properly
18 served on Respondents on October 31, 2022. Respondents timely filed the Notice of Defense
19 contesting the Accusation.

20 5. A copy of Accusation No. 4602020001068 is attached as exhibit A and incorporated
21 herein by reference.

22 **ADVISEMENT AND WAIVERS**

23 6. Respondents have carefully read, fully discussed with counsel, and understands the
24 charges and allegations in Accusation No. 4602020001068. Respondents have also carefully
25 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
26 Disciplinary Order.

27 7. Respondents are fully aware of their legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against them; the right to present evidence and to testify on their own behalf; the
2 right to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

5 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 **CULPABILITY**

8 9. Respondents admit the truth of each and every charge and allegation in Accusation
9 No. 4602020001068.

10 10. Respondents agrees that Veterinarian License No. 21320 and Veterinary Premises
11 Registration Number 216 are subject to discipline and agree to be bound by the Board's
12 probationary terms as set forth in the Disciplinary Order below.

13 **CONTINGENCY**

14 11. This stipulation shall be subject to approval by the Veterinary Medical Board.
15 Respondents understand and agree that counsel for Complainant and the staff of the Veterinary
16 Medical Board may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondents or their counsel. By signing the
18 stipulation, Respondents understand and agree that they may not withdraw their agreement or
19 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board
20 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
26 signatures thereto, shall have the same force and effect as the originals.

27 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

5 14. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Veterinarian License No. 21320 issued to Respondent
10 Timothy M. Herrick and Veterinary Premises Registration Number 216 issued to Respondent La
11 Habra Animal Hospital are revoked. However, the revocations are stayed and Respondents are
12 placed on probation for three (3) years on the following conditions.

13 **1. Obey All Laws.**

14 Respondents shall obey all federal and state laws and regulations substantially related to the
15 practice of veterinary medicine. Within thirty (30) days of any arrest, Respondents shall notify the
16 Board. Within thirty (30) days of any conviction, Respondents shall report to the Board and
17 provide proof of compliance with the terms and conditions of the court order including, but not
18 limited to, probation and restitution requirements. Obey all laws shall not be tolled.

19 **2. Quarterly Reports**

20 Respondents shall report quarterly to the Board or its designee, under penalty of perjury, on
21 forms provided by the Board, stating whether there has been compliance with all terms and
22 conditions of probation. Omission or falsification in any manner of any information on these
23 reports shall constitute a violation of probation and shall result in the filing of an accusation
24 and/or a petition to revoke probation against Respondents' license registration or permit. If the
25 final written quarterly report is not made as directed, the period of probation shall be extended
26 until the final report is received by the Board. Any period(s) of delinquency in submission of
27 reports as directed may be added to the total period of probation.

1 **3. Interview with the Board**

2 Within 30 days off the effective date of the Decision, Respondents shall appear in person
3 for an interview with the Board or its designee to review the terms and conditions of probation.
4 Thereafter, Respondents shall, upon reasonable request, report or appear in person as directed.
5 Interview with the Board shall not be tolled.

6 **4. Cooperation with Board Staff**

7 Respondents shall cooperate with the Board's inspection program and with the Board's
8 monitoring and investigation of Respondents' compliance with the terms and conditions of
9 Respondents' probation. Respondents may receive the assistance of private counsel, but
10 Respondents shall communicate directly with the Board or its designee, and written
11 communications from the Board will only be sent to the Respondents. Respondents shall make
12 available all patient records, hospital records, books, logs, and other documents relating to the
13 practice of veterinary medicine to the Board, upon request.

14 Respondents shall claim all certified mail issued by the Board, respond in a timely manner
15 to all notices and requests for information, and submit Reports, Identification Update reports or
16 other reports similar in nature, as requested and directed by the Board or its designee.
17 Respondents are encouraged to contact the Board's probation monitoring program representative
18 at any time Respondents have a question or concern regarding the terms and conditions of
19 Respondents' probation.

20 **5. Probation Monitoring Costs**

21 Probation monitoring costs are set at a rate of \$100 per month for the duration of the
22 probation. These costs shall be payable to the Board on a schedule as directed by the Board or its
23 designee.

24 **6. Changes of Employment or Address**

25 Respondents shall notify the Board, and appointed probation monitor in writing, of any and
26 all changes of employment, location, and address within fourteen (14) calendar days of such
27 change. This includes, but is not limited to, termination or resignation from employment, change
28 in employment status, and change in supervisors, administrators or directors. Respondent shall

1 also notify Respondents' probation monitor AND the Board IN WRITING of any changes of
2 residence or mailing address within fourteen (14) calendar days. P.O. Boxes are accepted for
3 mailing purposes; however, Respondents must also provide Respondents' physical residence
4 address as well.

5 **7. No Supervision of Students, Interns, or Residents**

6 Respondents shall not supervise students, interns, or residents.

7 **8. Notice to Employers**

8 During the period of probation, Respondent Herrick shall notify all present and prospective
9 employers of this Decision and the terms, conditions, and restrictions imposed on Respondent by
10 this Decision, as follows:

11 Within thirty (30) days of the effective date of this Decision and within fifteen (15) days of
12 Respondent Herrick undertaking any new employment, Respondent Herrick shall cause
13 Respondent's supervisor and/or managing licensee (licensee manager) to report to the Board in
14 writing, acknowledging that the listed individual(s) has/have read this Decision, including the
15 terms conditions, and restrictions imposed. It shall be Respondent Herrick's responsibility to
16 ensure that Respondent's supervisor and/or licensee manager submit timely acknowledgment(s)
17 to the Board.

18 If Respondent Herrick provides veterinary services as a relief veterinarian, Respondent
19 shall notify each individual or entity with whom Respondent is employed or contracted and
20 require the supervisor and/or licensee manager to submit to the Board timely acknowledgment of
21 receipt of the notice.

22 **9. Notice to Employees**

23 Throughout the probationary period, and in a manner that is visible to all licensed,
24 registered, or permitted veterinary employees at the veterinary premises, Respondents shall post a
25 notice provided or approved by the Board, that recites the violations for which Respondents have
26 been disciplined and the terms and conditions of probation.

1 **10. Tolling of Probation**

2 Respondents shall notify the Board or its designee in writing within fifteen (15) calendar
3 days of any periods of non-practice lasting more than thirty (30) calendar days and shall notify
4 the Board or its designee within fifteen (15) calendar days of Respondents' return to practice.
5 Any period of non-practice will result in the Respondents' probation being tolled.

6 Non-practice is defined as any period of time exceeding thirty (30) calendar days in which
7 Respondent is not engaging in the practice of veterinary medicine in California.

8 *It shall be considered a violation of probation* if Respondent's periods of temporary or
9 permanent residence or practice outside California total two years. However, *it shall not be*
10 *considered a violation of probation if* Respondent is residing and practicing in another state of the
11 United States and is on active probation with the licensing authority of that state, in which case
12 the two-year tolling limitation period shall begin on the date probation is completed or terminated
13 in that state.

14 The following terms and conditions, if required, shall not be tolled:

15 Obey All Laws
16 Interview with the Board
17 Tolling of Probation
18 Maintain a Current and Active License
19 Cost Recovery

20 Non-practice is also defined as any period that Respondent fails to engage in the practice of
21 veterinary medicine in California for a minimum of 24 hours per week for the duration of
22 probation (except reasonable time away from work for vacations, illnesses, etc.) or as determined
23 by the Board. While tolled for not meeting the hourly requirement, Respondent shall comply with
24 all terms and conditions of this Decision.

25 Any period of tolling will not apply to the reduction of the probationary term.

26 **11. Maintain a Current and Active License**

27 At all times while on probation, Respondents shall maintain a current and active license
28 with the Board. Maintain a current and active license shall not be tolled.

1 **12. Violation of Probation**

2 If Respondents violate probation in any respect, the Board, after giving Respondents notice
3 and the opportunity to be heard, may revoke probation and carry out the disciplinary order that
4 was stayed. If an accusation or petition to revoke probation is filed against Respondents during
5 probation, or if the Attorney General's office has been requested to prepare any disciplinary
6 action against Respondents' license, the Board shall have continuing jurisdiction until the matter
7 is final, and the period of probation shall be extended until the matter is final. No petition for
8 modification or termination of probation shall be considered while there is an accusation or
9 petition to revoke probation pending against Respondents.

10 **13. License Surrender While on Probation/Suspension**

11 Following the effective date of this Decision, should Respondents cease to practice
12 veterinary medicine due to retirement or health issues, or be otherwise unable to satisfy the terms
13 and conditions of probation, Respondent may tender Respondent's license to practice veterinary
14 medicine to the Board for surrender. The Board or its designee has the discretion to grant the
15 request for surrender or to take any other action it deems appropriate and reasonable. Upon
16 formal acceptance of the license surrender, Respondent will no longer be subject to the terms and
17 conditions of probation. The surrender constitutes a record of discipline and shall become a part
18 of the Respondent's license history with the Board.

19 Respondent must relinquish Respondent's license to the Board within ten (10) days of
20 receiving notification from the Board that the surrender has been accepted.

21 **14. Completion of Probation**

22 All costs for probation monitoring and/or mandatory premises inspections shall be borne by
23 Respondents. Failure to pay all costs due shall result in an extension of probation until the matter
24 is resolved and costs paid or a petition to revoke probation is filed. Upon successful completion of
25 probation and all payment of fees due, Respondents' licenses will be fully restored.

26 **15. Cost Recovery**

27 Pursuant to Section 125.3 of the California Business and Professions Code, within thirty
28 (30) days of the effective date of this Decision, Respondents shall pay to the Board its

1 enforcement costs including investigation and prosecution, in the amount of \$11,572 which may
2 be paid over time in accordance with a Board approved payment plan, within six (6) months
3 before the end of the probation term. Cost recovery shall not be tolled.

4 **16. Inspections**

5 If Respondents are the owner or managing licensee of a veterinary premises, the following
6 probationary conditions apply:

7 (A) The location or mobile veterinary practice shall hold a current premises registration
8 issued by the Board, and Respondent shall make the practice or location available for inspections
9 by a Board representative to determine whether the location or veterinary practice meets
10 minimum standards for a veterinary premises. The inspections will be conducted on an
11 announced or unannounced basis and shall be held during normal business hours. The Board
12 reserves the right to conduct these inspections on at least a quarterly basis during probation.
13 Respondent shall pay the Board for the cost of each inspection, which is \$500.

14 (B) As a condition precedent to any premises registration issued to Respondent as Owner or
15 managing licensee, the location or mobile veterinary practice for which application is made shall
16 be inspected by a Board representative to determine whether the location or mobile veterinary
17 practice meets minimum standards for a veterinary premises. Respondent shall submit to the
18 Board, along with any premises registration application, a \$500 inspection fee.

19 **17. Medical Records Review**

20 Within 30 calendar days of the effective date of this Decision, Respondents shall provide to
21 the Board or its designee the name and qualifications of one or more proposed reviewer of the
22 medical records of animal patients created and maintained by Respondents. If Respondents' terms
23 of probation include Supervised Practice, that supervisor also may serve as the medical records
24 reviewer. Each reviewer shall be a licensed veterinarian in California, have held a valid California
25 license for at least five (5) years, and have never been subject to any disciplinary action by the
26 Board.

27 The Board or its designee shall provide the approved reviewer with copies of this Decision.
28 Within fifteen (15) calendar days of the reviewer's receipt of this Decision, the reviewer shall

1 sign an affirmation that they have reviewed the terms and conditions of this Decision and fully
2 understands the role of the reviewer.

3 If Respondents fail to obtain the Board's or its designee's approval of a reviewer within
4 sixty (60) calendar days of the effective date of this Decision, Respondents shall receive a
5 notification from the Board or its designee to cease practicing veterinary medicine within three
6 (3) calendar days after being notified. Respondents shall cease practice until a reviewer is
7 approved to provide medical records review services.

8 The reviewer shall review a minimum of ten percent (10%) of Respondents' animal patient
9 medical records or fifteen (15) records (whichever is greater), a minimum of twelve (12) times
10 per year. The reviewer shall determine the method of random selection of medical records to
11 review and shall access the medical records directly from where the medical records are being
12 kept. Review of Respondents' medical records shall not be delegated to Respondents or
13 Respondents' staff. The reviewer's random selection of medical records shall include medical
14 records that correlate to the animal patient care issues or other issues identified in the disciplinary
15 action that resulted in this Decision. Respondents are required to make all animal patient medical
16 records available for immediate inspection and copying by the reviewer at all times during
17 business hours. The reviewer shall immediately notify the Board's Probation Monitor if
18 Respondents fail or refuse to make the medical records available for inspection and/or copying.

19 Any potential costs associated with conducting the medical records review shall be borne
20 by Respondents.

21 The reviewer shall evaluate the medical records to assess 1) The medical necessity and
22 appropriateness of Respondents' treatment; 2) Respondents' compliance with minimum standards
23 of practice in the diagnosis and treatment of animal patients; 3) Respondents' maintenance of
24 necessary and appropriate treatment; 4) Respondents' maintenance of necessary and appropriate
25 records and chart entries; and 5) Respondents' compliance with existing statutes and regulations
26 governing the practice of veterinary medicine.

27 The reviewer shall submit quarterly reports to the Board on a form designated by the Board.
28 The reports shall be submitted by the reviewer directly to the Board's Probation Monitor within

seven (7) calendar days after the end of the preceding quarter. The quarterly reporting periods and due dates are as follows:

Reporting Time Period	Due No Later Than
January 1 to March 31 (Quarter I)	April 7
April 1 to June 30 (Quarter II)	July 7
July 1 to September 30 (Quarter III)	October 7
October 1 to December 31 (Quarter IV)	January 7

18. 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(s) related to Respondent's specific area(s) of weakness (recordkeeping and prescribing) which shall not be less than four (4) hours per year related to recordkeeping and four (4) hours per year related to prescribing, for each year of probation. Upon successful completion of the course(s), Respondent shall provide proof to the Board. This program shall be in addition to the Continuing Education required of all licensees for licensure renewal. All costs shall be borne by Respondent.

19. Fine

Within ninety (90) days of the effective date of the Decision and Order, Respondents shall pay to the Board a fine in the amount of \$5,000 pursuant to Business and Professions Code sections 4875 and 4883.

20. Restitution

Respondents shall make restitution to M.V. in the amount of \$818.45. Proof of Compliance with this term shall be submitted to the Board within sixty (60) days of the effective date of this Decision.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Chester Jeng. I understand the stipulation and the effect it will have on my Veterinarian License and Veterinary Premises Registration. I enter into this

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Veterinary Medical Board.

3
4 DATED: 03/30/23

Signature on File

5 TIMOTHY M. HERRICK, as an individual and as
6 authorized agent on behalf of LA HABRA ANIMAL
HOSPITAL
Respondents

7 I have read and fully discussed with Respondents the terms and conditions and other
8 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
9 and content.

10 DATED: 3/31/23

Signature on File

11 CHESTER JENG
12 Attorney for Respondent

13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Veterinary Medical Board.

16 DATED: _____

Respectfully submitted,

17 ROB BONTA
18 Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

19
20
21 NICOLE R. TRAMA
22 Deputy Attorney General
Attorneys for Complainant

23
24
25 SD2022801375

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Veterinary Medical Board.

3
4 DATED: _____
5 TIMOTHY M. HERRICK, as an individual and as
6 authorized agent on behalf of LA HABRA ANIMAL
7 HOSPITAL
8 Respondents

9 I have read and fully discussed with Respondents the terms and conditions and other
10 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
11 and content.

12 DATED: _____
13 CHESTER JENG
14 Attorney for Respondent

15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Veterinary Medical Board.

18 DATED: 4/5/2023 _____

19 Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 GREGORY J. SALUTE
23 Supervising Deputy Attorney General

24 Signature on File

25 NICOLE R. TRAMA
26 Deputy Attorney General
27 Attorneys for Complainant

28 SD2022801375

Exhibit A

Accusation No. 4602020001068

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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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8

9 **BEFORE THE**
VETERINARY MEDICAL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No.

14 **TIMOTHY M. HERRICK**
15 **741 W. La Habra Blvd.**
La Habra, CA 90631

ACCUSATION

16 **Veterinarian License No. 21320,**

17 **and**

18 **LA HABRA ANIMAL HOSPITAL**
19 **741 W. La Habra Blvd.**
La Habra, CA 90631

20 **Veterinary Premises Registration No. 216**

21 Respondents.
22

23 **PARTIES**

24 1. Jessica Sieferman (Complainant) brings this Accusation solely in her official capacity
25 as the Executive Officer of the Veterinary Medical Board, Department of Consumer Affairs.

26 2. On or about January 20, 2016, the Veterinary Medical Board issued Veterinarian
27 License Number 21320 to Timothy M. Herrick (Respondent Herrick). The Veterinarian License
28

1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 March 31, 2023, unless renewed.

3 3. On or about December 31, 1965, the Veterinary Medical Board issued Veterinary
4 Premises Registration Number 216 to La Habra Animal Hospital (Respondent La Habra Animal
5 Hospital). The Veterinary Premises Registration was in full force and effect at all times relevant
6 to the charges brought herein and will expire on May 31, 2023, unless renewed.

7 **JURISDICTION**

8 4. This Accusation is brought before the Veterinary Medical Board (Board), Department
9 of Consumer Affairs, under the authority of the following laws. All section references are to the
10 Business and Professions Code (Code) unless otherwise indicated.

11 5. Section 118, subdivision (b) provides that suspension, expiration, surrender, or
12 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
13 action during the period within which the license may be renewed, restored, reissued, or
14 reinstated.

15 6. Section 4853.6 of the Code provides, in pertinent part, that the Board shall withhold,
16 suspend or revoke registration of veterinary premises when the license of the licensee manager to
17 practice veterinary medicine is revoked or suspended.

18 7. Section 4875 provides in relevant part, that the Board may revoke or suspend the
19 license of any person to practice veterinary medicine, or any branch thereof, in this state for any
20 causes provided in the Veterinary Medicine Practice Act (Bus. & Prof. Code § 4800, et seq.). In
21 addition, the Board has the authority to assess a fine not in excess of \$5,000 against a licensee for
22 any of the causes specified in Code section 4883. Such fine may be assessed in lieu of, or in
23 addition to, a suspension or revocation.

24 **STATUTORY PROVISIONS**

25 8. Section 4829.5 states:

26 (a) Each time a veterinarian initially prescribes, dispenses, or furnishes a
27 dangerous drug, as defined in Section 4022, to an animal patient in an outpatient
28 setting, the veterinarian shall offer to provide, in person or through electronic

means, to the client responsible for the animal, or his or her agent, a consultation that includes the following information:

(1) The name and description of the dangerous drug.

(2) Route of administration, dosage form, dosage, duration of drug therapy, the duration of the effects of the drug, and the common severe adverse effects associated with the use of a short-acting or long-acting drug.

(3) Any special directions for proper use and storage.

(4) Actions to be taken in the event of a missed dose.

(5) If available, precautions and relevant warnings provided by the drug's manufacturer, including common severe adverse effects of the drug.

(b) If requested, a veterinarian shall provide drug documentation, if available.

(c) A veterinarian may delegate to a registered veterinary technician or veterinary assistant the task of providing the consultation and drug documentation required by this section.

(d) It shall be noted in the medical record of the animal patient if the consultation described in this section is provided or declined by the client or his or her agent.

9. Section 4840.7 states:

(a) A registered veterinary technician who has been examined by the board in the area of radiation safety and techniques may operate radiographic equipment under the indirect supervision of a licensed veterinarian.

(b)(1) A veterinary assistant who has been trained in the area of radiation safety and techniques may operate radiographic equipment under the direct supervision of a registered veterinary technician or a licensed veterinarian.

(2) The responsible managing licensee of a veterinary premises shall maintain records of the training described in paragraph (1). A veterinary assistant for whom records of this training do not exist shall not operate radiographic equipment.

(3) The training records described in paragraph (2) shall be made available to the board upon request and at the time of any inspection of the veterinary premises.

1 10. Section 4850 states:

2 Every person holding a license under this chapter shall conspicuously display the license in
3 his or her principal place of business.

4 11. Section 4854 states:

5 All premises where veterinary medicine, veterinary dentistry, or veterinary
6 surgery is being practiced, and all instruments, apparatus and apparel used in
7 connection with those practices, shall be kept clean and sanitary at all times, and shall
8 conform to those minimum standards established by the board.

9 12. Section 4855 states:

10 A veterinarian subject to the provisions of this chapter shall, as required by
11 regulation of the board, keep a written record of all animals receiving veterinary
12 services, and provide a summary of that record to the owner of animals receiving
13 veterinary services, when requested. The minimum amount of information which
14 shall be included in written records and summaries shall be established by the
15 board. The minimum duration of time for which a licensed premise shall retain
16 the written record or a complete copy of the written record shall be determined by
17 the board.

18 13. Section 4883 of the Code states:

19 The board may deny, revoke, or suspend a license or assess a fine as provided
20 in Section 4875 for any of the following:

21 ...

22 (c) Violation or attempting to violate, directly or indirectly, any of the
23 provisions of this chapter [the Veterinary Medicine Practice Act].

24 ...

25 (g) Unprofessional conduct, that includes, but is not limited to, the following:

26 ...

27 (3) A violation of any federal statute, rule, or regulation or any of the statutes,
28 rules, or regulations of this state regulating dangerous drugs or controlled substances.

 (h) Failure to keep one's premises and all equipment therein in a clean and
sanitary condition.

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

 ...

 (o) Violation, or the assisting or abetting violation, of any regulations adopted
by the board pursuant to this chapter [the Veterinary Medicine Practice Act].

14. Health and Safety Code section 111440 states:

It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.

15. Health and Safety Code section 111450 states:

It is unlawful for any person to receive in commerce any drug or device that is misbranded or to deliver or proffer for delivery any drug or device.

REGULATORY PROVISIONS

16. California Code of Regulations, title 16, section 2030, states in pertinent part:

All fixed premises where veterinary medicine and its various branches are being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times and shall conform to or possess the following minimum standards:

...

(c) An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client.

...

(f) The veterinary premises shall meet the following standards:

(1) Fire precautions shall meet the requirements of local and state fire prevention codes.

(2) The facility, its temperature, and ventilation shall be maintained so as to assure the comfort of all patients.

...

(4) The veterinary premises shall have the capacity to render diagnostic radiological services, either on the premises or through other commercial facilities. Radiological procedures shall be conducted in accordance with Health and Safety Code standards.

...

(6) All drugs and biologicals shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

...

(8) Veterinary medical equipment used to perform aseptic procedures shall be sterilized and maintained in a sterile condition.

...

(g) A veterinary premises which provides aseptic surgical services shall comply with the following:

(8)Surgical instruments and equipment shall be:

...

(B) Sterilized as required by the surgical procedure performed and instruments used.

...

17. California Code of Regulations, title 16, section 2030.05, states:

(a) A Licensee Manager is the California licensed veterinarian named as the Licensee Manager on a facility's premises permit.

(b) The Licensee Manager is responsible for ensuring that the premises for which he/she is manager complies with the requirements in sections 4853, 4854, 4855 and 4856 of the Business and Professions Code, Division 2, Chapter 11, Article 3. The Licensee Manager is responsible for ensuring that the physical and operational components of a premises meet the minimum standards of practice as set forth in sections 2030 through 2032.5 of the California Code of Regulations, Title 16, Division 20, Article 4.

(c) The Licensee Manager is responsible for ensuring that no unlicensed activity is occurring within the premises or in any location where any function of veterinary medicine, veterinary surgery or veterinary dentistry is being conducted off the premises under the auspices of this premises license.

(d) The Licensee Manager shall maintain whatever physical presence is reasonable within the facility to ensure that the requirements in (a) - (c) are met.

(e) Each licensed veterinarian shall be responsible for their individual violations of the Veterinary Medicine Practice Act or any regulation adopted thereunder.

18. California Code of Regulations, title 16, section 2032.3, states:

(a) Every veterinarian performing any act requiring a license pursuant to the provisions of Chapter 11, Division 2, of the code, upon any animal or group of animals shall prepare a legible, written or computer generated record concerning the animal or animals which shall contain the following information:

(1) Name or initials of the veterinarian responsible for entries.

(2) Name, address and phone number of the client.

(3) Name or identity of the animal, herd or flock.

(4) Except for herds or flocks, age, sex, breed, species, and color of the animal.

(5) Dates (beginning and ending) of custody of the animal, if applicable.

(6) A history or pertinent information as it pertains to each animal, herd, or

flock's medical status.

(7) Data, including that obtained by instrumentation, from the physical examination.

(8) Treatment and intended treatment plan, including medications, dosages and frequency of use.

(9) Records for surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agents used, their route of administration, and their strength if available in more than one strength.

(10) Diagnosis or tentative diagnosis at the beginning of custody of animal.

(11) If relevant, a prognosis of the animal's condition.

(12) All medications and treatments prescribed and dispensed, including strength, dosage, quantity, and frequency.

(13) Daily progress, if relevant, and disposition of the case.

(b) Records shall be maintained for a minimum of 3 years after the animal's last visit. A summary of an animal's medical records shall be made available to the client upon his or her request. The summary shall include:

(1) Name and address of client and animal.

(2) Age, sex, breed, species, and color of the animal.

(3) A history or pertinent information as it pertains to each animal's medical status.

(4) Data, including that obtained by instrumentation, from the physical examination.

(5) Treatment and intended treatment plan, including medications, their dosage and frequency of use.

(6) All medications and treatments prescribed and dispensed, including strength, dosage, quantity, and frequency.

(7) Daily progress, if relevant, and disposition of the case.

(c)(1) Radiographs are the property of the veterinary facility that originally ordered them to be prepared. Radiographs shall be released to another veterinarian upon the request of another veterinarian who has the authorization of the client. Radiographs shall be returned to the veterinary facility which originally ordered them to be prepared within a reasonable time upon request. Radiographs originating at an emergency hospital shall become the property of the next attending veterinary facility upon receipt of said radiograph(s). Transfer of radiographs shall be documented in the medical record.

(2) All exposed radiographic films, except for intraoral radiographs, shall have a permanent identification legibly exposed in the film emulsion, which shall include the following:

1 (A) The hospital or clinic name and/or the veterinarian's name,

2 (B) Client identification,

3 (C) Patient identification, and

4 (D) The date the radiograph was taken.

5 (d) Laboratory data is the property of the veterinary facility which originally
ordered it to be prepared, and a copy shall be released upon the request of the client.

6 (e) The client shall be provided with a legible copy of the medical record when
7 the patient is released following emergency clinic service. The minimum information
included in the medical record shall consist of the following:

8 (1) Physical examination findings

9 (2) Dosages and time of administration of medications

10 (3) Copies of diagnostic data or procedures

11 (4) All radiographs, for which the facility shall obtain a signed release when
12 transferred

13 (5) Surgical summary

14 (6) Tentative diagnosis and prognosis, if known

15 (7) Any follow-up instructions.

16 19. California Code of Regulations, title 16, section 2032.4 states:

17 (a) General anesthesia is a condition caused by the administration of a drug or
18 combination of drugs sufficient to produce a state of unconsciousness or
dissociation and blocked response to a given pain or alarming stimulus.

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

21 (1) Within twelve (12) hours prior to the administration of a general
22 anesthetic, the animal patient shall be given a physical examination by a licensed
veterinarian appropriate for the procedure. The results of the physical examination
23 shall be documented in the animal patient's medical records.

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

26 (3) Provide respiratory monitoring including, but not limited to, observation of
the animal's chest movements, observation of the rebreathing bag or respirometer.

27 (4) Provide cardiac monitoring including, but not limited to, the use of a
28 stethoscope, pulseoximeter or electrocardiographic monitor.

1 (5) When administering general anesthesia in a hospital setting, a veterinarian
2 shall have resuscitation or rebreathing bags of appropriate volumes for the animal
3 patient and an assortment of endotracheal tubes readily available.

4 (6) Records for procedures involving general anesthesia shall include a
5 description of the procedure, the name of the surgeon, the type of sedative and/or
6 anesthetic agents used, their route of administration, and their strength if available
7 in more than one strength.

8 20. Code of Federal Regulations, title 21, section 1301.75 states:

9 (a) Controlled substances listed in Schedule I shall be stored in a securely
10 locked, substantially constructed cabinet.

11 (b) Controlled substances listed in Schedules II, III, IV, and V shall be stored
12 in a securely locked, substantially constructed cabinet. However, pharmacies and
13 institutional practitioners may disperse such substances throughout the stock of
14 noncontrolled substances in such a manner as to obstruct the theft or diversion of
15 the controlled substances.

16 (c) Sealed mail-back packages and inner liners collected in accordance with
17 part 1317 of this chapter shall only be stored at the registered location in a securely
18 locked, substantially constructed cabinet or a securely locked room with controlled
19 access, except as authorized by § 1317.80(d).

20 (d) This section shall also apply to nonpractitioners authorized to conduct
21 research or chemical analysis under another registration.

22 **COST RECOVERY**

23 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 **FACTUAL ALLEGATIONS**

28 22. At all times mentioned herein, Respondent Herrick has been the Managing Licensee
for Respondent La Habra Animal Hospital.

Patient 1

23 23. Patient 1 was a 15 year old female spayed Himalayan cat who presented to
24 Respondent La Habra Animal Hospital on October 9, 2018 for a general wellness check.

1 Respondent Herrick evaluated Patient 1 and ordered a feline comprehensive blood panel, which
2 was normal.

3 24. On February 20, 2019, Patient 1 presented to Respondent Herrick for a cyst. The cyst
4 was drained and Respondent Herrick administered a Meloxicam injection (a non-steroidal anti-
5 inflammatory medication). In addition, Respondent Herrick prescribed 3 doses of Meloxicam to
6 Patient 1 to be administered at home orally. Respondent Herrick did not offer or provide a drug
7 consultation. In addition, Respondent Herrick did not have complete medical records from this
8 visit.

9 25. On March 29, 2019, Patient 1 presented to Respondent La Habra Animal Hospital for
10 surgical removal of the cyst. On physical examination, Respondent Herrick noted possible right
11 hind limb weakness and suspected possible arthritis. Respondent Herrick did not document any
12 preoperative testing recommendations such as blood tests. Another Meloxicam injection was
13 administered at this visit. In addition, Respondent Herrick did not have complete medical records
14 from this visit.

15 26. On April 12, 2019, Patient 1 returned to Respondent La Habra Animal Hospital for
16 the postoperative appointment for suture removal. At this visit, Patient 1's owner informed
17 Respondent Herrick that Patient 1 was losing her balance when walking.

18 27. On June 7, 2019, Patient 1 presented to Respondent La Habra Animal Hospital after
19 falling out of a cat tree. Patient 1's weight had dropped 0.8 pounds since the March visit (roughly
20 10% of her body weight); however, Respondent Herrick did not document, diagnose or otherwise
21 recognize the unexpected weight loss. Respondent Herrick noted hind limb weakness again and
22 administered a Meloxicam injection. In addition, Respondent Herrick prescribed for use at home,
23 3 doses of Meloxicam. Respondent Herrick recommended a recheck exam in 7 days.

24 28. On August 26, 2019, Patient 1's owner called Respondent La Habra Animal Hospital
25 to request a Meloxicam refill. Respondent Herrick authorized the refill of three doses.

26 29. On December 2, 2019, Patient 1's owner contacted Respondent La Habra Animal
27 Hospital to report that Patient 1 was urinating outside of the litter box. The following day, on
28 December 3, 2019, Patient 1 presented to Respondent La Habra Animal Hospital for evaluation.

Respondent Herrick found Patient 1 to be dehydrated and thin and recommended blood and urine tests, and hospitalization on intravenous fluids. Based on blood test results, Patient 1 was diagnosed with International Renal Interest Society stage 4 kidney failure on December 4, 2019.

Patient 2

30. Patient 2 was a 10.5 year old male intact Chinese Shar-Pei. On November 8, 2018, Patient 2 presented to Respondent La Habra Animal Hospital for weight loss and vomiting. Since Respondent Herrick was at a different hospital that day, he instructed a technician to place Patient 2 on IV fluids until he could evaluate him the next day. On November 9, 2018, Respondent Herrick performed his physical examination and performed a radiograph of Patient 2's abdomen, which showed a possible foreign body obstruction or intussusception (inversion of one portion of the intestine within another). Respondent Herrick recommended an abdominal exploratory surgery and a neuter procedure at the same time.

31. Respondent administered standard perioperative and intraoperative injectable medications and performed the exploratory surgery. Respondent Herrick identified an abdominal mass rather than a foreign body that was causing an intestinal obstruction. A sample of the mass was collected for testing. Respondent Herrick also performed the neuter surgery. Respondent Herrick's records for Patient 2 were incomplete and lacked important information such as vital parameters. In addition, Respondent Herrick's anesthesia monitoring report was not recorded.

32. Following the surgery, Respondent Herrick informed Patient 2's owner of the poor prognosis, but euthanasia was declined. Patient 2's owner elected to continue supportive care and therefore, Patient 2 was hospitalized at Respondent La Habra Animal Hospital overnight and was found deceased the next morning on November 10, 2018. The biopsy results of the intestinal mass were finalized on November 15, 2018, and consistent with intestinal adenocarcinoma of the colon.

Patient 3

33. In response to a complaint made by the owner of Patient 3, a 9 year old male feline, Respondent Herrick submitted medical records to the Board for review. Respondent Herrick's handwritten medical records for Patient 3 were partially illegible.

Hospital Inspection

34. On or about December 3, 2019, a hospital inspection was performed at Respondent La Habra Animal Hospital. The inspector found 24 violations.

35. After the initial inspection, the hospital was provided 30 days to correct the violations and come into compliance. Of the 24 areas of concern, the following 13 items remained not in compliance:

- a. A licensee did not have his license posted in the hospital.
- b. The hospital did not maintain general sanitary conditions.
- c. The hospital did not maintain a proper ventilation system.
- d. The hospital failed the address cabinetry issues in exam rooms 2 and 3.
- e. The X-Ray sign did not have the required “cross-hatched radiation symbol.”
- f. There was no current radiation Health Board registration.
- g. The hospital did not demonstrate that X-Ray safety training had been provided to all unregistered assistants.
- h. The hospital did not maintain a separate surgery suite.
- i. The hospital did not maintain anesthetic equipment.
- j. The sterile strips were not being used properly to ensure sterility.
- k. The hospital failed to properly sterilize equipment.
- l. The hospital failed to show how controlled and non-controlled drugs were monitored, maintained and properly stored until disposed of and there was no protocol or statement ensuring that the hospital would cease the practice of creating misbranded drugs (euthanasia drugs, Revolution, Strongid-T, Dermavet Ointment, and ACD anticoagulant).
- m. The records maintained by the hospital were not compliant with record-keeping requirements in multiple respects.

FIRST CAUSE FOR DISCIPLINE

(Negligence)

36. Respondent Herrick is subject to disciplinary action under section 4883, subdivision (i), for negligence in the practice of veterinary medicine in that Respondent Herrick was negligent

1 when prescribed a higher than recommended dosage of oral Meloxicam for Patient 1 on February
2 20, 2019, June 7, 2019, and August 26, 2019, as set forth in paragraphs 22 through 29 above,
3 incorporated herein.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Negligence)**

6 37. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
7 (i), for negligence in the practice of veterinary medicine in that Respondent Herrick was negligent
8 when he administered injectable Meloxicam and prescribed oral Meloxicam at the same time for
9 Patient 1 on June 7, 2019, as set forth in paragraphs 22 through 29 above, incorporated herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Negligence)**

12 38. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
13 (i), for negligence in the practice of veterinary medicine in that Respondent Herrick was negligent
14 when he failed to diagnose weight loss for Patient 1 on June 7, 2019, as set forth in paragraphs 22
15 through 29 above, incorporated herein.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Negligence)**

18 39. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
19 (i), for negligence in the practice of veterinary medicine in that Respondent Herrick was negligent
20 when he failed to offer pre-surgical diagnostics on March 29, 2019 to Patient 1, as set forth in
21 paragraphs 22 through 29 above, incorporated herein.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Incompetence)**

24 40. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
25 (i), for incompetence in that Respondent failed to recognize that Patient 1's weight loss was a
26 critical sign of kidney failure in June 2019 and continued Meloxicam treatment, as set forth in
27 paragraphs 22 through 29 above, incorporated herein.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Misbranded Drugs)**

3 41. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
4 (g)(3) for violation of federal and state statutes regulating controlled substances and dangerous
5 drugs, in that Respondents violated Health and Safety Code sections 111440 and 111450, for
6 selling, delivering, holding, or offering for sale drugs that are misbranded, as set forth in
7 paragraphs 34 through 35 above, incorporated herein.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Controlled Drug Security Protocols)**

10 42. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
11 (g)(3) for violation of federal and state statutes regulating controlled substances and dangerous
12 drugs, in that Respondents failed to maintain controlled drug security protocols by securing
13 controlled drugs in violation of Code of Federal Regulations, section 1301.75, as set forth in
14 paragraphs 34 through 35 above, incorporated herein.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Failure to Post Licenses)**

17 43. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
18 (c) in that on December 3, 2019, Respondents violated the following provisions of the Veterinary
19 Medicine Practice Act when Respondents failed to post all employee licenses as required by
20 Business and Professions Code section 4850, as set forth in paragraphs 34 through 35 above,
21 incorporated herein.

22 **NINTH CAUSE FOR DISCIPLINE**

23 **(Failure to Provide X-Ray Training)**

24 44. Respondents Herrick is subject to disciplinary action under section 4883, subdivision
25 (c) in that on December 3, 2019, Respondents violated the following provisions of the Veterinary
26 Medicine Practice Act when Respondents failed to provide X-ray training for all unregistered
27 assistants in violation of Business and Professions Code section 4840.7, as set forth in paragraphs
28 34 through 35 above, incorporated herein.

TENTH CAUSE FOR DISCIPLINE

(Failure to Document Drug Consultations)

45. Respondents Herrick is subject to disciplinary action under section 4883, subdivision (c) in that on December 3, 2019, Respondents violated the following provisions of the Veterinary Medicine Practice Act when Respondents failed to document required drug consultations for dispensed drugs in violation of Business and Professions Code section 4829.5, for the following patients on the following twenty-six dates, as set forth in paragraphs 34 through 35 above, incorporated herein:

1. A.Z.: 6/28/19
2. C.C.: 10/28/19
3. D.B.B.: 10/19/19, 9/20/19, 10/28/19
4. F.B.B.: 10/12/19
5. N.B.B.: 10/11/19
6. P.B.B.: 9/6/19
7. T.W.: 8/16/19, 8/30/19
8. M.T.: 1/18/19, 1/23/19, 1/25/19, 1/28/19, 6/5/19, 9/4/19
9. B.M.: 3/22/19, 3/19/19
10. B.D.L.: 11/22/19
11. L.L.: 9/3/19
12. S.F.: 1/4/19
13. B.F.: 1/4/19, 1/16/19, 4/8/19, 10/11/19
14. L.S.: 10/11/19

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Meet Minimum Standards – Maintenance of General Sanitary Conditions)

46. Respondent Herrick is subject to disciplinary action under section 4883, subdivision (o) for violation of the Board's regulations, in that on December 3, 2019, Respondents did not maintain general sanitary conditions including maintaining gaps in linoleum, non-porous cabinetry, and routine cleaning schedule of the premises as required by section 4854 and

1 California Code of Regulations, title 16, section 2030, as set forth in paragraphs 34 through 35
2 above, incorporated herein.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Meet Minimum Standards – Failure to Maintain Proper Ventilation System)**

5 47. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
6 (o) for violation of the Board’s regulations, in that on December 3, 2019, Respondents did not
7 maintain a proper ventilation system as required by California Code of Regulations, title 16,
8 section 2030(f)(2), as set forth in paragraphs 34 through 35 above, incorporated herein.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Failure to Meet Minimum Standards – Failure to Maintain Cabinetry)**

11 48. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
12 (o) for violation of the Board’s regulations, in that on December 3, 2019, Respondents failed to
13 meet minimum standards. Specifically, the inside of cabinetry in exam rooms 1 and 4 were not
14 clean and sealed and Respondents did not maintain cleanliness and non-porous surfaces of
15 cabinetry in exam rooms 2 and 3 as required by California Code of Regulations, title 16, section
16 2030(c), as set forth in paragraphs 34 through 35 above, incorporated herein.

17 **FOURTEENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Meet Minimum Standards – Failure to Comply with Radiation Requirements)**

19 49. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
20 (o) for violation of the Board’s regulations, in that on December 3, 2019, Respondents failed to
21 place appropriate sign with cross-hatched radiation symbol as required by Code of Federal
22 Regulations, title 10, section 20.1901(a)(1) and failed to have current radiation Health Board
23 registration in violation of California Code of Regulations, title 16, section 2030(f)(4), as set forth
24 in paragraphs 34 through 35 above, incorporated herein.

25 **FIFTEENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Meet Minimum Standards – Failure to Maintain a Separate Surgery Suite)**

27 50. Respondent Herrick is subject to disciplinary action under section 4883, subdivision
28 (o) for violation of the Board’s regulations, in that on December 3, 2019, Respondents failed to

maintain a separate surgery suite by having an oxygen line passing through a hole in the surgery suite wall, in violation of California Code of Regulations, title 16, section 2030(g), as set forth in paragraphs 34 through 35 above, incorporated herein.

SIXTEENTH CAUSE FOR DISCIPLINE

(Failure to Meet Minimum Standards – Failure to Maintain Anesthetic Equipment)

51. Respondent Herrick is subject to disciplinary action under section 4883, subdivision (o) for violation of the Board's regulations, in that on December 3, 2019, Respondents failed to maintain anesthetic equipment in violation of California Code of Regulations, title 16, section 2030(f)(1), as set forth in paragraphs 34 through 35 above, incorporated herein.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Failure to Meet Minimum Standards – Failure to Ensure Proper Sterility)

52. Respondent Herrick is subject to disciplinary action under section 4883, subdivision (o) for violation of the Board's regulations, in that on December 3, 2019, Respondents failed to ensure proper sterility of equipment as required by California Code of Regulations, title 16, section 2030(f)(8) and (g)(8)(b), as set forth in paragraphs 34 through 35 above, incorporated herein.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Meet Minimum Standards – Failures Regarding Drug Maintenance)

53. Respondent Herrick is subject to disciplinary action under section 4883, subdivision (o) for violation of the Board's regulations, in that on December 3, 2019, Respondents failed to monitor, maintain, properly store and dispose of controlled and non-controlled drugs in violation of California Code of Regulations, title 16, section 2030(f)(6), as set forth in paragraphs 34 through 35 above, incorporated herein.

NINETEENTH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Complete Physical Examination)

54. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondent Herrick failed to document the complete physical examination of Patient 1 on February 20, 2019 and March 29,

2019, and Patient 2 on November 9, 2018, in violation of California Code of Regulations, title 16, section 2032.3(a)(7), as set forth in paragraphs 22 through 32 above, incorporated herein.

TWENTIETH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Complete and Adequate Anesthesia)

55. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document complete and adequate anesthesia medical records for Patient 2 on November 9, 2018, in violation of California Code of Regulations, title 16, section 2032.3(b)(3) and (4), as set forth in paragraphs 22 through 32 above, incorporated herein.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Prepare Legible Records)

56. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating California Code of Regulations, title 16, section 2032.3(a) as follows, as set forth in paragraphs 22 through 35 above, incorporated herein:

a. Respondents failed to prepare legible records for Patient 1, Patient 2, and Patient 3.
b. Respondents failed to prepare legible records for the following patients on the following forty-four dates:

1. A.Z.: 06/28/19, 06/25/19, 07/13/17
2. R.Z.: 04/28/17
3. C.C.: 10/28/19
4. D.B.B.: 10/19/19, 10/14/19, 9/14/19, 11/18/19
5. F.B.B.: 10/11/19
6. T.W.: 6/25/18, 8/16/19, 8/19/19, 8/30/19
7. M.T.: 5/23/18, 6/1/18, 1/18/19, 1/25/19, 1/28/19, 9/4/19
8. B.D.L.: 11/22/19
9. A.S.: 11/08/17, 12/22/17, 4/3/18, 4/23/18, 4/24/18, 4/27/18
10. L.S.: 6/18/18
11. H.S.: 3/11/17, 2/29/17, 9/8/17, 2/16/18, 3/17/18, 8/8/18, 8/23/18

12. L.L.: 9/3/19, 11/22/19
13. S.F.: 11/5/18, 12/21/18
14. B.F.: 01/04/19, 1/16/19, 4/8/19
15. L.S.: 12/3/18, 10/11/19

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Record Name or Initials)

57. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to record the name or initials of the individual making the medical record entry for the following patients on the following ten dates in violation of California Code of Regulations, title 16, section 2032.3(a)(1), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. M.T.: 6/20/18, 7/6/18, 7/13/18, 7/24/19, 9/18/19
2. A.S.: 5/18/18, 6/1/18
3. H.S.: 3/15/18, 4/5/18, 4/27/18

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Entire Physical Exam and/or Contradicting Information in Physical Exams)

58. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document the entire physical exam and/or contradicting information in the physical exams for the following patients on the following eleven dates in violation of California Code of Regulations, title 16, section 2032.3(a)(7), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. B.Z.: 7/31/17
2. A.Z.: 9/18/17, 7/19/17, 9/24/19, 7/13/17
3. D.B.B.: 10/19/19
4. M.T.: 1/25/19, 1/28/19, 9/4/19
5. H.S.: 2/19/17
6. B.M.: 8/28/18

1 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

2 **(Record Keeping Violations – Failure to Document Treatment and Intended Treatment**
3 **Plans)**

4 59. Respondent Herrick is subject to disciplinary action under section 4855 and section
5 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to
6 document treatment and intended treatment plan including medications for the following patients
7 on the following nine dates in violation of California Code of Regulations, title 16, section
8 2032.3(a)(8), as set forth in paragraphs 34 through 35 above, incorporated herein:

- 9 1. B.Z.: 8/23/17
10 2. R.Z.: 4/2/17
11 3. D.B.B.: 10/19/19, 9/20/19
12 4. M.T.: 1/18/19, 1/25/19
13 5. B.M.: 3/22/19
14 6. A.S.: 4/24/18
15 7. H.S.: 3/7/18

16 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

17 **(Record Keeping Violations – Failure to Document Surgical Report)**

18 60. Respondent Herrick is subject to disciplinary action under section 4855 and section
19 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to
20 document a surgical report for the following patients on the following six dates in violation of
21 California Code of Regulations, title 16, section 2032.2(a)(9), as set forth in paragraphs 34
22 through 35 above, incorporated herein:

- 23 1. B.Z.: 8/23/17
24 2. D.B.B.: 9/20/19
25 3. B.M.: 10/3/18
26 4. S.F.: 3/19/18, 1/20/19, 1/4/19, 1/20/19
27
28

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Diagnosis)

61. Respondents Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document a diagnosis for the following patients on the following patients on the following two dates in violation of California Code of Regulations, title 16, section 2032.3(a)(10), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. A.Z.: 6/28/19
2. M.T.: 1/25/19

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Prognosis)

62. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document a prognosis for the following patients on the following twenty-two dates in violation of California Code of Regulations, title 16, section 2032.3(a)(11), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. B.Z.: 8/23/17
2. A.Z.: 6/28/19
3. R.Z.: 4/28/17
4. C.C.: 10/28/19
5. D.B.B.: 10/19/19, 9/17/19
6. F.B.B.: 10/12/19
7. N.B.B.: 10/11/19
8. M.T.: 1/19/19, 1/25/19, 1/28/19
9. B.M.: 3/22/19, 10/3/18
10. A.S.: 11/08/17
11. H.S.: 3/11/17, 2/16/18
12. S.F.: 11/05/18, 1/20/19

13. B.F.: 1/04/19, 1/16/19, 4/8/19

14. L.S.: 12/03/18

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Pre-Op Physical Exam)

63. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document a pre-op physical examination within twelve hours prior to anesthesia for the following patients on the following thirteen dates in violation of California Code of Regulations, title 16, section 2032.4(b)(1), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. B.Z.: 8/23/17

2. A.Z.: 6/28/19

3. D.B.B.: 9/20/19

4. P.B.B.: 9/6/19

5. T.W.: 8/30/19

6. M.T.: 1/23/19

7. B.M.: 3/22/19, 10/12/18, 10/3/18

8. B.D.L.: 11/22/19

9. S.F.: 3/19/18, 1/4/19, 1/20/19

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Record Keeping Violations – Failure to Document Route of Anesthetic Drugs)

64. Respondent Herrick is subject to disciplinary action under section 4855 and section 4883, subdivision (o) for violating record keeping requirements in that Respondents failed to document the route of anesthetic drugs administered for the following patients on the following three dates in violation of California Code of Regulations, title 16, section 2032.4(b)(6), as set forth in paragraphs 34 through 35 above, incorporated herein:

1. B.Z.: 8/23/17

2. B.M.: 3/22/19, 10/3/18

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Veterinary Medical Board issue a decision:

1. Assessing a fine against Timothy M. Herrick not in excess of \$5,000 for any of the causes specified in Business and Professions Code section 4883;

2. Revoking or suspending Veterinarian License Number 21320, issued to Timothy M. Herrick;

3. Revoking or suspending Veterinary Premises Registration Number 216, issued to La Habra Animal Hospital;

4. Ordering Timothy M. Herrick and La Habra Animal Hospital to pay the Veterinary Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Veterinary Medicine; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 10/31/2022

Signature on File

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