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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 4602017000794

13 **TESS PEAVY**

STATEMENT OF ISSUES

14 **Veterinarian License Applicant**

15 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Annemarie Del Mugnaio (Complainant) brings this Statement of Issues solely in her
21 official capacity as the Executive Officer of the Veterinary Medical Board (Board), Department
22 of Consumer Affairs.

23 2. On or about April 8, 2016, the Board received an application for a Veterinarian
24 License from Tess Peavy (Respondent). On or about April 5, 2016, Tess Peavy certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on February 10, 2017.

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1 Board approved veterinarian to monitor her practice and surgical techniques, procedures, and
2 office policies as they relate to the care of animals.

3 7. On or about January 25, 2012, in an administrative matter entitled *In the Matter of the*
4 *License to Practice Veterinary Medicine of Tess Peavy, D.V.M., License Number 6277*, the
5 Oregon Veterinary Medical Examining Board issued an Order, which adopted a stipulated
6 agreement that was based on stipulations that Respondent: (1) failed to perform and document all
7 of the required elements of a physical examination in violation of Oregon Administrative Rule
8 (OAR) 875-011-0010(12); (2) failed to perform surgery using sterile instruments in violation of
9 OAR 875-011-0010(6); (3) failed to perform surgery in a manner compatible with current
10 veterinary practices because clipped hair was observed to be in evidence during multiple surgeries
11 in violation of OAR 875-015-0030(2)(b) and (d); (4) failed to maintain a legible individual record
12 for each animal in violation of OAR 875-015-0030(1)(a) through (p); (5) failed to fully document
13 all drugs used in violation of OAR 875-015-0030(3)(a), (b), and (h); and (6) charged for services
14 not provided by charging for the neuter of an animal that she failed to neuter in violation of OAR
15 875-011-0010(11). Per the Order, Respondent agreed to: (1) complete forty (40) hours of
16 continuing education in aseptic procedures and recordkeeping; (2) provide advance notice of
17 clinics conducted in Oregon and allow either a Board member or Board staff to observe the
18 clinics; (3) have additional licensed professional assistance on days where Respondent conducts
19 20 or more procedures; and (4) pay a civil penalty.

20 CAUSE FOR DENIAL OF APPLICATION

21 (Out-of-State Discipline)

(Bus. & Prof. Code, §§ 480, subd. (a)(3); 4883, subd. (l), (n).)

22 8. Respondent has subjected her application to denial in that she has been the subject of
23 disciplinary action by another state or territory regarding a license or certificate to practice
24 veterinary medicine in that state or territory. (Bus. & Prof. Code, §§ 480, subd. (a)(3); 4883,
25 subd. (l), (n).) The circumstances are set forth in paragraphs 6 and 7, above.

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PRAYER

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

1. Denying the application of Tess Peavy for a Veterinarian License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2017

Annemarie Del Mugnaio

ANNEMARIE DEL MUGNAIO
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California
Complainant

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