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

14 In the Matter of the Accusation Against:

Case No. 4602021000371

15 **VINCENT A. BAKER**  
16 **EQUINE MEDICAL CENTER**  
10542 Walker Street  
Cypress, CA 90630

**ACCUSATION**

17 Veterinarian License No. VET 10550

18 and

19 **VINCENT A. BAKER, DVM**  
20 **EQUINE MEDICAL CENTER,**  
21 **Managing Licensee**  
10542 Walker Street  
Cypress, CA 90630

22 Premises Registration No. HSP 3171,

23 Respondents.  
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1 **PARTIES**

2 1. Jessica Sieferman (Complainant) brings this Accusation solely in her official capacity  
3 as the Executive Officer of the Veterinary Medical Board (Board), Department of Consumer  
4 Affairs, State of California.

5 2. On or about July 28, 1989, the Board issued Veterinarian License Number VET  
6 10550 to Vincent A. Baker (Respondent Baker). The Veterinarian License was in full force and  
7 effect at all times relevant to the charges brought herein and will expire on August 31, 2022,  
8 unless renewed.

9 3. On or about June 15, 1981, the Board issued Premises Registration Number HSP  
10 3171 to Baker Equine Hospital, Inc. with Bartlett Baker as managing licensee of the premises.  
11 On or about May 15, 2003, Respondent Baker became the managing licensee. The name of the  
12 corporation changed to Equine Medical Center (Respondent EMC), but the Premises Registration  
13 Number remained the same. The Premises Registration was in full force and effect at all times  
14 relevant to the charges brought in this Accusation and will expire on May 31, 2022, unless  
15 renewed.

16 **JURISDICTION**

17 4. This Accusation is brought before the Board under the authority of the following  
18 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

23 6. Section 4853.6 provides, in relevant part, that the Board shall withhold, suspend, or  
24 revoke registration of a veterinary premises when the license of the managing licensee to practice  
25 veterinary medicine is revoked or suspended.

26 7. Section 4875 provides, in relevant part, that the Board may revoke or suspend the  
27 license of any person to practice veterinary medicine, or any branch thereof, in this state for any  
28 causes provided in the Veterinary Medicine Practice Act (Bus. & Prof. Code § 4800, et seq.). In

1 addition, the Board has the authority to assess a fine not in excess of \$5,000 against a licensee for  
2 any of the causes specified in section 4883. Such fine may be assessed in lieu of, or in addition  
3 to, a suspension or revocation.

4 **STATUTORY PROVISIONS**

5 8. Section 4021 defines “controlled substance” to mean “any substance listed in Chapter  
6 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

7 9. Section 4022 provides:

8 “Dangerous drug” or “dangerous device” means any drug or device unsafe for  
9 self-use in humans or animals, and includes the following:

10 (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing  
11 without prescription,” “Rx only,” or words of similar import.

12 (b) Any device that bears the statement: “Caution: federal law restricts this device  
13 to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, the  
14 blank to be filled in with the designation of the practitioner licensed to use or order  
15 use of the device.

16 (c) Any other drug or device that by federal or state law can be lawfully dispensed  
17 only on prescription or furnished pursuant to Section 4006.

18 10. Section 4024, subdivision (b), defines “dispense” to include the furnishing of drugs or  
19 devices directly to a patient by a veterinarian acting within the scope of his or practice.

20 11. Section 4169 provides, in relevant part:

21 (a) A person or entity shall not do any of the following:

22 . . . .

23 (3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or  
24 reasonably should have known were misbranded, as defined in Section 111335 of  
25 the Health and Safety Code.

26 12. Section 4170 provides, in relevant part:

27 (a) No prescriber shall dispense drugs or dangerous devices to patients in his or her  
28 office or place of practice unless all of the following conditions are met:

. . . .

(2) The dangerous drugs or dangerous devices are necessary in the treatment of the  
condition for which the prescriber is attending the patient.

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13. Section 4829.5 states:

(a) Each time a veterinarian initially prescribes, dispenses, or furnishes a dangerous drug, as defined in Section 4022, to an animal patient in an outpatient 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.

14. Section 4854 requires all premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced, and all instruments, apparatus and apparel used in connection with those practices, to be kept clean and sanitary at all times, and conform to those minimum standards established by the Board.

15. Section 4855 requires a veterinarian, as required by regulation of the Board, to keep a written record of all animals receiving veterinary services, and provide a summary of that record to the owner of animals receiving veterinary services, when requested.

16. Section 4883 states, in relevant part:

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

....

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

....

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

3 . . . .

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

7 . . . .

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

10 (j) Aiding or abetting in any acts that are in violation of any of the  
11 provisions of this chapter [the Veterinary Medicine Practice Act].

12 . . . .

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

16 17. Health and Safety Code section 11190 states, in relevant part:

17 . . . .

18 (c)(1) For each prescription for a Schedule II, Schedule III, or Schedule IV  
19 controlled substance that is dispensed by a prescriber pursuant to Section 4170 of  
20 the Business and Professions Code, the prescriber shall record and maintain the  
21 following information:

22 (A) Full name, address, and the telephone number of the ultimate user or research  
23 subject, or contact information as determined by the Secretary of the United States  
24 Department of Health and Human Services, and the gender, and date of birth of the  
25 patient.

26 (B) The prescriber's category of licensure and license number; federal controlled  
27 substance registration number; and the state medical license number of any  
28 prescriber using the federal controlled substance registration number of a  
government-exempt facility.

(C) NDC (National Drug Code) number of the controlled substance dispensed.

(D) Quantity of the controlled substance dispensed.

(E) ICD-9 (diagnosis code), if available.

(F) Number of refills ordered.

(G) Whether the drug was dispensed as a refill of a prescription or as a first-time  
request.

(H) Date of origin of the prescription.

1 (2) (A) Each prescriber that dispenses controlled substances shall provide the  
2 Department of Justice the information required by this subdivision on a weekly  
3 basis in a format set by the Department of Justice pursuant to regulation.  
(B) The reporting requirement in this section shall not apply to the direct  
administration of a controlled substance to the body of an ultimate user.

4 (d) This section shall become operative on January 1, 2005.

5 (e) The reporting requirement in this section for Schedule IV controlled substances  
6 shall not apply to any of the following:

7 (1) The dispensing of a controlled substance in a quantity limited to an amount  
adequate to treat the ultimate user involved for 48 hours or less.

8 (2) The administration or dispensing of a controlled substance in accordance with  
9 any other exclusion identified by the United States Health and Human Service  
Secretary for the National All Schedules Prescription Electronic Reporting Act of  
10 2005.

11 (f) Notwithstanding paragraph (2) of subdivision (c), the reporting requirement of  
the information required by this section for a Schedule II or Schedule III controlled  
12 substance, in a format set by the Department of Justice pursuant to regulation, shall  
be on a monthly basis for all of the following:

13 (1) The dispensing of a controlled substance in a quantity limited to an amount  
adequate to treat the ultimate user involved for 48 hours or less.

14 (2) The administration or dispensing of a controlled substance in accordance with  
15 any other exclusion identified by the United States Health and Human Service  
Secretary for the National All Schedules Prescription Electronic Reporting Act of  
16 2005.

17 18. Health and Safety Code section 111345 states: "Any drug or device is misbranded if  
18 any word, statement, or other information required by or under this part to appear on the label or  
19 labeling is not prominently placed on the label or labeling with conspicuousness, as compared  
20 with other words, statements, designs, or devices in the labeling, and in terms as to render it likely  
21 to be read and understood by the ordinary individual under customary conditions of purchase and  
22 use."

23 19. Health and Safety Code section 111395, subdivision (a), provides that any drug is  
24 misbranded if it is an imitation of another drug.

25 20. Health and Safety Code section 111440 states: "It is unlawful for any person to  
26 manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded."

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

3 25. CCR, title 16, section 2030.05, subsection (b), states that the Licensee Manager is  
4 responsible for ensuring that the premises for which he/she is manager complies with the  
5 requirements in sections 4853, 4854, 4855 and 4856. The Licensee Manager is responsible for  
6 ensuring that the physical and operational components of a premises meet the minimum standards  
7 of practice as set forth in CCR, title 16, sections 2030 through 2032.5.

8 26. CCR, title 16, section 2032.1 provides, in relevant part:

9 (a) It is unprofessional conduct for a veterinarian to administer, prescribe,  
10 dispense or furnish a drug, medicine, appliance, or treatment of whatever  
11 nature for the prevention, cure, or relief of a wound, fracture or bodily  
12 injury or disease of an animal without having first established a  
13 veterinarian-client-patient relationship with the animal patient or patients  
14 and the client, except where the patient is a wild animal or the owner is  
15 unknown.

16 (b) A veterinarian-client-patient relationship shall be established by the  
17 following:

18 (1) The client has authorized the veterinarian to assume responsibility for  
19 making medical judgments regarding the health of the animal, including  
20 the need for medical treatment,

21 (2) The veterinarian has sufficient knowledge of the animal(s) to initiate at  
22 least a general or preliminary diagnosis of the medical condition of the  
23 animal(s). This means that the veterinarian is personally acquainted with  
24 the care of the animal(s) by virtue of an examination of the animal or by  
25 medically appropriate and timely visits to the premises where the animals  
26 are kept, and

27 (3) The veterinarian has assumed responsibility for making medical  
28 judgments regarding the health of the animal and has communicated with  
the client a course of treatment appropriate to the circumstance.

(c) A drug shall not be prescribed for a duration inconsistent with the  
medical condition of the animal(s) or type of drug prescribed. The  
veterinarian shall not prescribe a drug for a duration longer than one year  
from the date the veterinarian examined the animal(s) and prescribed the  
drug.

(d) As used herein, "drug" shall mean any controlled substance, as defined  
by Section 4021 of the code, and any dangerous drug, as defined by  
Section 4022 of the code.

(e) No person may practice veterinary medicine in this state except within  
the context of a veterinarian-client-patient relationship or as otherwise



1 permitted by law. A veterinarian-client-patient relationship cannot be  
2 established solely by telephonic or electronic means.

3 27. CCR, title 16, section 2032.3 provides, in relevant part:

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

8 . . . .

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

10 . . . .

11 (6) A history or pertinent information as it pertains to each animal, herd, or flock's  
12 medical status.

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

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

17 . . . .

18 (10) Diagnosis or assessment prior to performing a treatment or procedure.

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

20 (12) All medications and treatments prescribed and dispensed, including strength,  
21 dosage, route of administration, quantity, and frequency of use.

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

23 28. CCR, title 16, section 2032.35 states, "Altering or modifying the medical record of  
24 any animal, with fraudulent intent, or creating any false medical record, with fraudulent intent,  
25 constitutes unprofessional conduct in accordance with Business and Professions Code section  
26 4883(g)."

27 29. CCR, title 16, section 2032.4 states:

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

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

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

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

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

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

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

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

30. Code of Federal Regulations, title 21, section 1304.22, in relevant part:

....

(c) Records for dispensers and researchers. Each person registered or authorized to dispense or conduct research with controlled substances shall maintain records with the same information required of manufacturers pursuant to paragraph (a)(2)(i), (ii), (iv), (vii), and (ix) of this section. In addition, records shall be maintained of the number of units or volume of such finished form dispensed, including the name and address of the person to whom it was dispensed, the date of dispensing, the number of units or volume dispensed, and the written or typewritten name or initials of the individual who dispensed or administered the substance on behalf of the dispenser. In addition to the requirements of this paragraph, practitioners dispensing gamma-hydroxybutyric acid under a prescription must also comply with § 1304.26.

31. Code of Federal Regulations, title 21, section 1317.05 states in relevant part:

(a) *Practitioner inventory.* Any registered practitioner in lawful possession of a controlled substance in its inventory that desires to dispose of that substance shall do so in one of the following ways:

....

(2) Promptly deliver that controlled substance to a reverse distributor's registered location by common or contract carrier pick-up or by reverse distributor pick-up at the registrant's registered location;

1 32. Code of Federal Regulations, title 21, section 1317.95, subdivision (a) states:

2 The destruction of any controlled substance shall be in accordance with  
3 the following requirements:

4 (a) *Transfer to a person registered or authorized to accept controlled*  
5 *substances for the purpose of destruction.* If the controlled substances are  
6 transferred to a person registered or authorized to accept the controlled  
7 substances for the purpose of destruction, two employees of the  
8 transferring registrant shall load and unload or observe the loading and  
9 unloading of any controlled substances until transfer is complete.

### 7 COST RECOVERY

8 33. Section 125.3 provides that the Board may request the administrative law judge to  
9 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
10 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### 11 DRUG CLASSIFICATIONS

12 34. *Acepromazine*, commonly known as Ace, is a tranquilizer used in horses.  
13 Acepromazine is restricted for use by, or on the order of a licensed veterinarian and is a  
14 dangerous drug pursuant to section 4022.

15 35. *Adequan*, see polysulfated glycosaminoglycan.

16 36. *Banamine*, see flunixin meglumine.

17 37. *Baytril*, see enrofloxacin.

18 38. *Block*, generic term used to describe a regional nerve block using a local anesthetic  
19 administered to the area or nerve serving the area to block painful sensation.

20 39. *Bute*, see phenylbutazone.

21 40. *Bute-Cort* is a topical cream used as a sweat (to sweat a horse leg is to apply a  
22 therapeutic compound under a plastic film and wrapping the leg for a period of time). It is a  
23 compounded product that contains phenylbutazone, DMSO, hydrocortisone, diclofenac or  
24 variations thereof in different concentrations depending on the compounding source. Bute-Cort is  
25 a dangerous drug pursuant to section 4022.

26 41. *Butorphanol*, an injectable narcotic pain medication, is sold under the tradenames  
27 Torbugesic and Dolorex. Butorphanol is restricted for use by or on the order of a licensed  
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1 veterinarian and is a Schedule IV controlled substance pursuant to Health and Safety Code  
2 section 11057, subdivision (c)(3). It is a dangerous drug pursuant to section 4022.

3 42. *Butorphanol tartrate*, sold under the brand name Torbugesic, is a narcotic used in  
4 horses to treat pain. Butorphanol tartrate is restricted for use by or on the order of a licensed  
5 veterinarian and is a dangerous drug pursuant to section 4022 and a Schedule IV controlled  
6 substance pursuant to Health and Safety Code section 11057, subdivision (c)(3). Detomidine  
7 hydrochloride and butorphanol tartrate may be used in combination to sedate equine patients and  
8 is commonly abbreviated as Dorm/Torb.

9 43. *Calcium gluconate* is an injectable in the treatment of hypocalcemic conditions.  
10 Calcium gluconate is a dangerous drug pursuant to section 4022.

11 44. *Chloramphenicol Paste* an antibiotic compounded into a paste used to treat infection  
12 in the horse. It is a dangerous drug pursuant to section 4022.

13 45. *Dantrolene suspension*, used in the control of exertional rhabdomyolysis (tying up) in  
14 horses. It is not commercially available as a suspension, but is as an oral capsule and as an  
15 injectable and must be prepared by a compounding pharmacist. The compounded preparation is  
16 not FDA approved. It is a dangerous drug pursuant to section 4022.

17 46. *Dantrium Suspension* see Dantrolene.

18 47. *Detomidine hydrochloride*, sold under the tradename Dormosedan, is a sedative used  
19 in horses. Detomidine hydrochloride is restricted for use by or on the order of a licensed  
20 veterinarian and is a dangerous drug pursuant to section 4022. *Detomidine hydrochloride* and  
21 *butorphanol tartrate* may be used in combination to sedate equine patients and is commonly  
22 abbreviated as Dorm/Torb.

23 48. *Dimethyl sulfoxide*, commonly known as DMSO, is approved by the FDA for topical  
24 use on horses, but has been used off-label to treat inflammatory conditions. When given  
25 intravenously, it is an unapproved dangerous drug pursuant to section 4022.

26 49. *DMSO*, see dimethyl sulfoxide.

27 50. *Dorm/Ace*, see detomidine hydrochloride and acepromazine.

28 51. *Dorm/Torb*, see detomidine hydrochloride and butorphanol tartrate.

1           52. *E-SE* is a combination product containing vitamin E and selenium given by injection  
2 for the treatment of myositis related clinical signs. *E-SE* is a dangerous drug pursuant to section  
3 4022. See also selenium-tocopherol.

4           53. *EIPH* is an abbreviation for exercise induced pulmonary hemorrhage.

5           54. *Electrolytes*, electrically charged minerals found in the body that are essential  
6 compounds of life. Electrolyte therapy if given intravenously in fluid form is a dangerous drug  
7 pursuant to section 4022.

8           55. *Electrolyte + Fluid Therapy* is an undefined mixture of IV fluids and electrolytes  
9 given via the jugular vein. *Electrolyte + Fluid Therapy* is a dangerous drug pursuant to section  
10 4022.

11           56. *Enrofloxacin*, sold under the brand name Baytril, is a broad spectrum bactericidal  
12 antibiotic used to treat infections requiring long-term treatment. *Enrofloxacin* is restricted for use  
13 by or on the order of a licensed veterinarian and is a dangerous drug pursuant to section 4022.

14           57. *Entrolyte HE* is an oral electrolyte supplement.

15           58. *EPM Drench* is a compounded drug containing various drugs specific to the  
16 compounding formula used in the treatment of Equine Protozoal Myeloencephalitis, a  
17 neurological disease of horses caused by the protozoan, *Sarcocystis neurona*. *EPM Drench* is a  
18 dangerous drug pursuant to section 4022.

19           59. *Equimax*, see ivermectin/praziquantel.

20           60. *Estrone*, sold under the brand names Estragyn, Kestrin, and Theelin, is an estrogen  
21 medication used in menopausal hormone therapy. *Estrone* is a dangerous drug pursuant to section  
22 4022.

23           61. *Entrolyte packet* is a nutritional supplement for veterinary use only.

24           62. *Equimax*, see ivermectin and praziquantel.

25           63. *EqStim* is a biologic used as an injectable adjunct therapy for equine respiratory  
26 disease. It is a biologic and is not a dangerous drug pursuant to section 4022.

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1           64.    *Estradiol* is a female hormone used in horses for behavior modification as well as to  
2 tighten the ligaments involved with intermittent proximal patellar upward fixation. It is a  
3 compounded product. It is a dangerous drug pursuant to section 4022.

4           65.    *Estrone*, sold under the brand names Estragyn, Kestrin, and Theelin, is an estrogen  
5 medication used in menopausal hormone therapy in humans and for EIPH in horses. It is  
6 commercially unavailable and obtained only by compounding pharmacies. Estrone is a  
7 dangerous drug pursuant to section 4022.

8           66.    *Euthasol*, see sodium pentobarbital/phenytoin sodium.

9           67.    *Flu EHV 4/1*, a horse vaccine for the prevention of Equine Influenza (EIV) and for  
10 the prevention of Equine Rhinopneumonitis due to Equine Herpes Virus types 1 and 4. It is not a  
11 dangerous drug pursuant to section 4022.

12          68.    *Fluid Therapy* is a term used to describe the administration of physiologic liquids to  
13 an animal. The fluids may contain electrolytes and other substances mixed into the fluids, such as  
14 vitamins. A drug administered by fluid therapy is a dangerous drug pursuant to section 4022.

15          69.    *Flunixin meglumine*, sold under the brand name Banamine, is an injectable non-  
16 steroidal anti-inflammatory drug (NSAID) approved for use in cattle and horses in the United  
17 States. Flunixin meglumine is a dangerous drug pursuant to section 4022.

18          70.    *Furosemide*, sold under the brand names of Lasix or Salix, is a diuretic used in horse  
19 racing as an anti-bleeding medication to prevent exercise-induced pulmonary hemorrhage in  
20 horses running at high speed and has long been considered a performance enhancing drug in the  
21 horse racing industry. Furosemide is available by prescription only and is a dangerous drug  
22 pursuant to section 4022.

23          71.    *GastroGard*, a tradename for omeprazole, is used in the treatment and prevention of  
24 gastric ulcers in horses. It is a dangerous drug pursuant to section 4022.

25          72.    *Gelocast* is a trade name for medicated gauze impregnated with zinc oxide and  
26 calamine paste used in the treatment of lower leg conditions in the horse. It is not a dangerous  
27 drug pursuant to section 4022.

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1           73. *Gentamycin*, also known as Gentocin or Gent, is an antibiotic. It is a dangerous drug  
2 pursuant to section 4022.

3           74. *Glycopyrrolate*, a long acting anti-cholinergic drug used to reduce salivary, nasal,  
4 respiratory tract and stomach secretions. It also functions to control heart rate (bradycardia). It is  
5 a dangerous drug pursuant to section 4022.

6           75. *Hyaluronate sodium*, sold under the brand name Legend, is an intravenous injectable  
7 solution used in horses to treat joint dysfunction associated with equine osteoarthritis. Federal  
8 law restricts the use of hyaluronate sodium to use by or on the order of a licensed veterinarian.  
9 Hyaluronate sodium is a dangerous drug pursuant to section 4022.

10          76. *Influenza/Rhinopneumonitis vaccine* is administered to control the spread of influenza  
11 and Rhinopneumonitis, which cause highly contagious respiratory infections in horses who travel  
12 frequently.

13          77. *Ivermectin/praziquantel*, sold under the brand name Equimax, is a dewormer used in  
14 horses to control parasites.

15          78. *Jug* means to administer via the jugular vein of the horse, often used in conjunction  
16 with DMSO, Vits, Vitamin-Electrolyte, Fluid Therapy, and other drugs.

17          79. *Ketamine* is a Schedule III controlled substance pursuant to Health and Safety Code  
18 section 11056, subdivision (g), and is a dangerous drug pursuant to section 4022.

19          80. *Ketofen*, see ketoprofen.

20          81. *Ketoprofen*, sold under the brand name Ketofen, is an injectable NSAID used for the  
21 alleviation of inflammation and pain associated with musculoskeletal disorders in horses.  
22 Ketoprofen is a dangerous drug pursuant to section 4022.

23          82. *Lasix*, see furosemide.

24          83. *Legend*, see hyaluronate sodium.

25          84. *Methocarbamol*, sold under the brand name Robaxin-V, is a potent skeletal muscle  
26 relaxant, and federal law restricts this drug to use by or on the order of a licensed veterinarian.  
27 Methocarbamol is a dangerous drug pursuant to section 4022.

28          85. *Metronidazole*, an antibiotic, is a dangerous drug pursuant to section 4022.

1           86. *Midazolam*, sold under the tradename Versed, is a benzodiazepine sedative used in  
2 horses. Midazolam is restricted for use by or on the order of a licensed veterinarian and is a  
3 Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision  
4 (c)(3). It is a dangerous drug pursuant to section 4022.

5           87. *Naquasone*, see trichlormethiazide/dexamethasone.

6           88. *Otomax* is the trade name for an antibiotic/antifungal/anti-inflammatory ointment  
7 containing gentamicin sulfate, betamethasone valerate, and clotrimazole. It is a dangerous drug  
8 pursuant to section 4022.

9           89. *Panolog* is a trade name for a combination topical/otic preparation containing nystatin,  
10 neomycin sulfate, thiostrepton, triamcinolone acetonide in an ointment form. It is a dangerous  
11 drug pursuant to section 4022.

12           90. *Penicillin*, also known as Pen or Pen-G, is an antibiotic. It is a dangerous drug  
13 pursuant to section 4022.

14           91. *Phenylbutazone*, commonly known as Bute and sold as Butazolidin, is an NSAID  
15 used to treat lameness in horses. It is commonly administered by IV and oral routes.  
16 Phenylbutazone is a dangerous drug pursuant to section 4022. When phenylbutazone is  
17 combined with an undefined corticosteroid, the combination is commonly referred to as Bute-  
18 Cort and used as a topical sweat. Bute-Cort is a dangerous drug pursuant to section 4022.

19           92. *Polysulfated glycosaminoglycan*, sold under the brand name Adequan, is used for the  
20 intramuscular treatment of non-infectious degenerative and/or traumatic joint dysfunction and  
21 associated lameness of the carpal and hock joints in horses. Polysulfated glycosaminoglycan is a  
22 dangerous drug pursuant to section 4022.

23           93. *Robaxin*, see methocarbamol.

24           94. *Romifidine hydrochloride*, sold under the brand name Sedivet, is an injectable horse  
25 sedative. Romifidine hydrochloride is a dangerous drug pursuant to section 4022.

26           95. *Rompun*, see xylazine.

27           96. *Salix*, see furosemide.

28           97. *Sedivet* is a trade name for romifidine hydrochloride. See romifidine hydrochloride.



1           98. *Selenium-tocopherol*, sold under the brand name E-SE, is an injectable drug and  
2 labeled for only veterinary use to control myositis syndrome, rapid respiration, profuse sweating,  
3 muscle spasms and stiffness. Selenium-tocopherol is restricted by federal law for use by or on the  
4 order of a licensed veterinarian and is a dangerous drug pursuant to section 4022.

5           99. *Silvadene Cream* is the trade name for *silver sulfadiazine* a topical antibacterial used  
6 in wound treatment. It is a prescription drug and is a dangerous drug pursuant to section 4022.

7           100. *SMZ*, see trimethoprim-sulfamethazine.

8           101. *Sodium pentobarbital and phenytoin sodium solution*, commonly referred to as  
9 Euthanasia Solution, sold under the tradenames Beuthanasia-D and Euthasol, is used to cause  
10 humane, painless, and rapid euthanasia of animals. Sodium pentobarbital and phenytoin sodium  
11 solution is restricted by federal law for use by or on the order of a licensed veterinarians, is a  
12 Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision  
13 (c)(1)(C), and is a dangerous drug pursuant to section 4022.

14           102. *Stop Two* is an animal medicine that is not FDA-approved for the treatment or  
15 mitigation of any disease. The Stop Two label states an indication “to reduce the incidence and  
16 severity of EPIH (bleeding) in performance horses.” The label also states it is “RX Only for IV  
17 injection.” Stop Two is misbranded and bears a counterfeit label. Stop Two is a dangerous drug  
18 pursuant to section 4022.

19           103. *Surpass Cream*, a brand name for diclofenamic acid, is an anti-inflammatory topical  
20 cream. Surpass is a dangerous drug pursuant to section 4022.

21           104. *Tetanus toxoid*, commonly referred to as Tetanus Vac, is a core equine vaccine to  
22 protect horses from development of tetanus.

23           105. *Tetracycline* is an antibiotic and a dangerous drug pursuant to section 4022.

24           106. *Thiamine* is an essential B vitamin used in horses for carbohydrate metabolism.

25           107. *Torbugesic*, see butorphanol tartrate.

26           108. *Tribrissen*, also known as Trib, see trimethoprim-sulfadiazine.

27           109. *Trichlormethiazide/dexamethasone*, commonly known as Tri Dex and Naquasone, is  
28 a diuretic and corticosteroid combination used in mild swellings of the distal limbs in horses. It is

1 not commercially available and is a compounded product only. Trichlormethiazide/  
2 dexamethasone is a dangerous drug pursuant to section 4022.

3 110. Thyro-L Thyroxine, also known as levothyroxine, is sold under the trade name of  
4 Thyro-L (levothyroxine sodium powder USP). Thyro-L is not approved by the FDA. The label of  
5 Thyro-L shows indications for treatment of specific disease, supplies doses, contraindications,  
6 and bears the federal legend, “Federal law restricts this product to use by or on the order of a  
7 licensed veterinarian”. In as much it is a misbranded drug under federal [21 USC § 331 and 21  
8 USC § 352(w)] and California State law [BPC § 4169]. Other commercially available forms of  
9 levothyroxine powder for equine use are marketed as branded or generic products. None of the  
10 marketed levothyroxine powder products are FDA approved. Thyro-L, levothyroxine, and  
11 branded levothyroxines are dangerous drugs as defined under Section 4022.

12 111. *Torb*, see butorphanol.

13 112. *Torbugesic*, also called Torb is a trade name for butorphanol. See butorphanol.

14 113. *Trimethoprim-sulfadiazine*, sold as Uniprim and Tribriksen, is an oral antibiotic used  
15 in horses to treat systemic bacterial infections. Trimethoprim-sulfadiazine is restricted for use by  
16 or on the order of a licensed veterinarian and is a dangerous drug pursuant to section 4022.

17 114. *Vetera Gold* is an equine vaccine for the prevention of Influenza, Herpes Virus,  
18 Eastern and Western Encephalomyelitis, West Nile Virus, and Tetanus. It is a biologic and is not  
19 a dangerous drug pursuant to section 4022.

20 115. *Vitamins*, commonly referred to as Vit Booster or Vits, are injectable nutritive  
21 supplements used in horses and are dangerous drugs pursuant to section 4022.

22 116. *Vitamin/electrolyte*, a substance injected or administered intravenously, is a  
23 dangerous drug pursuant to section 4022.

24 117. *Vits*, refers to unknown vitamin(s) injected and are a dangerous drug pursuant to  
25 section 4022.

26 118. *West Nile virus vaccine* is a vaccine administered to horses to prevent arbovirus  
27 encephalitis.

28

1 **FACTUAL ALLEGATIONS**

2 119. Respondent Baker is the managing licensee for Respondent EMC in Cypress, CA and  
3 operates a mobile unit from Respondent EMC’s fixed premises.

4 120. On or about August 22, 2019, a Board Inspector performed a routine inspection of the  
5 mobile unit operated by Respondent Baker. The Board Inspector observed deficiencies in drug  
6 logs and medical records.

7 121. On or about May 15, 2020, Board Subject Matter Expert, Dr. James Howard, DVM,  
8 inspected the fixed premises of Respondent EMC. There were no veterinarians on the premises  
9 during the inspection.

10 122. During the inspection, Dr. Howard requested equine medical records. Staff at  
11 Respondent EMC printed the requested records.

12 123. Dr. Howard repeatedly inquired if the printed records were the entirety of the medical  
13 record for the individual horses. Respondent EMC staff confirmed that the printed records were  
14 the entirety of the medical records for each horse.

15 124. In February 2021, the Board received an anonymous complaint concerning the unsafe  
16 treatment of equine patients by multiple veterinarians. The Board initiated an investigation based  
17 on the anonymous complaint. As part of its investigation, the Board received equine medical  
18 records from Respondent and/or his representative.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Negligence)**

21 125. Respondent Baker is subject to disciplinary action under section 4883, subdivision (i),  
22 for negligence in the practice of veterinary medicine. Respondent Baker prescribed, dispensed, or  
23 administered a drug, medication, appliance, application, or treatment to animal patients without  
24 performing an examination and forming a diagnosis of any condition that required treatment, as  
25 follows:

26 ////

27 ////

28 ////

1           126. Between January 4, 2019 and July 16, 2020, without performing an examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
3 dispensed, or administered the following medications to equine patient P.L.<sup>1</sup>:

- 4           a. Lasix AM;
- 5           b. Bute-Cort;
- 6           c. Dorm/Torb;
- 7           d. Silvadene Cream;
- 8           e. Surpass Cream;
- 9           f. Block;
- 10          g. Sedivet;
- 11          h. Equimax;
- 12          i. Naquasone;
- 13          j. Bute;
- 14          k. Tetanus toxoid;
- 15          l. Cryotherapy;
- 16          m. Otomax;
- 17          n. Panalog;
- 18          o. Thyro-L;
- 19          p. Baytril;
- 20          q. Legend;
- 21          r. Methocarbamol;
- 22          s. Vitamin/Electrolytes;
- 23          t. Vitamins;
- 24          u. Gelocast;
- 25          v. Thiamine;
- 26          w. Calcium;
- 27          x. Penicillin;

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28           <sup>1</sup> Initials are used to protect the identities of the equine patients.

1 y. Gentamycin; and

2 z. Acepromazine.

3 127. On or about March 4, 2020, without performing an appropriate examination and  
4 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
5 dispensed, or administered Adequan IM to equine patient F.

6 128. On or about March 4, 2020, without performing an appropriate examination and  
7 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
8 dispensed, or administered the following medications to equine patient G.B.:

9 a. Adequan IM;

10 b. Sedivet;

11 c. Gel-Cast.

12 129. On or about March 4, 2020, without performing an appropriate examination and  
13 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
14 dispensed, or administered the following medications to equine patient E.:

15 a. Adequan IM;

16 b. Estrone Injection;

17 c. Ketofen;

18 d. Legend IV.

19 130. On or about March 7, 2020, without performing an appropriate examination and  
20 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
21 dispensed, or administered Lasix AM to equine patient D.

22 131. On or about March 7, 2020, without performing an appropriate examination and  
23 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
24 dispensed, or administered Bute-Cort to equine patient W.V.

25 132. On or about March 7, 2020, without performing an appropriate examination and  
26 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
27 dispensed, or administered Sedivet to equine patient G.W.

28

1           133. On or about March 7, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
3 dispensed, or administered Sedivet to equine patient S.D.

4           134. On or about March 7, 2020, without performing an appropriate examination and  
5 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
6 dispensed, or administered the following medications to equine patient S.W.:

- 7           a. Dorm/Torb;
- 8           b. Tetanus Vaccine;
- 9           c. Caslicks<sup>2</sup>.

10          135. On or about March 7, 2020, without performing an appropriate examination and  
11 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
12 dispensed, or administered the following medications to equine patient D.Z.:

- 13          a. Dorm/Torb;
- 14          b. Tetanus Vaccine;
- 15          c. Caslicks.

16          136. On or about March 12, 2020, without performing an appropriate examination and  
17 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
18 dispensed, or administered Acepromazine Tabs to equine patient C.C.

19          137. On or about March 12, 2020, without performing an appropriate examination and  
20 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
21 dispensed, or administered the following medications to equine patient D.S.:

- 22          a. Acepromazine Tabs;
- 23          b. Equimax;
- 24          c. Influenza/Rhinopneumonitis vaccine.

25        ///  
26        ///  
27        \_\_\_\_\_

28                   <sup>2</sup> A surgical procedure performed on mares to close the upper part of the vulva and keep the reproductive tract clean.

1           138. On or about March 12, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
3 dispensed, or administered Acepromazine Tabs to equine patient D.K.

4           139. On or about March 12, 2020, without performing an appropriate examination and  
5 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
6 dispensed, or administered the following medications to equine patient B.F.:

- 7           a. Acepromazine Tabs;
- 8           b. West Nile Vaccine.

9           140. On or about March 13, 2020, without performing an appropriate examination and  
10 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
11 dispensed, or administered the following medications to equine patient R.D.:

- 12           a. Dorm/Torb;
- 13           b. Shockwave Therapy.

14           141. On or about March 12, 2020, without performing an appropriate examination and  
15 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
16 dispensed, or administered the following medications to equine patient A.:

- 17           a. Adequan IM;
- 18           b. Sedivet.

19           142. On or about March 12, 2020, without performing an appropriate examination and  
20 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
21 dispensed, or administered Adequan IM to equine patient E.R.

22           143. On or about March 12, 2020, without performing an appropriate examination and  
23 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
24 dispensed, or administered Adequan IM to equine patient H.V.

25           144. On or about March 12, 2020, without performing an appropriate examination and  
26 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
27 dispensed, or administered Adequan IM to equine patient A.M.

28







1           161. On or about March 16, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
3 dispensed, or administered Sedivet to equine patient M.

4           162. On or about March 19, 2020, without performing an appropriate examination and  
5 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
6 dispensed, or administered Baytril Injection to equine patient S.I.

7           163. On or about March 19, 2020, without performing an appropriate examination and  
8 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
9 dispensed, or administered Adequan IM to equine patient H.P.

10          164. On or about March 19, 2020, without performing an appropriate examination and  
11 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
12 dispensed, or administered Adequan IM to equine patient G.B.

13          165. On or about March 19, 2020, without performing an appropriate examination and  
14 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
15 dispensed, or administered Adequan IM to equine patient H.G.

16          166. On or about March 19, 2020, without performing an appropriate examination and  
17 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
18 dispensed, or administered the following medications to equine patient G.N.:

- 19           a. Adequan IM;
- 20           b. Gel-Cast;
- 21           c. Lasix AM.

22          167. Between July 10, 2020 and August 7, 2020, without performing an examination and  
23 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
24 dispensed, or administered the following medications to equine patient W.:

- 25           a. Dantrium suspension;
- 26           b. Vitamins;
- 27           c. Ketofen;
- 28           d. EqStim;

- 1 e. Estrone;
- 2 f. Fluid therapy;
- 3 g. Dorm/Torb;
- 4 h. Silvadene Cream; and
- 5 i. Thyro-L

6 168. Between July 14, 2020 and August 7, 2020, without performing an examination and  
7 forming a diagnosis of any condition that required treatment, Respondent Baker prescribed,  
8 dispensed, or administered the following medications to equine patient C.M.:

- 9 a. Acepromazine;
- 10 b. Naquasone;
- 11 c. Sedivet;
- 12 d. Shockwave therapy;
- 13 e. Dorm/Torb; and
- 14 f. Thyro-L.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Dispensing Dangerous Drugs Without Medical Necessity)**

17 169. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
18 section 4883, subdivision (g)(3), for violating section 4170, subdivision (a)(2) in that Respondent  
19 Baker dispensed unnecessary dangerous drugs to equine patients as follows:

20 170. Between January 4, 2019 and July 16, 2020, without performing an appropriate  
21 examination and forming a diagnosis of any condition that required treatment, Respondent Baker  
22 dispensed the following unnecessary dangerous drugs to equine patient P.L.:

- 23 a. Lasix AM;
- 24 b. Bute-Cort;
- 25 c. Dorm/Torb;
- 26 d. Silvadene Cream;
- 27 e. Surpass Cream;
- 28 f. Sedivet;

- 1 g. Equimax;
- 2 h. Naquasone;
- 3 i. Bute;
- 4 j. Cryotherapy;
- 5 k. Otomax;
- 6 l. Panalog;
- 7 m. Thyro-L;
- 8 n. Baytril;
- 9 o. Legend;
- 10 p. Methocarbamol;
- 11 q. Vitamin/Electrolytes;
- 12 r. Vitamins;
- 13 s. Gelocast;
- 14 t. Thiamine;
- 15 u. Calcium;
- 16 v. Penicillin;
- 17 w. Gentamycin; and
- 18 x. Acepromazine.

19 171. On or about March 4, 2020, without performing an appropriate examination and  
20 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
21 Adequan IM, an unnecessary dangerous drug to equine patient F.

22 172. On or about March 4, 2020, without performing an appropriate examination and  
23 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed the  
24 following unnecessary dangerous drugs to equine patient G.B.:

- 25 a. Adequan IM;
- 26 b. Sedivet.

27 ///

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1           173. On or about March 4, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed the  
3 following unnecessary dangerous drugs to equine patient E.:

- 4           a. Adequan IM;
- 5           b. Estrone Injection;
- 6           c. Ketofen;
- 7           d. Legend IV.

8           174. On or about March 7, 2020, without performing an appropriate examination and  
9 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed Lasix  
10 AM, an unnecessary dangerous drug to equine patient D.

11           175. On or about March 7, 2020, without performing an appropriate examination and  
12 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed Bute-  
13 Cort, an unnecessary dangerous drug to equine patient W.V.

14           176. On or about March 7, 2020, without performing an appropriate examination and  
15 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
16 Sedivet, an unnecessary dangerous drugs to equine patient G.W.

17           177. On or about March 7, 2020, without performing an appropriate examination and  
18 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
19 Sedivet, an unnecessary dangerous drug to equine patient S.D.

20           178. On or about March 7, 2020, without performing an appropriate examination and  
21 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
22 Dorm/Torb, an unnecessary dangerous drug to equine patient S.W.

23           179. On or about March 7, 2020, without performing an appropriate examination and  
24 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
25 Dorm/Torb, an unnecessary dangerous drug to equine patient D.Z.

26           180. On or about March 12, 2020, without performing an appropriate examination and  
27 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
28 Acepromazine Tabs, an unnecessary dangerous drug to equine patient C.C.

1 181. On or about March 12, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
3 Acepromazine Tabs, an unnecessary dangerous drug to equine patient D.S.

4 182. On or about March 12, 2020, without performing an appropriate examination and  
5 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
6 Acepromazine Tabs, an unnecessary dangerous drug to equine patient D.K.

7 183. On or about March 12, 2020, without performing an appropriate examination and  
8 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
9 Acepromazine Tabs, an unnecessary dangerous drug to equine patient B.F.

10 184. On or about March 13, 2020, without performing an appropriate examination and  
11 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
12 Dorm/Torb, an unnecessary dangerous drug to equine patient R.D.

13 185. On or about March 12, 2020, without performing an appropriate examination and  
14 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed the  
15 following unnecessary dangerous drugs to equine patient A.:

16 a. Adequan IM;

17 b. Sedivet.

18 186. On or about March 12, 2020, without performing an appropriate examination and  
19 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
20 Adequan IM, an unnecessary dangerous drug to equine patient E.R.

21 187. On or about March 12, 2020, without performing an appropriate examination and  
22 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
23 Adequan IM, an unnecessary dangerous drug to equine patient H.V.

24 188. On or about March 12, 2020, without performing an appropriate examination and  
25 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
26 Adequan IM, an unnecessary dangerous drug to equine patient A.M.

27 ///

28 ///

1           189. On or about March 16, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed the  
3 following unnecessary dangerous drugs to equine patient G.W.:

4           a. Adequan IM;

5           b. Sedivet.

6           190. On or about March 16, 2020, without performing an appropriate examination and  
7 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed a  
8 Vitamin Booster, an unnecessary dangerous drug to equine patient E.R.

9           191. On or about March 16, 2020, without performing an appropriate examination and  
10 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed a  
11 Vitamin Booster, an unnecessary dangerous drug to equine patient A.C.

12           192. On or about March 16, 2020, without performing an appropriate examination and  
13 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed a  
14 Vitamin Booster, an unnecessary dangerous drug to equine patient H.V.

15           193. On or about March 16, 2020, without performing an appropriate examination and  
16 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed a  
17 Vitamin Booster, an unnecessary dangerous drug to equine patient S.S.

18           194. On or about March 16, 2020, without performing an appropriate examination and  
19 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed the  
20 following unnecessary dangerous drugs to equine patient M.M.:

21           a. Sedivet;

22           b. Vitamin Booster.

23           195. On or about March 13, 2020, without performing an appropriate examination and  
24 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed Bute-  
25 Cort, an unnecessary dangerous drug to equine patient L.S.

26           196. On or about March 14, 2020, without performing an appropriate examination and  
27 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
28 Adequan IM, an unnecessary dangerous drug to equine patient T.O.

1           197. On or about March 14, 2020, without performing an appropriate examination and  
2 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
3 Adequan IM, an unnecessary dangerous drug to equine patient C.G.

4           198. On or about March 14, 2020, without performing an appropriate examination and  
5 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
6 Adequan IM, an unnecessary dangerous drug to equine patient F.H.

7           199. On or about March 14, 2020, without performing an appropriate examination and  
8 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
9 Adequan IM, an unnecessary dangerous drug to equine patient D.F.

10          200. On or about March 19, 2020, without performing an appropriate examination and  
11 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
12 Acepromazine Tabs, an unnecessary dangerous drug to equine patient E.M.

13          201. On or about March 16, 2020, without performing an appropriate examination and  
14 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
15 Sedivet, an unnecessary dangerous drug to equine patient M.

16          202. On or about March 19, 2020, without performing an appropriate examination and  
17 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed a  
18 Baytril Injection, an unnecessary dangerous drug to equine patient S.I.

19          203. On or about March 19, 2020, without performing an appropriate examination and  
20 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
21 Adequan IM, an unnecessary dangerous drug to equine patient H.P.

22          204. On or about March 19, 2020, without performing an appropriate examination and  
23 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
24 Adequan IM, an unnecessary dangerous drug to equine patient G.B.

25          205. On or about March 19, 2020, without performing an appropriate examination and  
26 forming a diagnosis of any condition that required treatment, Respondent Baker dispensed  
27 Adequan IM, an unnecessary dangerous drug to equine patient H.G.

28





1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Prescribing Controlled Substances Without Medical Necessity)**

3 209. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
4 section 4883, subdivision (g)(3), for violations of Health and Safety Code section 11153,  
5 subdivision (a), for prescribing controlled substances without a legitimate medical purpose, as  
6 follows:

7 210. On or about March 7, 2020, without performing an examination and forming a  
8 diagnosis of any condition that required treatment, Respondent Baker prescribed Detomidine  
9 Hydrochloride and Butorphanol Tartrate (Dorm/Torb) to equine patient S.W. without a legitimate  
10 medical purpose. Butorphanol Tartrate is a Schedule IV controlled substance.

11 211. On or about March 7, 2020, without performing an examination and forming a  
12 diagnosis of any condition that required treatment, Respondent Baker prescribed Detomidine  
13 Hydrochloride and Butorphanol Tartrate (Dorm/Torb) to equine patient D.Z. without a legitimate  
14 medical purpose. Butorphanol Tartrate is a Schedule IV controlled substance.

15 212. On or about March 13, 2020, without performing an examination and forming a  
16 diagnosis of any condition that required treatment, Respondent Baker prescribed Detomidine  
17 Hydrochloride and Butorphanol Tartrate (Dorm/Torb) to equine patient R.D. without a legitimate  
18 medical purpose. Butorphanol Tartrate is a Schedule IV controlled substance.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct – Failure to Establish Veterinarian-Client-Patient Relationship)**

21 213. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
22 section 4883, subdivisions (g) and (o), and CCR, title 16, section 2032.1, subsection (a).  
23 Respondent Baker did not establish a veterinarian-client-patient relationship (VCPR) before  
24 administering, prescribing, dispensing, or furnishing a drug, medicine, application, or treatment,  
25 as follows:

26 214. As set forth in paragraphs 125 through 212 above, incorporated here by reference,  
27 Respondent Baker prescribed, dispensed, or administered drugs to equine patients, without  
28 establishing a veterinarian-client-patient relationship with the patients. Respondent Baker failed

1 to: (1) perform and/or document an examination of the patients; (2) form and/or document a  
2 diagnoses of any condition that required treatment; or (3) communicate and/or document the  
3 appropriate course of treatment with the client.

4 215. On or about March 4, 2020, Respondent Baker also applied a Gel-Cast to equine  
5 patient G.B. Before providing treatment, Respondent Baker did not: (1) perform and/or  
6 document an examination of G.B.; (2) form and/or document a diagnoses of any condition that  
7 required treatment; or (3) communicate and/or document the appropriate course of treatment with  
8 the client. Accordingly, Respondent Baker failed to establish the required VCPR before treating  
9 G.B.

10 216. On or about March 7, 2020, Respondent Baker also performed a Caslicks procedure  
11 on equine patient S.W. Before providing treatment, Respondent Baker did not: (1) perform  
12 and/or document an examination of S.W.; (2) form and/or document a diagnoses of any condition  
13 that required treatment; or (3) communicate and/or document the appropriate course of treatment  
14 with the client. Accordingly, Respondent Baker failed to establish the required VCPR before  
15 treating S.W.

16 217. On or about March 13, 2020, Respondent Baker also performed Shockwave Therapy  
17 on equine patient R.D. Before providing treatment, Respondent Baker did not: (1) perform and/or  
18 document an examination of R.D.; (2) form and/or document a diagnoses of any condition that  
19 required treatment; or (3) communicate and/or document the appropriate course of treatment with  
20 the client. Accordingly, Respondent Baker failed to establish the required VCPR before treating  
21 R.D.

22 218. On or about March 14, 2020, Respondent Baker also applied two Gel-Casts to equine  
23 patient C. Before providing treatment, Respondent Baker did not: (1) perform and/or document  
24 an examination of C.; (2) form and/or document a diagnoses of any condition that required  
25 treatment; or (3) communicate and/or document the appropriate course of treatment with the  
26 client. Accordingly, Respondent Baker failed to establish the required VCPR before treating C.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Negligence and Recordkeeping – General Anesthesia)**

3 219. Respondent Baker is subject to disciplinary action for negligence and record keeping  
4 under section 4883, subdivisions (i) and (o), for violations of CCR, title 16, section 2032.4,  
5 subsection (b), for failing to comply with requirements when administering general anesthesia.

6 220. Specifically, on or about the following dates of treatment for the following equine  
7 patients, Respondent Baker failed to document a physical examination within 12 hours of a  
8 general anesthetic as required under CCR, title 16, section 2032.4, subsection (b)(1), and failed to  
9 document the route of administration of anesthetics as required under CCR, title 16, section  
10 2032.4, subsection (b)(6):

- 11 a. January 28, 2019, February 2, 2019, March 25, 2019, March 27, 2019, May 16,  
12 2019, October 2, 2019, October 4, 2019, November 7, 2019, January 15, 2020,  
13 July 16, 2020, equine patient P.L.;
- 14 b. March 4, 2020, equine patient G.B.;
- 15 c. March 7, 2020, equine patient G.W.;
- 16 d. March 7, 2020, equine patient S.D.;
- 17 e. March 7, 2020, equine patient S.W.;
- 18 f. March 7, 2020, equine patient D.Z.;
- 19 g. March 13, 2020, equine patient R.D.;
- 20 h. March 12, 2020, equine patient A.;
- 21 i. March 16, 2020, equine patient G.W.;
- 22 j. March 16, 2020, equine patient M.M.;
- 23 k. March 16, 2020, equine patient M.;
- 24 l. July 30, 2020, July 31, 2020, August 7, 2020, equine patient C.M; and
- 25 m. August 7, 2020, equine patient W.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Violation of Practice Act and Board Regulations - Recordkeeping)**

3 221. Respondent Baker is subject to disciplinary action for violating the Veterinary  
4 Medicine Practice Act (Practice Act) and regulations adopted by the Board, under section 4883,  
5 subdivisions (c) and (o), for failing to keep written records containing information required under  
6 section 4855 and CCR, title 16, section 2032.3, for equine patients receiving veterinary services,  
7 as follows:

8 222. The Patient History Reports for equine patient P.L., dated between January 4, 2019  
9 and July 16, 2020, failed to include the follow information:

- 10 a. A history or pertinent information as it pertains to the equine patient's medical status  
11 as required under CCR, title 16, section 2032.3, subsection (a)(6);
- 12 b. Data, including that obtained by instrumentation, from the physical examination of  
13 the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- 14 c. Treatment and intended treatment plan, including medication dosages and route of  
15 administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- 16 d. A diagnosis or assessment prior to performing a treatment or procedure, as required  
17 under CCR, title 16, section 2032.3, subsection (a)(10);
- 18 e. A prognosis of the equine patient's condition, as required under CCR, title 16,  
19 section 2032.3, subsection (a)(11).

20 223. The Patient History Report for equine patient F., dated March 4, 2020, failed to  
21 include the following information:

- 22 a. Age, sex, breed, species, and color of the equine patient as required under CCR, title  
23 16, section 2032.3, subsection (a)(4);
- 24 b. A history or pertinent information as it pertains to the equine patient's medical  
25 status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- 26 c. Data, including that obtained by instrumentation, from the physical examination of  
27 the equine patient as required under CCR, title 16, section 2032.3, subsection  
28 (a)(7);

- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

224. The Patient History Report for equine patient G.B., dated March 4, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

225. The Patient History Report for equine patient E., dated March 4, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);

- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

226. The Patient History Report for equine patient D., dated March 7, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

227. The Patient History Report for equine patient W.V., dated March 7, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);

- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

228. The Patient History Report for equine patient G.W., dated March 7, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

229. The Patient History Report for equine patient S.D., dated March 7, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);



- 1 d. Treatment and intended treatment plan, including medication dosages and route of  
2 administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);  
3 e. A diagnosis or assessment prior to performing a treatment or procedure, as required  
4 under CCR, title 16, section 2032.3, subsection (a)(10);  
5 f. A prognosis of the equine patient's condition, as required under CCR, title 16,  
6 section 2032.3, subsection (a)(11).

7 230. The Patient History Report for equine patient S.W., dated March 7, 2020, failed to  
8 include the following information:

- 9 a. Age, sex, breed, species, and color of the equine patient as required under CCR, title  
10 16, section 2032.3, subsection (a)(4);  
11 b. A history or pertinent information as it pertains to the equine patient's medical status  
12 as required under CCR, title 16, section 2032.3, subsection (a)(6);  
13 c. Data, including that obtained by instrumentation, from the physical examination of  
14 the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);  
15 d. Treatment and intended treatment plan, including medication dosages and route of  
16 administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);  
17 e. Records for surgical procedures, including a description of the procedure and the  
18 route of administration and strength of sedative/anesthetic agents used, as required  
19 under CCR, title 16, section 2032.3, subsection (a)(9);  
20 f. A diagnosis or assessment prior to performing a treatment or procedure, as required  
21 under CCR, title 16, section 2032.3, subsection (a)(10);  
22 g. A prognosis of the equine patient's condition, as required under CCR, title 16,  
23 section 2032.3, subsection (a)(11).

24 231. The Patient History Report for equine patient D.Z., dated March 7, 2020, failed to  
25 include the following information:

- 26 a. Age, sex, breed, species, and color of the equine patient as required under CCR,  
27 title 16, section 2032.3, subsection (a)(4);  
28

- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. Records for surgical procedures, including a description of the procedure and the route of administration and strength of sedative/anesthetic agents used, as required under CCR, title 16, section 2032.3, subsection (a)(9);
- f. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- g. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

232. The Patient History Report for equine patient C.C., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11);

1 g. Strength, dosage, route of administration, and frequency of use for drugs dispensed,  
2 as required under CCR, title 16, section 2032.3, subsection (a)(12).

3 233. The Patient History Report for equine patient D.S., dated March 12, 2020, failed to  
4 include the following information:

- 5 a. Age, sex, breed, species, and color of the equine patient as required under CCR, title  
6 16, section 2032.3, subsection (a)(4);
- 7 b. A history or pertinent information as it pertains to the equine patient's medical status  
8 as required under CCR, title 16, section 2032.3, subsection (a)(6);
- 9 c. Data, including that obtained by instrumentation, from the physical examination of  
10 the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- 11 d. Treatment and intended treatment plan, including medication dosages and route of  
12 administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- 13 e. A diagnosis or assessment prior to performing a treatment or procedure, as required  
14 under CCR, title 16, section 2032.3, subsection (a)(10);
- 15 f. A prognosis of the equine patient's condition, as required under CCR, title 16,  
16 section 2032.3, subsection (a)(11);
- 17 g. Strength, dosage, route of administration, and frequency of use for drugs dispensed,  
18 as required under CCR, title 16, section 2032.3, subsection (a)(12).

19 234. The Patient History Report for equine patient D.K., dated March 12, 2020, failed to  
20 include the following information:

- 21 a. Age, sex, breed, species, and color of the equine patient as required under CCR, title  
22 16, section 2032.3, subsection (a)(4);
- 23 b. A history or pertinent information as it pertains to the equine patient's medical status  
24 as required under CCR, title 16, section 2032.3, subsection (a)(6);
- 25 c. Data, including that obtained by instrumentation, from the physical examination of  
26 the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- 27 d. Treatment and intended treatment plan, including medication dosages and route of  
28 administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);

- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11);
- g. Strength, dosage, route of administration, and frequency of use for drugs dispensed, as required under CCR, title 16, section 2032.3, subsection (a)(12).

235. The Patient History Report for equine patient B.F., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11);
- g. Strength, dosage, route of administration, and frequency of use for drugs dispensed, as required under CCR, title 16, section 2032.3, subsection (a)(12).

236. The Patient History Report for equine patient R.D., dated March 13, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

237. The Patient History Report for equine patient A., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

238. The Patient History Report for equine patient E.R., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

239. The Patient History Report for equine patient H.V., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

240. The Patient History Report for equine patient A.M., dated March 12, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

241. The Patient History Report for equine patient C., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

242. The Patient History Report for equine patient M.G., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

243. The Patient History Report for equine patient G.W., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

244. The Patient History Report for equine patient E.R., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);



- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

245. The Patient History Report for equine patient A.C., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

246. The Patient History Report for equine patient H.V., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

247. The Patient History Report for equine patient S.S., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

248. The Patient History Report for equine patient M.M., dated March 16, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

249. The Patient History Report for equine patient S.H., dated March 13, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

250. The Patient History Report for equine patient K., dated March 13, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

251. The Patient History Report for equine patient L.S., dated March 13, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

252. The Patient History Report for equine patient T.O., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

253. The Patient History Report for equine patient C.G., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

254. The Patient History Report for equine patient F.H., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

255. The Patient History Report for equine patient D.F., dated March 14, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

256. The Patient History Report for equine patient E.M., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);

- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11);
- g. Strength, dosage, route of administration, and frequency of use for drugs dispensed, as required under CCR, title 16, section 2032.3, subsection (a)(12).

257. The Patient History Report for equine patient S.I., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

258. The Patient History Report for equine patient H.P., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);

- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

259. The Patient History Report for equine patient G.B., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

260. The Patient History Report for equine patient H.G., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);



- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

261. The Patient History Report for equine patient G.N., dated March 19, 2020, failed to include the following information:

- a. Age, sex, breed, species, and color of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(4);
- b. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- c. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- d. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- e. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- f. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11).

262. The Patient History Reports for equine patient W., dated between July 10, 2020 and August 7, 2020, failed to include the following information:

- a. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);

- b. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- c. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- d. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11); and
- e. Medications dispensed including strength, dosage, route of administration, and frequency of use, as required under CCR, title 16, section 2032.3, subsection (a)(12).

263. The Patient History Reports for equine patient C.M., dated between July 14, 2020 and August 7, 2020, failed to include the following information:

- a. A history or pertinent information as it pertains to the equine patient's medical status as required under CCR, title 16, section 2032.3, subsection (a)(6);
- b. Data, including that obtained by instrumentation, from the physical examination of the equine patient as required under CCR, title 16, section 2032.3, subsection (a)(7);
- c. Treatment and intended treatment plan, including medication dosages and route of administration, as required under CCR, title 16, section 2032.3, subsection (a)(8);
- d. A diagnosis or assessment prior to performing a treatment or procedure, as required under CCR, title 16, section 2032.3, subsection (a)(10);
- e. A prognosis of the equine patient's condition, as required under CCR, title 16, section 2032.3, subsection (a)(11); and
- f. Medications dispensed including strength, dosage, route of administration, and frequency of use, as required under CCR, title 16, section 2032.3, subsection (a)(12).

### **SEVENTH CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct – Misbranded Drugs; Compounded Imitation Drugs)**

264. Respondent Baker is subject to disciplinary action for unprofessional conduct under section 4883, subdivision (g)(3), for violations of section 4169, subdivision (a)(3), and Health and Safety Code sections 111395, subdivision (a), and 111440, for the manufacture, sale, delivery,

1 holding, or offering for sale, drugs that were imitations of commercially available drugs, and  
2 therefore misbranded, as follows:

- 3 a. On or about August 6, 2019, Respondent Baker delivered Thyro-L to equine  
4 patient P.L.;
- 5 b. On or about March 4, 2020, Respondent Baker delivered an Estrone Injection  
6 to equine patient E.;
- 7 c. On or about March 7, 2020, Respondent Baker delivered Bute-Cort to equine  
8 patient W.V.;
- 9 d. On or about March 16, 2020, Respondent Baker delivered a Vitamin Booster  
10 to equine patient E.R.;
- 11 e. On or about March 16, 2020, Respondent Baker delivered a Vitamin Booster  
12 to equine patient A.C.;
- 13 f. On or about March 16, 2020, Respondent Baker delivered a Vitamin Booster  
14 to equine patient H.V.;
- 15 g. On or about March 16, 2020, Respondent Baker delivered a Vitamin Booster  
16 to equine patient S.S.;
- 17 h. On or about March 16, 2020, Respondent Baker delivered a Vitamin Booster  
18 to equine patient M.M.;
- 19 i. On or about March 13, 2020, Respondent Baker delivered Bute-Cort to equine  
20 patient L.S.;
- 21 j. On or about August 7, 2020, Respondent Baker delivered Thyro-L to equine  
22 patient C.M.;
- 23 k. On or about August 7, 2020, Respondent delivered Thyro-L to equine patient  
24 W.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Violation of Practice Act and Board Regulations and Unprofessional Conduct –**  
3 **Minimum Standards for Drugs and Biologics)**

4 265. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
5 section 4883, subdivisions (c), (g)(3), and (o), for failing to comply with minimum standards  
6 under section 4854 and CCR, title 16, sections 2030, subsection (f)(6), and 2030.05, subsection  
7 (b). Respondent Baker failed to ensure that all drugs and biologics at Respondent EMC’s  
8 premises were maintained, administered, dispensed, and prescribed with state and federal laws, as  
9 follows:

10 266. Numerous misbranded drugs that were ordered, maintained, administered, and/or  
11 dispensed were present at Respondent EMC’s premises. Misbranded drugs included:  
12 glycopyrrolate, and gentamycin ophthalmic from Buy Rite Drugs, a non-resident compounding  
13 pharmacy lacking license to ship into California; Stop Two, an unlicensed injectable from  
14 Immuvet; and EPM Drench, drug name toltrazuril, prescribed and compounded by a veterinarian  
15 unlicensed in the state of California.

16 **NINTH CAUSE FOR DISCIPLINE**

17 **(Violation of Practice Act and Board Regulations –**  
18 **Minimum Standards for Medical Waste)**

19 267. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
20 sections 4883, subdivisions (c) and (o), for failing to comply with minimum standards under  
21 section 4854, and CCR, title 16, sections 2030, subsection (f)(3), and 2030.05, subsection (b).  
22 Respondent Baker failed to ensure compliance at Respondent EMC’s premises regarding the  
23 disposal of waste material, as follows:

- 24 a. Controlled substances are maintained in a locked room with undefined security,  
25 key, and personnel access;
- 26 b. Respondent failed to properly reverse distribute expired controlled drugs or  
27 provide a detailed protocol for same;
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- 1 c. Use of an “RX Destroyer”<sup>3</sup> to dispose of expired controlled drugs which is not a  
2 proper means of disposal for expired controlled drugs.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Misbranded Drugs; Labeling Requirements)**

5 268. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
6 section 4883, subdivision (g)(3), for violations of section 4169, subdivision (a)(3), and Health and  
7 Safety Code sections 111345, subdivision (a), 111440, and 111500, for the manufacture, sale,  
8 delivery, holding, or offering for sale, drugs that were improperly labeled, and therefore misbranded,  
9 as follows:

- 10 a. Gentamycin Ophthalmic and Glycopyrrolate, from Buy Rite Drugs, a  
11 compounding pharmacy in Alabama, labeling lacked proper beyond use dates;  
12 b. Stop Two by Immuvet is not FDA approved and bears a counterfeit National  
13 Drug Code<sup>4</sup> as well as label claims to treat or mitigate a specific disease; and  
14 c. EMP Drench by Vet Med, Inc. This drug was compounded on the order of a  
15 veterinarian in Kentucky from a compounding pharmacy in South  
16 Carolina. While this may have been legitimate on behalf of the Kentucky  
17 veterinarian for his specific patient needs, for the drug to be prescribed in  
18 Kentucky and end up in the working stock of a California veterinarian with the  
19 Kentucky veterinarian’s name on the label is a violation of labeling requirements  
20 and thus is misbranded.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Violation of Practice Act and Board Regulations and Unprofessional Conduct –**  
23 **Schedule III and IV Drug Record)**

24 269. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
25 section 4883, subdivisions (c), (g)(3), and (o), for failing to comply with sections 4854 and 4855,

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27 <sup>3</sup> RX Destroyer is a brand name pharmaceutical waste disposal system.

28 <sup>4</sup> Once approved, drugs are identified and reported using a unique, three-segment number called the National Drug Code (NDC) which serves as the FDA’s identifier for drugs. Drugs that are not approved by the FDA are not issued a NDC.

1 Health and Safety Code section 11190, subdivision (c)(1), and CCR, title 16, sections 2030,  
2 subsection (f)(6), and 2030.05, subsection (b). Respondent Baker failed to ensure maintenance of  
3 records of dispensed Schedule III and Schedule IV drugs, as follows:

- 4 a. Failure to keep proper dispensation/administration logs and biennial inventory for  
5 Torbugesic and Midazolam, both of which are Schedule IV controlled substances;  
6 and
- 7 b. Failure to keep proper dispensation/administration logs and biennial inventory for  
8 Ketamine and Euthasol, both of which are Schedule III controlled substances.

9 **TWELFTH CAUSE FOR DISCIPLINE**

10 **(Violation of Practice Act and Board Regulations and Unprofessional Conduct –**  
11 **Minimum Standards for Drug Logs)**

12 270. Respondent Baker is subject to disciplinary action for unprofessional conduct, under  
13 section 4883, subdivisions (c), (g)(3), and (o), for failing to comply with sections 4854 and 4855,  
14 Code of Federal Regulations, title 21, section 1304.22, subsection (c), and CCR, title 16, sections  
15 2030, subsection (f)(6), and 2030.05, subsection (b). Respondent Baker failed to ensure compliance  
16 with minimum standards for maintenance of drug logs, as follows: Respondent EMC’s drug logs for  
17 Euthasol, Ketamine, and Midazolam lack required terminal patient administration. Respondent  
18 EMC’s drug logs for Torbugesic contain no patient specific terminal administrations. Respondent  
19 EMC’s biennial inventories fail to account for any partial bottles, or expired controlled drugs  
20 awaiting reverse distribution.

21 **THIRTEENTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Possession or Use of Prohibited Drugs)**

23 271. Respondent Baker is subject to disciplinary action for unprofessional conduct under  
24 section 4883, subdivision (g)(3), for violating CCR, title 4, section 1867, subsection (b). Respondent  
25 Baker possessed a drug, substance, or medication that has not been approved by the FDA for use  
26 in the United States, as follows:

- 27 a. On or about January 24, 2019, Respondent Baker used Bute-Cort in the  
28 treatment of equine patient P.L.;

- 1 b. On or about March 25, 2019 and April 20, 2019, Respondent Baker used  
2 Naquasone Paste in the treatment of equine patient P.L.;
- 3 c. On or about August 6, 2019, Respondent Baker used Thyro-L in the treatment  
4 of equine patient P.L.
- 5 d. On or about March 4, 2020, Respondent Baker used an Estrone Injection in  
6 the treatment of equine patient E.;
- 7 e. On or about March 7, 2020, Respondent Baker used Bute-Cort in the  
8 treatment of equine patient W.V.;
- 9 f. On or about March 7, 2020, Respondent Baker used a Vitamin Booster in the  
10 treatment of equine patient A.C.;
- 11 g. On or about March 7, 2020, Respondent Baker used a Vitamin Booster in the  
12 treatment of equine patient F.M.;
- 13 h. On or about March 7, 2020, Respondent Baker used a Vitamin Booster in the  
14 treatment of equine patient M.S.;
- 15 i. On or about March 7, 2020, Respondent Baker used a Vitamin Boosters in the  
16 treatment of equine patient K.K.;
- 17 j. On or about March 7, 2020, Respondent Baker used Stop 20<sup>5</sup> in the treatment  
18 of equine patient S.U.;
- 19 k. On or about March 16, 2020, Respondent Baker used a Vitamin Booster in the  
20 treatment of equine patient E.R.;
- 21 l. On or about March 16, 2020, Respondent Baker used a Vitamin Booster in the  
22 treatment of equine patient A.C.;
- 23 m. On or about March 16, 2020, Respondent Baker used a Vitamin Booster in the  
24 treatment of equine patient H.V.;
- 25 n. On or about March 16, 2020, Respondent Baker used a Vitamin Booster in the  
26 treatment of equine patient S.S.;
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28 <sup>5</sup> Stop 20 is the oral version of Stop Two, which is injected.

- 1 o. On or about March 16, 2020, Respondent Baker used a Vitamin Booster in the  
2 treatment of equine patient M.M.;
- 3 p. On or about March 13, 2020, Respondent Baker used Bute-Cort in the  
4 treatment of equine patient L.S.;
- 5 q. On or about July 10, 2020, Respondent Baker used Dantrium suspension in  
6 the treatment of equine patient W.;
- 7 r. On or about July 21, 2020, Respondent Baker used Naquasone Paste in the  
8 treatment of equine patient C.M.;
- 9 s. On or about July 23, 2020, Respondent Baker used Estrone injection in the  
10 treatment of equine patient W.;
- 11 t. On or about August 7, 2020, Respondent Baker used Thyro-L in the treatment  
12 of equine patient W.;
- 13 u. On or about August 7, 2020, Respondent Baker used Thyro-L in the treatment  
14 of equine patient C.M.

15 **FOURTEENTH CAUSE FOR DISCIPLINE**

16 **(Violation of Practice Act – Failure to Provide Required Drug Consultations)**

17 272. Respondent Baker is subject to disciplinary action for violating the Practice Act under  
18 section 4883, subdivision (c), for failing to offer to provide and note in the medical record the  
19 required drug consultation for prescribed, dispensed, or furnished dangerous drugs as required  
20 under section 4829.5, subdivisions (a) and (d), as follows:

- 21 a. On or about January 24, 2019, Respondent Baker treated equine patient P.L. with  
22 Bute Cort without offering to provide and note in the medical record the required  
23 drug consultation;
- 24 b. On or about March 1, 2019, Respondent Baker treated equine patient P.L. with  
25 Surpass Cream without offering to provide and note in the medical record the  
26 required drug consultation;
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- c. On or about March 25, 2019 and April 20, 2019, Respondent Baker treated equine patient P.L. with Naquasone paste without offering to provide and note in the medical record the required drug consultation;
- d. On or about April 20, 2019, November 11, 2019 and November 18, 2019 Respondent Baker treated equine patient P.L. with Bute paste without offering to provide and note in the medical record the required drug consultation;
- e. On or about July 18, 2019, Respondent Baker treated equine patient P.L. with Otomax without offering to provide and note in the medical record the required drug consultation;
- f. On or about July 18, 2019, Respondent Baker treated equine patient P.L. with Panolog without offering to provide and note in the medical record the required drug consultation;
- g. On or about July 18, 2019, Respondent Baker treated equine patient P.L. with Silvadene Cream without offering to provide and note in the medical record the required drug consultation;
- h. On or about August 6, 2019, Respondent Baker treated equine patient P.L. with Thyro-L powder without offering to provide and note in the medical record the required drug consultation;
- i. On or about December 18, 2019, Respondent Baker treated equine patient P.L. with Acepromazine tablets without offering to provide and note in the medical record the required drug consultation;
- j. On or about December 27, 2019, Respondent Baker treated equine patient P.L. with Panolog ointment without offering to provide and note in the medical record the required drug consultation;
- k. On or about March 12, 2020, Respondent Baker treated equine patient C.C. with Acepromazine Tabs without offering to provide and note in the medical record the required drug consultation;

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- l. On or about March 12, 2020, Respondent Baker treated equine patient D.S. with Acepromazine Tabs without offering to provide and note in the medical record the required drug consultation;
- m. On or about March 12, 2020, Respondent Baker treated equine patient D.K. with Acepromazine Tabs without offering to provide and note in the medical record the required drug consultation;
- n. On or about March 12, 2020, Respondent Baker treated equine patient B.F. with Acepromazine Tabs without offering to provide and note in the medical record the required drug consultation;
- o. On or about March 7, 2020, Respondent Baker treated equine patient W.V. with Bute-Cort without offering to provide and note in the medical record the required drug consultation;
- p. On or about March 13, 2020, Respondent Baker treated equine patient L.S. with Bute-Cort without offering to provide and note in the medical record the required drug consultation;
- q. On or about March 19, 2020, Respondent Baker treated equine patient E.M. with Acepromazine Tabs without offering to provide and note in the medical record the required drug consultation;
- r. On or about July 10, 2020, Respondent Baker treated equine patient W. with Dantrium suspension without offering to provide and note in the medical record the required drug consultation;
- s. On or about July 14, 2020, Respondent Baker treated equine patient C.M. with Acepromazine tablets without offering to provide and note in the medical record the required drug consultation;
- t. On or about July 21, 2020, Respondent Baker treated equine patient C.M. with Naquasone paste without offering to provide and note in the medical record the required drug consultation;

- 1 u. On or about July 30, 2020, Respondent Baker treated equine patient C.M. with  
2 Thyro-L powder without offering to provide and note in the medical record the  
3 required drug consultation;
- 4 v. On or about August 7, 2020, Respondent Baker treated equine patient W. with  
5 Silvadene Cream without offering to provide and note in the medical record the  
6 required drug consultation; and
- 7 w. On or about August 7, 2020, Respondent Baker treated equine patient W. with  
8 Thyro-L powder without offering to provide and note in the medical record the  
9 required drug consultation.

10 **FIFTEENTH CAUSE FOR DISCIPLINE**

11 **(Violation of Practice Act and Board Regulations; Recordkeeping – Licensee Manager)**

12 273. Respondent Baker is subject to disciplinary action for violations of the Practice Act  
13 and regulations adopted by the Board under section 4883, subdivisions (c) and (o), for failing to  
14 ensure recordkeeping compliance with sections 4829.5, subdivision (d), 4854 and 4855, and  
15 CCR, title 16, sections 2030.05, subsection (b), 2032.3, and 2032.4. Respondent Baker failed to  
16 ensure the medical records maintained at Respondent EMC complied with minimum standards  
17 for recordkeeping, as follows:

18 274. As the licensee manager for EMC, Respondent is responsible for ensuring the  
19 operational components and practices of EMC meet the minimum standards of practice for  
20 recordkeeping. As such, Respondent is responsible for the following recordkeeping violations by  
21 the following veterinarians practicing at EMC:

22 275. Except where otherwise indicated, Dr. J. Wade Byrd failed to include the following  
23 information in the following equine patient's Patient History Report: Failed to document the age,  
24 sex, breed, species, and color of the animal (CCR 2032.3(a)(4)); Failed to document a patient  
25 history (CCR 2032.3(a)(6)); Failed to document a physical examination (CCR 2032.3(a)(7));  
26 Failed to establish a Veterinarian-Client-Patient relationship by virtue of an examination of the  
27 animal (CCR 2032.1(b)(2)); Failed to document doses of medication administered (CCR  
28 2032.3(a)(8)); Failed to document the route of administration of drugs administered (CCR

1 2032.3(a)(8)); Failed to document a treatment plan (CCR 2032.3(a)(8)); Failed to document a  
2 diagnosis for the patient (CCR 2032.3(a)(10)); and Failed to state a prognosis for the patient  
3 (CCR 2032.3(a)(11)):

- 4 a. On or about March 7, 2020, for equine patient H.M;
- 5 b. On or about March 7, 2020, for equine patient U.S. In addition to the above  
6 failures, Dr. Wade failed to document surgical and anesthetic records (CCR  
7 2032.3(a)(9)), failed to document a physical examination within 12 hours of a  
8 general anesthetic (CCR 2032.4(b)(1)), and failed to document the route of  
9 administration of anesthetics (CCR 2032.4(b)(6)) for equine patient U.S.;
- 10 c. On or about March 12, 2020, for equine patient T.C.;
- 11 d. On or about March 17, 2020, for equine patient R.B.;
- 12 e. On or about March 12, 2020, for equine patient B.C.;<sup>6</sup>
- 13 f. On or about March 12, 2020, for equine patient H.M.;<sup>6</sup>
- 14 g. On or about March 12, 2020, for equine patient M.D.;<sup>6</sup>
- 15 h. On or about March 12, 2020, for equine patient Q.;<sup>6</sup>
- 16 i. On or about March 17, 2020, for equine patient H.C. In addition to the above  
17 failures, Dr. Wade failed to document a required drug consultation for dispensed  
18 drugs (BPC 4829.5(d));<sup>7</sup>
- 19 j. On or about March 17, 2020, for equine patient R.C. In addition to the above  
20 failures, Dr. Wade failed to document a required drug consultation for dispensed  
21 drugs (BPC 4829.5(d));<sup>7</sup>
- 22 k. On or about March 17, 2020, for equine patient A.F.;<sup>7</sup>
- 23 l. On or about March 17, 2020, for equine patient M.A.;<sup>8</sup>
- 24 m. On or about March 17, 2020, for equine patient M.J.<sup>8</sup>

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26 <sup>6</sup> These four horses all under the care of trainer Carla Gaines all received the treatment “Adequan IM” on  
the same day with no medical indication in the medical record.

27 <sup>7</sup> These three horses all under the care of trainer Carla Gaines all received the treatment “DMSO Jug, Bute  
Inj, and Methocarbamol Inj” on dates close in time with no medical indication in the medical record.

28 <sup>8</sup> These two horses both under the care of trainer Jack Carava both received the treatment “DMSO Jug and  
Estrone Inj” on the same day with no medical indication in the medical record.

1           276. Except where otherwise indicated, Dr. Ryan Carpenter failed to include the following  
2 information in the following equine patient’s Patient History Report: Failed to document the  
3 client’s address (CCR 2032.3(a)(2)); Failed to document the age, sex, breed, species, and color of  
4 the animal (CCR 2032.3(a)(4)); Failed to document a patient history (CCR 2032.3(a)(6)); Failed  
5 to document a physical examination (CCR 2032.3(a)(7)); Failed to establish a Veterinarian-  
6 Client-Patient relationship by virtue of an examination of the animal (CCR 2032.1(b)(2)); Failed  
7 to document doses of medication administered (CCR 2032.3(a)(8)); Failed to document the route  
8 of administration of drugs administered (CCR 2032.3(a)(8)); Failed to document a treatment plan  
9 (CCR 2032.3(a)(8)); Failed to document a diagnosis for the patient (CCR 2032.3(a)(10)); and  
10 Failed to state a prognosis for the patient (CCR 2032.3(a)(11)):

- 11           a. On or about March 12, 2020, for equine patient V.S.;<sup>9</sup>
- 12           b. On or about March 12, 2020, for equine patient B.H.;<sup>9</sup>
- 13           c. On or about March 12, 2020, for equine patient J.;<sup>9</sup>
- 14           d. On or about March 15, 2020, for equine patient L.W.;
- 15           e. On or about March 16, 2020, for equine patient B. In addition to the above failures,  
16           Dr. Carpenter failed to document surgical and anesthetic record (CCR  
17           2032.3(a)(9)); failed to document a physical examination within 12 hours of a  
18           general anesthetic (CCR 2032.4(b)(1)); and failed to document the route of  
19           administration of anesthetics (CCR 2032.4(b)(6));
- 20           f. On or about March 14, 2020, for equine patient M.W. In addition to the above  
21           failures, Dr. Carpenter failed to document laboratory reports and interpretation  
22           (CCR 2032.3(a)(7)) but he did document the route of the administration of drugs  
23           (CCR 2032.3(a)(8)).
- 24           g. On or about March 14, 2020, for equine patient I.L. Dr. Carpenter failed to  
25           comply with most of the requirements listed above. However, he did comply with  
26           all aspects of CCR 2032.3(a)(8);

27           <sup>9</sup> These three horses all under the care of trainer Doug O’Neill all received the treatment “Bute, Electrolytes  
28 + Vits, Adequan, Methocarbamol” on the same day with no medical indication in the medical record.

- 1 h. On or about March 15, 2020, for equine patient M.K.;
- 2 i. On or about March 17, 2020, for equine patient M.H.;<sup>10</sup>
- 3 j. On or about March 17, 2020, for equine patient W.S.;<sup>10</sup>
- 4 k. On or about March 15, 2020, for equine patient L.H.

5 277. Dr. Sara Jones failed to include the following information in the following equine  
6 patient's Patient History Report<sup>11</sup>: Failure to document the client's address (CCR 2032.3(a)(2));  
7 Failure to document the age, sex, breed, species, and color of the animal (CCR 2032.3(a)(4));  
8 Failure to document a history (CCR 2032.3(a)(6)); Failure to document a physical examination  
9 (CCR 2032.3(a)(7)); Failure to establish a VCPR by virtue of an examination of the animal (CCR  
10 2032.1(b)(2)); Failure to document doses (CCR 2032.3(a)(8)); Failure to document a treatment  
11 plan (CCR 2032.3(a)(8)); Failure to document a diagnosis (CCR 2032.3(a)(10)); Failure to state a  
12 prognosis (CCR 2032.3(a)(11)); Failure to document the strength, dosage, route of administration,  
13 quantity, and frequency of use for drugs dispensed (CCR 2032.3(a)(12)); and Failure to document  
14 a required drug consultation for dispensed drugs (BPC 4829.5(d)):

- 15 a. On or about March 12, 2020, for equine patient C.D.;
- 16 b. On or about March 15, 2020, for equine patient G.;
- 17 c. On or about March 15, 2020, for equine patient B.L.;
- 18 d. On or about March 15, 2020, for equine patient S.;
- 19 e. On or about March 15, 2020, for equine patient G.D.;
- 20 f. On or about March 15, 2020, for equine patient A.R.;
- 21 g. On or about March 15, 2020, for equine patient T.C.;
- 22 h. On or about March 15, 2020, for equine patient S.L.;
- 23 i. On or about March 15, 2020, for equine patient H.A.; and
- 24 j. On or about March 16, 2020, for equine patient B.R.

25 <sup>10</sup> These two horses both under the care of trainer Baffert both received the treatment "Methocarbamol Inj,  
26 Bute Inc, E-SE" on the same day with no medical indication in the medical record. However the medical record for  
each of these horses did comply with CCR 2032.3(a)(2), listing the client's address.

27 <sup>11</sup> Confidential Track Reports submitted to the California Horse Racing Board indicate Dr. Jones as the  
28 treating veterinarian for these patients at these dates and times. However, on the Patient History Reports it appears  
that Respondent EMC billed the treatments under the name of Respondent Baker.

1           278. In addition, Dr. Jones failed to include the following information in the following  
2 equine patient's Patient History Report<sup>12</sup>: Failure to document the client's address (CCR  
3 2032.3(a)(2)); Failure to document the age, sex, breed, species, and color of the animal (CCR  
4 2032.3(a)(4)); Failure to document a history (CCR 2032.3(a)(6)); Failure to document a physical  
5 examination (CCR 2032.3(a)(7)); Failure to establish a VCPR by virtue of an examination of the  
6 animal (CCR 2032.1(b)(2)); Failure to document doses (CCR 2032.3(a)(8)); Failure to document  
7 a treatment plan (CCR 2032.3(a)(8)); Failure to document a diagnosis (CCR 2032.3(a)(10)); and  
8 Failure to state a prognosis (CCR 2032.3(a)(11)):

- 9           a. On or about March 3, 2020, for equine patient Y.W.;
- 10           b. On or about March 3, 2020, for equine patient T.T.;
- 11           c. On or about March 3, 2020, for equine patient S.M.;
- 12           d. On or about March 6, 2020, for equine patient M.B.;
- 13           e. On or about March 6, 2020, for equine patient A.H.; and
- 14           f. On or about March 16, 2020, for equine patient B.R. In addition to the above  
15 failures, Dr. Jones failed to document laboratory reports and interpretation as  
16 required. (CCR 2032.3 (a)(7).) However, Dr. Jones did properly document the  
17 doses of treatments.

18           279. Dr. Cathleen Canfield failed to include the following information in the following  
19 equine patient's Patient History Report: Failed to document the age, sex, breed, species, and color  
20 of the animal (CCR 2032.3(a)(4)); Failed to document a patient history (CCR 2032.3(a)(6));  
21 Failed to document a physical examination (CCR 2032.3(a)(7)); Failed to establish a VCPR by  
22 virtue of an examination of the animal (CCR 2032.1(b)(2)); Failed to document doses of  
23 medication administered (CCR 2032.3(a)(8)); Failed to document the route of administration of  
24 drugs administered (CCR 2032.3(a)(8)); Failed to document a treatment plan (CCR 2032.3(a)(8));  
25 Failed to document a diagnosis for the patient (CCR 2032.3(a)(10)); and Failed to state a  
26 prognosis for the patient (CCR 2032.3(a)(11)):

27           <sup>12</sup> Confidential Track Reports submitted to the CHRB indicate Dr. Jones as the treating  
28 veterinarian for these patients at these dates and times. However, on the Patient History Reports it  
appears that Respondent EMC billed the treatments under the name of Respondent Baker.

- a. On or about March 4, 2020, for equine patient F.; and
- b. On or about March 4, 2020, for equine patient G.B.

280. In addition, Dr. Canfield failed to include the following information in the following equine patient's Patient History Report: Failed to document the age, sex, breed, species, and color of the animal (CCR 2032.3(a)(4)); Failed to document a patient history (CCR 2032.3(a)(6)); Failed to document a physical examination (CCR 2032.3(a)(7)); Failed to document a treatment plan (CCR 2032.3(a)(8)); Failed to document a diagnosis for the patient (CCR 2032.3(a)(10)); Failed to state a prognosis for the patient (CCR 2032.3(a)(11)); and Failed to document strength, dosage, route of administration, quantity, and frequency of use for drugs dispensed, (CCR 2032.3(a)(12)):

- a. On or about April 7, 2019, for equine patient K.T.;
- b. On or about June 14, 2019, September 2, 2019, and September 20, 2019, for equine patient G.R.; and
- c. On or about January 11, 2020 and January 12, 2020, for equine patient J.T.

**VETERINARY PREMISES REGISTRATION**

281. Pursuant to section 4853.6, if the Board suspends or revokes Veterinarian License Number VET 10550 issued to Respondent Baker, the Board shall suspend or revoke Veterinary Premises Registration Number HSP 3171 issued to Respondent Baker, as managing licensee of Respondent EMC.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Veterinarian License Number VET 10550, issued to Vincent A. Baker;
- 2. Revoking or suspending Premises Registration Number HSP 3171, issued to Equine Medical Center;

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3. Ordering Vincent A. Baker and Equine Medical Center to pay the Veterinary Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Assessing a fine against Vincent A. Baker not in excess of \$5,000 for any of the causes specified in Business and Professions Code section 4883; and

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

DATED: December 17, 2021

Signature on File  
JESSICA SIEFERMAN  
Executive Officer  
Veterinary Medical Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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