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KS BOARD OF
VETERINARY EXAMINERS

Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 S.W. 10th Ave., 2nd Floor
Topeka, Kansas 66612-1597
(785) 296-2215
Jane.weiler@ag.ks.gov

BEFORE THE KANSAS BOARD OF VETERINARY EXAMINERS

In the Matter of)
)
VICTORIA A. BUCKNER,)
Unlicensed)
Respondent)
)
)
)

Case No. 18027

Pursuant to KAPA, KSA 77-501, et seq.

**SUMMARY PROCEEDING ORDER TO CEASE AND DESIST
UNLAWFUL PRACTICE OF VETERINARY MEDICINE
AND CIVIL CITATION**

NOW, on this 16th day of October, 2018, the above-captioned complaint comes before the Kansas Board of Veterinary Examiners ("Board").

FINDINGS OF FACT

The Probable Cause Committee of the Board finds that the following facts have been established by a preponderance of the evidence:

1. Victoria A. Buckner ("Respondent") does not and has not held a license to practice veterinary medicine in Kansas or any other state.
2. Respondent does not hold a Doctorate of Veterinary Medicine.
3. From at least April 2, 2018, through August 3, 2018, Respondent was employed as a receptionist and groomer at Hillsboro Animal Clinic, located at 1994 Holly Road, Hillsboro, Kansas.
4. On or about April 25, 2018, Respondent took five-hundred (500) Buspirone 10 mg

tablets from the stock supply at Hillsboro Animal Clinic without the permission of any veterinarian at Hillsboro Animal Clinic and without a prescription by any veterinarian at Hillsboro Animal Clinic. Respondent also took one-hundred (100) Fluoxetine 40 mg caplets from the stock supply at Hillsboro Animal Clinic without the permission of any veterinarian at Hillsboro Animal Clinic and without a prescription by any veterinarian at Hillsboro Animal Clinic. Respondent said she administered the medications were intended for her dog.

5. On or about May 3, 2018, Respondent took one-thousand (1000) Buspirone 10 mg tablets from the stock supply at Hillsboro Animal Clinic without the permission of any veterinarian at Hillsboro Animal Clinic and without a prescription by any veterinarian at Hillsboro Animal Clinic. Respondent also took two-thousand (2000) Fluoxetine 40 mg caplets from the stock supply at Hillsboro Animal Clinic without the permission of any veterinarian at Hillsboro Animal Clinic and without a prescription by any veterinarian at Hillsboro Animal Clinic. Respondent said she administered the medications were intended for her dog.

6. On or about July 2, 2018, an individual brought to Hillsboro Animal Clinic a bird that had fallen from a tree. A licensed veterinarian employed at Hillsboro Animal Clinic determined the best course of action was to euthanize the injured bird, and was drawing up Euthasol, a medication used to humanly euthanize animals. Respondent picked up the injured bird and traumatically decapitated the bird without authorization of the veterinarian caring for the bird.

7. On or about July 2, 2018, Respondent surgically altered a feline at Hillsboro Animal Clinic during the evening after the clinic closed. Respondent did not have authorization from any veterinarian at Hillsboro Animal Clinic to complete this surgical procedure. Respondent used Ketamine and Xylazine for this procedure also without authorization from any veterinarian at

Hillsboro Animal Clinic and without any veterinarian aware such procedure would occur. There was no informed consent obtained for this procedure. Respondent indicated in the medical records that Jessica Winter, D.V.M. completed this procedure and she ordered the anesthesia. Additionally, Respondent administered to this feline a rabies vaccination. This feline and the owner were not clients of Hillsboro Animal Clinic prior to these procedures.

8. Additionally, Respondent was not forthright and honest when questioned about a feline in a kennel at the Hillsboro Animal Clinic. Initially, Respondent reported that the feline was being boarded for a friend of Respondent. However, when asked to explain the fresh incisions on the scrotum and the absence of testicles, Respondent then explained that she completed the surgical alteration of the feline.

9. On or about July 12, 2018, Respondent was scheduled to complete grooming on two (2) felines at Hillsboro Animal Clinic. Respondent administered Ketamine and Xylazine to each of these felines without the consent or direction of a veterinarian at Hillsboro Animal Clinic. The amount of medications given to each of these felines was incorrect and resulted in the overdosing of these felines with these medications. Both felines survived the event, however, recovery was lengthened for these felines.

10. On or about July 30, 2018, a canine was quarantined at Hillsboro Animal Clinic with an unknown neurological condition. The canine was in quarantine related to possible contagious diseases. Respondent discontinued the canine's intravenous fluids without the consent of a veterinarian at Hillsboro Animal Clinic. Further, Respondent removed the canine from the quarantined area without the consent of a veterinarian at Hillsboro Animal Clinic and took the canine to a public, non-quarantined area for several hours.

APPLICABLE LAW

11. Pursuant to K.S.A. 2017 Supp. 77-537(a) of the Kansas Administrative Procedure Act, a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

12. Pursuant to K.S.A. 47-816(h): "Practice of veterinary medicine" means any of the following:

- (1) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique on any animal including but not limited to acupuncture, surgical or dental operations, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to render service or recommendations with regard to any of the above and all other branches of veterinary medicine.
- (2) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (1).

13. Pursuant to K.S.A. 47-817: No person shall practice veterinary medicine in this state who is not currently and validly a licensed veterinarian.

14. Pursuant to K.S.A. 47-834(e): If the board determines that a person is practicing veterinary medicine without a license on a companion animal or is operating or managing a veterinary premises that is not registered pursuant to K.S.A. 47-480, and amendments thereto, in

addition to any other penalties imposed by law, the board may take any or all of the following actions:

- (1) Issue a cease and desist order;
- (2) Issue a citation and fine in accordance with the procedures in K.S.A. 47-843 and 47-844, and amendments thereto; and
- (3) Bring an injunction action in its own name in a court of competent jurisdiction.

15. Pursuant to K.S.A. 47-843(a): If, upon completion of an investigation, the executive director has probable cause to believe that a veterinarian violated the provisions of the Kansas veterinary practice act, in lieu of proceedings pursuant to K.S.A. 47-830 and amendments thereto, the executive director may issue a citation to the veterinarian, as provided in this section.

CONCLUSIONS OF LAW

16. Respondent was in violation of K.S.A. 47-817, in that on or about April 25, 2018, Respondent took five-hundred (500) Buspirone 10 mg tablets and one-hundred (100) Fluoxetine 40 mg caplets from the stock supply at Hillsboro Animal Clinic and administered these medications to her dog without a veterinarian's prescription.

17. Respondent was in violation of K.S.A. 47-817, in that on or about May 3, 2018, Respondent took one-thousand (1000) Buspirone 10 mg tablets and two-thousand (2000) Fluoxetine 40 mg caplets from the stock supply at Hillsboro Animal Clinic and administered these medications to her dog without a veterinarian's prescription.

18. Respondent was in violation of K.S.A. 47-817, in that on or about July 2, 2018, Respondent traumatically decapitated a bird at Hillsboro Animal Clinic without the authorization of the veterinarian caring for the bird.

19. Respondent was in violation of K.S.A. 47-817, in that on or about July 2, 2018, Respondent surgically altered a feline, at Hillsboro Animal Clinic during the evening after the

clinic closed, without authorization from any veterinarian to complete this surgical procedure and without any veterinarian aware such procedure would occur. Additionally, Respondent administered to this feline a rabies vaccination without authorization of any veterinarian.

20. Respondent was in violation of K.S.A. 47-817, in that on or about July 12, 2018, Respondent administered to two (2) felines Ketamine and Xylazine without the knowledge or consent of a veterinarian.

21. Respondent was in violation of K.S.A. 47-817, in that on or about July 30, 2018, Respondent discontinued a canine's intravenous fluids without the consent of a veterinarian and removed the canine from a quarantined area without the knowledge or consent of a veterinarian.

SANCTION

22. Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 47-834(e)(1) and K.S.A. 77-537, the Board finds that Respondent shall immediately upon receipt of this Order **Cease and Desist** the practice of veterinary medicine in the State of Kansas.

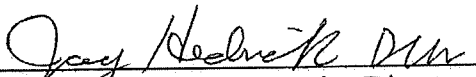
23. This Order to Cease and Desist the Unlawful Practice of Veterinary medicine shall remain in effect until further Order of the Board.

24. Further, Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 47-834(e)(2), the procedures in K.S.A. 47-843(a) allow the Board to impose a civil citation with a fine in the amount of \$2,000.00. Respondent shall pay a fine of \$2,000.00 within thirty (30) days of the effective date of this Order.

25. Respondent shall submit to the Board at its offices located at P.O. Box 379, Wamego, Kansas, 66547, the fine remittance required by this Order.

IT IS SO ORDERED.

Dated this 16th day of October, 2018.


Jay Hedrick, D.V.M., Executive Director
On Behalf of the Kansas Board of Veterinary
Examiners

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Jay Hedrick, D.V.M., Executive Director
Board of Veterinary Examiners
P.O. Box 379
Wamego, KS 66547

Any written request must be filed within fifteen (15) days from the date indicated in the below Certificate of Service. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

NOTICE OF RELIEF FROM CIVIL CITATION

Pursuant to K.S.A. 47-844, Respondent must, within thirty (30) days after Respondent's receipt thereof, submit to the executive director written notice of such intent to contest the Civil Citation. This Civil Citation shall become effective as a Final Order upon expiry of the period to contest the same if written notice of such intent is not made and shall not be subject to further administrative review. If you desire to contest the Civil Citation, you must direct a written request to:

Jay Hedrick, D.V.M., Executive Director
Board of Veterinary Examiners
P.O. Box 379
Wamego, KS 66547

CERTIFICATE OF SERVICE

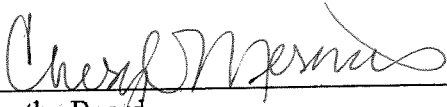
This is to certify that a copy of the above and foregoing Summary Proceeding Order to Summary Proceeding Order to Cease and Desist Unlawful of Veterinary Medicine and Civil Citation was placed this 18th day of October, 2018, in the U.S. mail, first-class postage prepaid, with return receipt addressed to:

Victoria Buckner


and by email to: jane.weiler@ag.ks.gov
Jane E. Weiler, Esq.
Assistant Attorney General

and the original filed with:

The Kansas Board of Veterinary Examiners
PO Box 379
Wamego, KS 66547



For the Board