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BEFORE THE KANSAS BOARD OF VETERINARY EXAMINERS

In The Matter Of)
)
AMBER D. ANDREWS, D.V.M.,) Case No. 20061
License # [REDACTED])
Respondent)
_____)
Pursuant to K.S.A. 77-501, *et seq.* [KAPA]

EMERGENCY PROCEEDING ORDER OF SUSPENSION

SUMMARY OF CASE

The Kansas Board of Veterinary Examiners (“Board”) received information sufficient to cause a reasonably prudent person to believe that Respondent Amber D. Andrews, D.V.M., currently represents a danger to the health, safety and welfare of the general public based upon reliable evidence.

This Emergency Proceeding Order, issued pursuant to the Kansas Administrative Procedure Act (“KAPA”), K.S.A. 77-536, temporarily suspends Respondent’s license to practice veterinary medicine in the State of Kansas until further Order of the Board or Order of the District Court.

FINDINGS OF FACT

1. Amber D. Andrews, D.V.M., (“Respondent”) is and was at all times relevant hereto licensed by the Board to practice veterinary medicine in the State of Kansas pursuant to the Kansas Veterinary Practice Act, K.S.A. 47-815, *et seq.*, and amendments thereto.

Respondent currently holds an active veterinary license, number [REDACTED] which is scheduled to expire June 30, 2021.

2. From on or about July 9, 2018, through November 7, 2020, Respondent was employed as a veterinarian at Lionsgate ("Lionsgate") Pet Hospital in Overland Park, Kansas.

3. Lionsgate has an inventory of controlled medications including Tramadol, a Schedule IV medication consistent with K.S.A. 65-4111(b)(54).

4. On or about October 29, 2020, Lionsgate found a discrepancy of the Tramadol count in the Drug Enforcement Administration ("DEA") log book, and the lack of entries in the corresponding patient's medical records for Tramadol.

5. From approximately February 7, 2020, and October 9, 2020, Respondent would document in the DEA log book the prescription for Tramadol. However, the same prescription was not recorded in the patient's medical records, nor was the prescription given to the client.

6. From approximately February 7, 2020, and October 9, 2020, Respondent diverted from Lionsgate approximately forty-five (45) prescriptions of Tramadol, which amounted to approximately 4,780 Tramadol tablets.

7. On or about November 7, 2020, Respondent was confronted about the altered Tramadol prescriptions. [REDACTED]

[REDACTED]

8. On or about November 9, 2020, Respondent was terminated from Lionsgate.

APPLICABLE LAW

9. Pursuant to K.S.A. 77-536 of the Kansas Administrative Procedure Act:

(a) A state agency may use emergency proceedings: (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law.

(b) The state agency may take only such action as is necessary: (1) To prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication or (2) to remedy a situation for which use of emergency adjudication is otherwise provided by law.

(c) The state agency shall render an order, including a brief statement of findings of fact, conclusions of law and policy reasons for the decision if it is an exercise of the state agency's discretion, to justify the state agency's decision to take the specific action and the determination of: (1) An immediate danger or (2) the existence of a situation for which use of emergency adjudication is otherwise provided by law.

(d) The state agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when rendered. Notice under this subsection shall constitute service for the purposes of the Kansas Judicial Review Act.

(e) After issuing an order pursuant to this section, the state agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not justify the use of emergency proceedings under subsection (a).

(f) The state agency record consists of any documents regarding the matter that were considered or prepared by the state agency. The state agency shall maintain these documents as its official record.

(g) Unless otherwise required by a provision of law, the state agency record need not constitute the exclusive basis for state agency action in emergency proceedings or for judicial review thereof.

10. K.S.A. 47-816(h)(1): Practice of veterinary medicine means, "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.

11. Pursuant to K.S.A. 47-830(o)(2): The Board, in accordance with the provisions of the Kansas Administrative Procedure Act, may refuse to issue a license, revoke, suspend, limit, condition, reprimand or restrict a license to practice veterinary medicine or an institutional license for unprofessional conduct for using unless lawfully prescribed, prescribing or administering to oneself or another person any of the controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or using, prescribing or administering any of the controlled substances as defined in K.S.A. 65-4101 and amendments thereto or alcoholic beverages or any other drugs, chemicals or substances to the extent, or in such a manner as to be dangerous or injurious to a person licensed under the Kansas veterinary practice act, to oneself or to any other person or to the public, or to the extent that such use impairs the ability of such person so licensed to conduct with safety the practice authorized by the license.

12. K.S.A. 47-830(o)(4): The Board, in accordance with the provisions of the Kansas Administrative Procedure Act, may refuse to issue a license, revoke, suspend, limit, condition, reprimand or restrict a license to practice veterinary medicine or an institutional license for violation of or attempting to violate, directly or indirectly, any provision of the Kansas Veterinary Practice Act or any rules and regulations adopted pursuant to such act. Specifically, K.A.R. 70-8-1(w): extending the practice of veterinary medicine to the care of humans...

13. [REDACTED]

[REDACTED]

CONCLUSIONS OF LAW

14. In this case, the Board finds that Respondent is in violation of K.S.A. 47-830(o)(2), in that Respondent [REDACTED]

[REDACTED]

15. Further, the Board finds that Respondent is in violation of K.S.A. 47-830(o)(4), as defined in K.A.R. 70-8-1(w), in that Respondent [REDACTED]

[REDACTED]

ORDER

16. The Probable Causes Committee of the Board, on behalf of the Board, has reviewed the information related to the above charges and the relevant Kansas statutes, including but not limited to K.S.A. 47-830, K.S.A. 47-846(c), and K.S.A. 77-536.

17. The Board's mission is to promote the public health, safety and welfare relative to the practice of veterinary medicine.

18. [REDACTED]

[REDACTED]

19. The Kansas Board of Veterinary Examiners concludes that a preponderance of evidence establishes that Respondent has the present inability to practice veterinary medicine safely [REDACTED]

[REDACTED]

20. The Board concludes that a preponderance of evidence establishes that based upon the information available to this time, the Board is unable to assure the public that Respondent is safe to practice veterinary medicine. The Board finds that continued clinical practice creates an immediate risk of harm to the public health, safety or welfare that can be prevented or avoided only through emergency proceedings and until such time as Respondent completes an inpatient professional substance abuse treatment program.

21. Proceedings under the Kansas Veterinary Practice Act are subject to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*. K.S.A. 77-536 provides that the Board may employ emergency proceedings when a situation poses an immediate danger to the public health, safety or welfare.

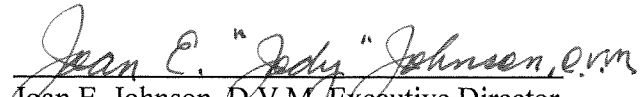
22. The Board is authorized to take disciplinary action against licensed veterinarians, including suspension or revocation of the license for violations of the Kansas Veterinary Practice Act.

23. The Board has jurisdiction over Respondent by virtue of her license to practice veterinary medicine in the State of Kansas. The Board has been charged by the Legislature with the responsibility to protect the public health, safety and welfare assuring the current fitness to practice of its licensees.

24. A protective order is hereby entered to protect all confidential information under 42 CFR Part II and K.S.A. 47-849.

WHEREFORE, the Kansas Board of Veterinary Examiners hereby orders the following: Respondent Amber D. Andrews's license to practice veterinary medicine in the State of Kansas shall be immediately suspended subject to further proceedings pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*, or further Order of the Board.

IT IS SO ORDERED on this 24th day of November, 2020.


Joan E. Johnson, D.V.M., Executive Director
Kansas Board of Veterinary Examiners
On behalf of the Board

RELIEF FROM THIS EMERGENCY PROCEEDING ORDER


Pursuant to KSA 77-536, this Emergency Proceeding Order is effective when rendered. Notice has been provided to all persons who are required to comply with the order. To appeal this Emergency Proceeding Order, a Petition for Judicial Review must be filed within thirty days pursuant to the terms of the Kansas Judicial Review Act, KSA 77-601, *et seq.*, and a copy of the Petition served upon:

Joan E. Johnson, D.V.M, Executive Director
Kansas Board of Veterinary Examiners
P.O. Box 379
Wamego, KS 66547

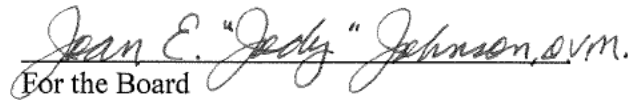
CERTIFICATE OF SERVICE

This is to certify that on this 24th day of November, 2020, a true and correct copy of the above and foregoing Emergency Proceeding Order of Suspension was hand-delivered to Respondent; and deposited in the U.S. mail, first class postage prepaid, addressed to:

Amber D. Andrews, D.V.M.


and by email to: jane.weiler@ag.ks.gov

Jane E. Weiler, Esq.
Assistant Attorney General
Special Litigation Counsel to the Board


For the Board