

ALABAMA STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
MONTGOMERY COUNTY, ALABAMA

ALABAMA STATE BOARD OF )  
VETERINARY MEDICAL EXAMINERS )  
INVESTIGATIVE FILE NO. )  
13-WRW-634-3 )  
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ADMINISTRATIVE COMPLAINT AND NOTICE OF HEARING

TO: Dr. Margaret Ferrell, D.V. M.  
c/o Alabama Spay / Neuter Clinic, Inc.  
2721 Crestwood Blvd.  
Birmingham, AL 35210

COMES NOW, the Alabama State Board of Veterinary Medical Examiners (hereinafter the "ASBVME") pursuant to the Alabama Veterinary Practice Act, Alabama Code 1975 § 34-29-60 through § 34-29-135 and the Alabama State Board of Veterinary Medical Examiners, Administrative Code, Rule 930-X-1-.01 through Rule 930-X-1-.38, by and through the Executive Director of the Alabama State Board of Veterinary Medical Examiners, Tammy S. Cargile, and issues this Administrative Complaint and Notice of Administrative Hearing to Consider revocation and/or suspension of the license issued to Dr. Margaret Ferrell, D.V.M. by the ASBVME to practice veterinary medicine in the State of Alabama. The purpose of this Administrative Hearing will be to consider whether or not state law and/or rules and regulations of the ASBVME have been violated and for the purpose of determining whether or not the license issued to Dr. Margaret Ferrell, D.V.M. should be revoked or suspended. The Administrative Hearing for this matter will be set to begin on October 1, 2014 at 9:30 a.m. at 8 Commerce Street, Annex Auditorium, Montgomery, Alabama 36104, and continue day to day

until completed. The Administrative Hearing shall be conducted by the ASBVME and/or an Administrative Law Judge / Hearing Officer assigned to this matter by the ASBVME by and through the Executive Director of the ASBVME. Pursuant to 930-X-1-.16(3), failure to inform the ASBVME Board office within twenty-one (21) days after notice is received of intent to appear at any administrative hearing or pre-hearing conference scheduled in this notice will be deemed a waiver of the right to a hearing. Respondent Ferrell is hereby informed that, at this administrative hearing, Respondent Ferrell shall have the right to be represented by counsel, to call and cross-examine witnesses, and to present evidence on her own behalf. Failure to appear for the administrative hearing and contested case after proper service of notice may result in the ASBVME and/or the Administrative Law Judge / Hearing Officer proceeding with the hearing and a decision being made in the absence of the party.

If you have any questions regarding this administrative complaint, please contact Tammy Cargile, Executive Director of the Alabama State Board of Veterinary Medical Examiners, at 8 Commerce Street – Suite 910, Montgomery, Alabama 36130-5330 or 334-262-8068. Questions may also be directed to legal counsel for the Alabama State Board of Veterinary Medical Examiners, Mark G. Montiel, Sr., at 334-467-9265 or 334-356-1899.

**COMES NOW**, the Alabama State Board of Veterinary Medical Examiners (hereinafter the “ASBVME”) pursuant to the Alabama Veterinary Practice Act, Alabama Code 1975 § 34-29-60 through § 34-29-135 and the Alabama State Board of Veterinary Medical Examiners, Administrative Code, Rule 930-X-1-.01 through Rule 930-X-1-.38, by and through the Executive Director of the Alabama State Board of Veterinary Medical Examiners, Tammy S. Cargile, and brings this cause of action against the above-named Respondent, Margaret Ferrell, D.V.M., and charge and alleges as follows:

### JURISDICTION AND VENUE

1. Jurisdiction before the ASBVME is proper pursuant to Ala. Code § 34-29-69 and § 34-29-79, and pursuant to the Administrative Code of the Alabama State Board of Veterinary Medical Examiners, Administrative Code, Section 930-X-1-.15, Section 930-X-1-.16, Section 930-X-1-.20 and 930-X-1-.21.

2. Venue is proper in that all parties are residents or entities of the State of Alabama operating pursuant to licenses and premise permits issued by the ASBVME. The ASBVME maintains its office and its records in the City of Montgomery, Alabama and in Montgomery County, Alabama, and material acts complained of herein occurred pursuant to these licenses and premise permits issued by the ASBVME.

### PARTIES

3. The Complainant, the Alabama State Board of Veterinary Medical Examiners, is a State of Alabama governmental agency charged with the responsibility and authority to carry out the purposes of the Alabama Veterinary Practice Act, Alabama Code 1975 § 34-29-60 through § 34-29-135 and its Administrative Code, Rule 930-X-1-.01 through Rule 930-X-1-.38. The ASBVME has the authority, under § 39-29-69(9) to inspect any hospitals, clinics, satellites, outpatient clinics, mobile clinics, or other places utilized for the practice of veterinary medicine.

4. The Respondent, Dr. Margaret Ferrell, D.V.M., (hereinafter "Respondent Ferrell"), currently has a license to practice Veterinary Medicine in the State of Alabama issued by the ASBVME (ASBVME license number 6020), and has practiced veterinary medicine at a veterinary facility that at times failed to have a premise permit and at other times operated under a premise permit issued by the ASBVME. Respondent Ferrell has represented to the ASBVME that she was employed by the veterinarian facility located at Alabama Spay and Neuter Clinic,

Inc., 2721 Crestwood Blvd., Birmingham, AL 35210, and has continued to be employed at the ASNC for all years since originally employed at the ASNC.

#### **DEFINITIONS**

5. For purposes of this Complaint and all charges incorporated herein, consistent with Ala. Code 1975 § 34-29-61, this administrative complaint does hereby apply the definitions, terms, and meanings described by this section of the Alabama Veterinary Practice Act. Additionally, this administrative complaint does hereby apply all other definitions, terms, and meanings described in the Alabama Veterinary Practice Act, Alabama Code 1975 § 34-29-60 through § 34-29-135 and the Alabama State Board of Veterinary Medical Examiners, Administrative Code, Rule 930-X-1-.01 through Rule 930-X-1-.38.

#### **FACTS**

After conducting an investigation involving alleged violations of the Alabama Veterinary Practice Act, which included attempts by the ASBVME to obtain pre-administrative charge testimony and documents from Respondent Ferrell to the Board (“Board”) of the Alabama State Board of Veterinary Medicine (“ASBVME”), the following facts have been asserted and form the basis of this Administrative Complaint:

6. On or about March 22, 2007, Alabama Spay/Neuter Clinic, Inc., filed Articles of Incorporation with the Probate Court of Tuscaloosa County, Alabama, forming a nonprofit corporation under the laws of the State of Alabama and to comply with Section 501c(3) of the Internal Revenue Code of 1986, as amended. The original incorporators and the original Board of Directors of the corporation were B.L. Howard, Jr., 59 Cherokee Hills, Tuscaloosa, Alabama 35404; Mark Nelson, 9021 Park Crest Road, Birmingham, Alabama 35242; Harold Blach, Jr., 2512 Ashford Place, Birmingham, Alabama 35243; and William Mitchell, 1607 13<sup>th</sup> Street,

Tuscaloosa, Alabama 35401. The ASBVME is of information and belief that none of these original incorporators are now or have ever been licensed to practice Veterinary Medicine in the State of Alabama. The original officers of the corporation were B.L. Howard, Jr., designated to serve as President and Chairman, and Mark Nelson, designated to serve as Vice President, Executive Director. The ASBVME is of information and belief that none of these original officers are now or have ever been licensed to practice Veterinary Medicine in the State of Alabama.

7. The Alabama Spay/Neuter Clinic (hereinafter "ASNC") primarily functions as a veterinarian clinic performing spay and neuter operations. The ASNC has employed several veterinarians, licensed veterinary technicians, and other veterinary assistants who are all subject to the Alabama Veterinary Practice Act and its Administrative Code. Ala. Code 1975 §§ 34-29-60, et. al., Rule 930-X-1-.01, et. al. Respondent Ferrell has represented to the ASBVME in documents filed with the ASBVME that she was and has been employed by the ASNC to perform veterinary services.

8. Because those who own the ASNC facility and equipment are not licensed to practice Veterinary Medicine in the State of Alabama, those individuals are prohibited from obtaining a premise permit for the ASNC to operate. Thus, to accomplish its goal of obtaining a premise permit for the facility, over the course of its business, the ASNC designated several veterinarians to apply for and receive premise permits for the facility. Respondent Ferrell has not herself obtained a premise permit from the ASBVME; however, she has performed surgeries at the ASNC and at times acted as the veterinarian responsible for the management of the premises without obtaining a premise permit for the ASNC to operate. Additionally, once a premise permit was obtained to operate the ASNC, Respondent Ferrell was not listed as the veterinarian

responsible for the management of the premises at the ASNC. At times Respondent Ferrell has represented herself to be the “supervising veterinarian” of the ASNC facility. Respondent Ferrell, however, does not own any portion of the ASNC building or equipment used within and does not own the patient files maintained by the facility.

9. The ASNC is considered an outpatient clinic which requires, pursuant to Ala. Code 1975 § 34-29-61(21)(d), direct supervision of a licensed veterinarian to remain on the premises during the entire period of operation. However, some patients who have received surgical procedures at the ASNC have been kept at the facility overnight without any form of overnight monitoring or supervision by Respondent Ferrell or any other licensed veterinarian.

10. The ASNC obtains many patients from out-of-town by transporting said patients to the ASNC clinic by transport vehicle. These patients are picked up in the morning from an out-of-town parking lot or other similar location and driven to the ASNC for surgery. At the end of the day, these patients are once again placed in the vehicle and returned to a central location where their owners meet to pick them up. The vehicle is driven by a non-licensed individual. This non-licensed individual distributes instructions to the owners regarding post-surgical care, and the patients are sent home. This arrangement prevents the veterinarians performing the surgeries from establishing a proper veterinary-client-patient relationship. Respondent Ferrell often operates on animals without any established client relationship or contact with the human owner of the patient animal. Further, neither Respondent Ferrell nor the ASNC has obtained a permit for this transport vehicle, which has operated as an extension of the ASNC.

11. Neither Respondent Ferrell nor the ASNC has after-hours contracts with emergency facilities in all counties where animals are obtained for treatment and transported to the ASNC for veterinary treatment. These after-hour emergency contracts are necessary to provide care for

emergency situations arising from the procedures performed by Respondent Ferrell at the ASNC. Patients who develop complications, especially those transported from out-of-town, often do not have a facility at which they may seek assistance when complications arise after surgeries have been performed by Respondent Ferrell.

12. Respondent Ferrell has rejected the surgical training that she received in her veterinary education at Auburn University and now employs a certain technique and procedure learned in brief surgical training received after graduating from veterinary school at Auburn University. This new procedure was learned by Respondent Ferrell in North Carolina and greatly increases the speed in which spays or neuters are performed, thus increasing the number of potential surgeries a veterinarian may perform in a work-day. However, the “new” procedure has more room for error than the traditional methods employed to spay and neuter animals and Respondent Ferrell’s use of this “new” procedure has caused death or injury to animals upon which she has operated and performed spay and neuter procedures.

13. Respondent Ferrell and other veterinarians working at the ASNC operate under the understanding – whether directly or indirectly – that they must perform a certain number of surgeries per day if they wish to continue to work for the facility. This number appears to be upwards of thirty (30) to forty (40) spay and neuter procedures per day, per veterinarian. Unfortunately, the combination of the procedural methods required and the daily surgical demands of the veterinarians has resulted in an unacceptable percentage of patients developing complications – some life-threatening, some resulting in the death of the animal.

14. Patients recovering from surgery performed by Dr. Ferrell are not properly supervised within the ASNC facility. Multiple animals are often placed on the floor of the surgery suite to recuperate from surgery resulting in improper and inadequate supervision of post-surgical

recovery by Respondent Ferrell and/or those veterinary staff personnel under Respondent Ferrell's supervision.

15. On multiple occasions, Respondent Ferrell has made representations to the Board that were false and misleading to obtain the renewal of her veterinary license from the ASBVME. Respondent Ferrell has misrepresented her employer to the ASBVME. Respondent Ferrell has also misrepresented the supervision that she provides for licensed veterinary technicians and unlicensed assistants at the ASNC. Respondent Ferrell does not interview or make hiring decisions regarding the hiring of veterinarians, licensed veterinary technicians, and unlicensed assistants that she supposedly supervises at the ASNC facility. Respondent Ferrell does not supervise and oversee the use of controlled substances administered to animals at the ASNC facility. While various contracts signed by Respondent Ferrell indicate that she was employed as an independent contractor performing surgeries at the ASNC, Respondent Ferrell's actions were not in accordance with the contract that Respondent Ferrell has represented to the ASBVME controlled her employment.

16. The ASNC has, on occasion, employed licensed veterinarian technicians and other veterinary assistants to assist in spay and neuters within the facility. Under Ala. Code 1975 § 34-29-94, licensed veterinarian technicians and other veterinary assistants are subject to the Veterinary Practice Act and must be properly supervised by a licensed veterinarian when performing certain medical procedures. Respondent Ferrell has often failed to provide this supervision and has permitted licensed veterinary technicians and unlicensed veterinary assistants to administer controlled substances. Respondent Ferrell has failed to supervise the licensed veterinary technicians for tasks that require her direct or indirect supervision.

17. Individuals in charge of the operations at the ASNC are not licensed veterinarians. Respondent Ferrell allows these non-licensed individuals include directly or indirectly to perform duties, including the hiring of licensed veterinary technicians that can only be performed by a licensed veterinarian under the Alabama Veterinary Practice Act. These non-licensed individuals set the daily surgery requirements for the practicing veterinarians, set the surgical hours of the practicing veterinarians and their staffs, and direct the purchase of veterinary medicine and determining the types of suture materials, medicines, procedures, etc., that are used by the practicing veterinarians. These actions constitute the practice of veterinary medicine by non-licensed individuals, and Respondent Ferrell's failure to perform these duties and provide the proper supervision violates the provisions of the Alabama Veterinary Practice Act.

**CHARGE 1**  
**Violation(s) of § 34-29-87(b)**

18. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

19. The Alabama Veterinary Practice Act § 34-39-87(b) states that “[i]t shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.”

20. Respondent Ferrell has engaged in the practice of veterinary medicine with non-licensed individuals and a non-licensed entity whose incorporators, officers, directors, owners, and managers are not licensed veterinarians. These non-licensed individuals, including the ASNC's Executive Director, are engaged in the practice of veterinary medicine because of their control over the veterinarians practicing veterinary medicine at the ASNC, including Respondent Ferrell.

Respondent Ferrell's association with these non-licensed individuals is a violation of the Alabama Veterinary Practice Act.

21. Respondent Ferrell is unlawfully employed by non-licensed individuals who are not licensed veterinarians and a non-licensed entity whose incorporators, officers, directors, owners, and managers are not licensed veterinarians.

22. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME and/or non-renewal of her license pursuant to the Alabama Veterinary Practice Act.

**CHARGE 2**  
**Violation(s) of § 34-29-88(b)**

23. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

24. The Alabama Veterinary Practice Act § 34-29-88(b) states that "[e]ach application for [a] premise permit shall set forth the names of all licensed veterinarians who shall be responsible for the management of the premises."

25. Respondent Ferrell, acting on behalf of the ASNC, has performed work under a premise permit that failed to set forth her name as the licensed veterinarian who shall be responsible for the management of the premises at the ASNC.

26. Additionally, Respondent Ferrell, acting on behalf of the ASNC, has also performed veterinary services and performed surgeries at the ASNC during a period of time when the ASNC and Respondent Ferrell did not have a premise permit to operate the facility at the ASNC. Respondent Ferrell performed hundreds, if not thousands of surgeries on animals during this period of time. These surgeries were performed at the ASNC without a premise permit. The ASNC nor Respondent Ferrell should have performed any veterinary services during this period

of time when no premise permit existed at the ASNC.

27. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 3**  
**Violation(s) of § 34-29-88(g)**

28. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

29. The Alabama Veterinary Practice Act § 34-29-88(g) states that “[p]remise permits issued to satellite, outpatient, or mobile small animal clinics shall state the name of the full service veterinary facility in that locale providing emergency and after hours service. Premise permits issued to mobile large animal clinics shall state the name of the full service veterinary facility in that locale providing radiology, emergency, and after hours service. Mobile clinics operating in more than one locale, i.e. city, shall have a premise permit for each locale. If the agreement between the outpatient, satellite, mobile large animal clinic, mobile small animal clinic, and the full service veterinary clinic providing back-up service ceases, the board shall be notified immediately and a new agreement for back-up service shall be provided before the issuance of a new premise permit.”

30. Respondent Ferrell, acting on behalf of the ASNC, has failed to obtain a premise permit for the mobile transport vehicle that transfers animal patients to and from the ASNC for surgery. This vehicle is acting as an extension of the veterinary practice of the ASNC, and as such, is required to obtain a premise permit, and to list the veterinarian responsible for the management of the mobile transport vehicle. Respondent Ferrell is not listed as the veterinarian responsible for the management of the mobile transport vehicle and has not obtained a premise permit for the mobile transport vehicle. Further, Respondent Ferrell does not have an after-hours service

contract in place for animal patients in several counties in Alabama who suffer complications as a result of procedures performed by Respondent Ferrell at the ASNC.

31. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 4**  
**Violation(s) of § 34-29-76**

32. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

33. The Alabama Veterinary Practice Act § 34-29-76(4) states that “[n]o person shall give false or forged information to the board or a member thereof for the purpose of obtaining a license.”

34. The Alabama Veterinary Practice Act § 34-29-76(7) states that “[n]o person shall knowingly conceal information relative to violations of this article.”

35. The Alabama Veterinary Practice Act § 34-29-76(8) states that “[n]o person shall falsely represent himself or herself as being in a supervisory status without providing such supervision.”

36. Respondent Ferrell, acting on behalf of the ASNC, has presented false and/or forged information to the Board of the ASBVME for the purpose of obtaining a renewal of her license from the ASBVME.

37. Respondent Ferrell has concealed information from the ASBVME regarding her true and correct employer and employment. Respondent Ferrell has also concealed information regarding her actions involving the supervision of licensed veterinary technicians and unlicensed assistants at the ASNC. Respondent Ferrell has concealed information from the ASBVME regarding the supervision of staff and the administering of controlled substances by veterinary staff, licensed and unlicensed, without proper supervision. Respondent Ferrell has also failed to inform the

ASBVME that non-licensed veterinarians are essentially practicing veterinary medicine at the ASNC by setting the number of daily surgical procedures performed, directing and determining the types of medicine and materials used by the practicing veterinarians, and setting the practice hours of the practicing veterinarians and their staff.

38. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 5**  
**Violation(s) of § 34-29-94(k) and § 34-29-94(e)(1)**

39. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

40. The Alabama Veterinary Practice Act § 34-29-94(e) states that “[t]he supervising veterinarian may require a licensed veterinary technician to perform any task for which he or she has been trained . . . provided the veterinarian makes examinations in a manner and frequency consistent with the accepted standard of care for the condition of the patient and for the condition being treated.”

41. The Alabama Veterinary Practice Act § 34-29-94(e)(1) sets forth the tasks that a licensed veterinary technician may perform under the indirect supervision of a veterinarian and the direct supervision of a veterinarian when the animal is anesthetized.

42. Respondent Ferrell, acting as the veterinarian responsible for the management of the ASNC, has failed to properly supervise the licensed veterinary technicians at the ASNC. Respondent Ferrell has failed to provide the required supervision to licensed veterinarian technicians who performed services described in § 34-29-94(e)(1) nor has she ensured that the

licensed veterinary technicians are being properly supervised by other veterinarians practicing at the ASNC. Specifically, Respondent Ferrell has not supervised the practice of licensed veterinary technicians for anesthetized ASNC patients including, but not limited to, surgical site preparation, injections of medications not otherwise prohibited, administration of pre-anesthetic drugs, and placement of devices to allow vascular access.

43. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 6**  
**Violation(s) of § 34-29-94(k) and § 34-29-94(e)(2)**

The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

44. The Alabama Veterinary Practice Act § 34-29-94(e) states that “[t]he supervising veterinarian may require a licensed veterinary technician to perform any task for which he or she has been trained . . . provided the veterinarian makes examinations in a manner and frequency consistent with the accepted standard of care for the condition of the patient and for the condition being treated.”

45. The Alabama Veterinary Practice Act § 34-29-94 (e)(2) sets forth the tasks that a licensed veterinary technician may perform under the direct supervision of a veterinarian.

46. Respondent Ferrell, acting as the veterinarian responsible for the management of the ASNC, has failed to directly supervise the ASNC licensed veterinary technicians or ensure that direct supervision is occurring when the licensed veterinary technicians are performing certain tasks including, but not limited to, endotracheal intubation; surgery, diagnostic and treatment

procedures, monitoring of vital signs of anesthetized patients, patient anesthesia induction by intravenous, intramuscular, or subcutaneous injection, or by inhalation; and the tasks listed under § 34-29-94(e)(1) when such patients are anesthetized.

47. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 7**  
**Violation(s) of § 34-29-94(k) and § 34-29-94(e)(3)**

The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

48. The Alabama Veterinary Practice Act § 34-29-94(e)(3) sets forth the tasks that an unlicensed assistant may perform under the indirect supervision of a licensed veterinarian or licensed veterinary technician.

49. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to indirectly supervise the ASNC unlicensed assistants or to ensure that indirect supervision is occurring when the unlicensed assistants are performing certain tasks including, but not limited to, blood collection for diagnostic purposes and surgical site preparation.

50. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 8**  
**Violation(s) of § 34-29-94(k) and § 34-29-94(e)(4)**

The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

51. The Alabama Veterinary Practice Act § 34-29-94(e)(4) sets forth the tasks that an unlicensed assistant may perform under the immediate supervision of a licensed veterinarian or a licensed veterinarian technician.

52. Respondent Ferrell, acting as the veterinarian responsible for the management of the premise and acting as the supervising veterinarian of the ASNC, has failed to provide immediate supervision to the ASNC unlicensed assistants or to ensure that such immediate supervision is occurring when the unlicensed assistants are performing certain tasks including, but not limited to, placement of devices to allow vascular access to patients, intravenous injections of medications not otherwise prohibited, surgery and diagnostic assistance, placement of endotracheal tubes, and other veterinary medicine services described in § 34-29-94(e)(4).

53. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 9**

**Violation(s) of 930-X-1-.11(1)**

54. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

55. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.11 provides the requirements for prescribing and dispensing drugs by licensed veterinarians.

56. Respondent Ferrell has prescribed, dispensed, delivered, or ordered delivered controlled substances carrying the legend and defined by the United States Food and Drug Administration (USFDA) without establishing a veterinary-client patient relationship as defined by the USFDA and/or without first having established a veterinary-client relationship by having personally examined the individual animal as required by the Alabama Veterinary Practice Act Administrative Code 930-X-1-.11(1),(2),and (3).

57. WHEREFORE, based on the foregoing, Respondent Ferrell has violated the Alabama Veterinary Practice Act and has conducted her veterinary medicine practice in a manner defined as unprofessional conduct and is therefore subject to discipline by the ASBVME.

**CHARGE 10**  
**Violation(s) of 930-X-1-.13**

57. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

58. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.13 provides the requirements for licensed veterinarians who handle controlled substances to register annually with the ASBVME. This rule further requires licensed veterinarians to comply with current federal DEA regulations (C.F.R. 21) and requires regular inventories of controlled substances and that a biennial inventory report be readily available for inspection by provides for prescribing and dispensing drugs by licensed veterinarians.

59. Respondent Ferrell, acting as the veterinarian responsible for the management of the premise and acting as the supervising veterinarian of the ASNC, has failed to comply with current DEA regulations (C.F.R. 21) at the ASNC and has not made available inventory reports of controlled substances upon request by the ASBVME.

60. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 11**  
**Violation(s) of 930-X-1-.31(b)**

61. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

62. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.31 provides for the minimum standards for veterinary facilities including the requirements for the maintaining of records by licensed veterinarians at a veterinary facility under Administrative Code 930-X-1-.31(b).

63. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to properly maintain records on every animal undergoing veterinary treatment at the ASNC as required by the administrative rules of the ASBVME. Respondent Ferrell does not and has not maintained animal patient records and surgery records as required by the administrative rules of the ASBVME and has allowed non-licensed non-veterinary personnel to maintain said records without the required management supervision.

64. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 12**  
**Violation(s) of 930-X-1-.31(g)**

65. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

66. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.31 provides for the minimum standards for veterinary facilities including the requirements for surgery performed at a veterinary facility under Administrative Code 930-X-1-.31(g).

67. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to perform surgery in a manner compatible with current veterinary medical practice as required by the administrative rules of the ASBVME and has failed to maintain a level of safe humane care to animal patients.

Respondent Ferrell does not and has not performed surgical care according to the standard of care required by the administrative rules of the ASBVME and has allowed non-licensed non-veterinary personnel to perform surgical tasks in a manner outside of the required surgical care described in the administrative rules without the proper and required management supervision.

68. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 13**  
**Violation(s) of 930-X-1-.31(k)**

69. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

70. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.31 provides for the minimum standards for veterinary facilities including the requirements for available emergency service and care by licensed veterinarians for animal patients under Administrative Code 930-X-1-.31(k).

71. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to make sure that emergency service and care was provided and readily available to animal patients that have

undergone surgery and/or veterinary treatment at the ASNC as required by the administrative rules of the ASBVME.

72. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 14**  
**Violation(s) of 930-X-1-.10(4)**

73. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

74. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(4) requires a licensed veterinarian to decide what employment should be accepted and to decide what course of treatment will be followed once employment has been accepted. This administrative rule further requires the licensed veterinarian to be responsible for advising questionable or unusual treatment. Additionally, no licensed veterinarian shall give any service or advice involving disloyalty to the law which includes compliance with state and federal law. A licensed veterinarian is prohibited from providing any service or advice involving deception or betrayal of the public.

75. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has engaged in a pattern of conduct and performed veterinary services and surgery on animal patients as directed by non-licensed persons and/or in a manner inconsistent with her education and training received in veterinary school. Respondent Ferrell's actions have caused injury and/or death to animal patients that have undergone surgery and/or veterinary treatment at the ASNC without proper

supervision, care, and emergency follow up care as required by the administrative rules of the ASBVME.

76. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 15**  
**Violation(s) of 930-X-1-.10(6)**

77. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

78. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(6) requires a licensed veterinarian to exercise the same degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by members of the veterinary medical profession in good standing in the locality or community in which they practice or in similar communities.

79. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has engaged in a pattern of conduct and performed veterinary services and surgery on animal patients in a manner inconsistent with the required standard of care for licensed veterinarians in the community. Respondent Ferrell's actions have caused injury and/or death to animal patients that have undergone surgery and/or veterinary treatment at the ASNC without proper supervision, care, and emergency follow up care as required by the administrative rules of the ASBVME.

80. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 16**  
**Violation(s) of 930-X-1-.10(9)**

81. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

82. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(9) prohibits a licensed veterinarian from promoting, aiding, or abetting the practice of veterinary medicine by an unlicensed person or from promoting, aiding, or abetting any illegal or unethical conduct by any veterinarian.

83. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has engaged in a pattern of conduct and allowed unlicensed persons to perform veterinary services and to administer controlled substances in violation of the Alabama Veterinary Medical Practice Act. Additionally, Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has aided and abetted other veterinarians to violate the Alabama Veterinary Practice Act. Respondent Ferrell's actions have caused injury and/or death to animal patients that have undergone surgery and/or veterinary treatment at the ASNC without proper supervision, care, and emergency follow up care as required by the administrative rules of the ASBVME.

84. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 17**  
**Violation(s) of 930-X-1-.10(10)**

85. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

86. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(10) prohibits a licensed veterinarian from allowing a person not licensed under the Alabama Veterinary Practice Act to issue certificates with the veterinarian's signature affixed thereto, nor shall a licensed veterinarian permit a non-licensed person to vaccinate or treat animals under immediate supervision of the licensed veterinarian, unless otherwise provides by law.

87. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has engaged in a pattern of conduct and allowed unlicensed persons to vaccinate or treat animals without the required supervision, and to administer controlled substances in violation of the Alabama Veterinary Medical Practice Act.

88. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 18**  
**Violation(s) of 930-X-1-.10(13)**

89. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

90. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(13) requires a licensed veterinarian to treat all animals entrusted to the veterinarian by clients to keep within the professional standards of human treatment and care.

91. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to treat all animals entrusted to her care within the professional standards of human treatment and care. Respondent Ferrell often operates on animals at a speed and pace inconsistent with the professional standard of care, fails to provide proper supervision to licensed and unlicensed staff under Respondent

Ferrell's veterinary supervision, allows staff to inject controlled substances and vaccinate animals without the required supervision, fails to properly supervise and monitor animals in pre-surgical and post-operative veterinary treatment, fails to maintain after hours and/or emergency contacts and services for post operative animal patient care that is required for emergency and problem surgical patients, and has permitted unlicensed persons to provide veterinary medical treatment that is not permitted and in violation of the Alabama Veterinary Medical Practice Act.

92. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 19**  
**Violation(s) of 930-X-1-.10(20)(d)**

93. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

94. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(d) provides for revocation, suspension, and/or other discipline when a licensed veterinarian gives false or forged information to the Board or a member thereof for the purpose of getting a license.

95. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has provided false or forged information to the Board and/or a member thereof for the purpose of getting a license.

96. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 20**  
**Violation(s) of 930-X-1-.10(20)(h)**

97. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

98. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(h) provides for revocation, suspension, and/or other discipline when a licensed veterinarian employs fraud, misrepresentation or deception in getting a license.

99. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has employed fraud, misrepresentation or deception in getting a license.

100. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 21**  
**Violation(s) of 930-X-1-.10(20)(k)**

101. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

102. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(k) provides for revocation, suspension, and/or other discipline when a licensed veterinarian uses advertising or solicitation which is false, misleading, or deceptive.

103. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has employed fraud, misrepresentation or deception in getting a license.

104. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 22**  
**Violation(s) of 930-X-1-.10(20)(m)**

105. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

106. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(m) provides for revocation, suspension, and/or other discipline when a licensed veterinarian acts with incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

107. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has acted with incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

108. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 23**  
**Violation(s) of 930-X-1-.10(20)(n)**

109. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

110. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(n) provides for revocation, suspension, and/or other discipline when a licensed veterinarian has a professional association with or knowingly employs any person practicing veterinary medicine unlawfully.

111. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has engaged in a professional association with and/or knowingly employed a person or persons practicing veterinary medicine unlawfully.

112. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 24**  
**Violation(s) of 930-X-1-.10(20)(s)**

113. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

114. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(s) provides for revocation, suspension, and/or other discipline when a licensed veterinarian has willfully failed to display a license.

115. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has willfully failed to display licenses and/or premise permits at the ASNC.

116. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 25**  
**Violation(s) of 930-X-1-.10(20)(t)**

117. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

118. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(t) provides for revocation, suspension, and/or other discipline when a licensed veterinarian has acted with fraud, deception, misrepresentation, dishonesty or illegal practices in or connection with the practice of veterinary medicine.

119. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has acted with fraud, deception, misrepresentation, dishonesty or illegal practices in or connection with the practice of veterinary medicine at the ASNC.

120. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 26**  
**Violation(s) of 930-X-1-.10(20)(z)**

121. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

122. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(z) provides for revocation, suspension, and/or other discipline when a licensed veterinarian refuses to permit the Board's authorized representatives to inspect the business premises of the licensee during regular business hours or fails to comply with Board recommendations for mandatory facility requirements after notification and elapse of a reasonable grace period.

123. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has failed to allow authorized representatives of the Board to inspect the ASNC and its records, including surgery logs and controlled substance inventory and usage records, in or connection with the practice of veterinary medicine at the ASNC.

124. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 27**  
**Violation(s) of 930-X-1-.10(20)(cc)**

125. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

126. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.20(cc) provides for revocation, suspension, and/or other discipline when a licensed veterinarian practices veterinary medicine in a premise without a premise permit or which is not up to premise permit standards as prescribed by the Veterinary Practice Act and the Administrative Code.

128. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has practiced veterinary medicine at the ASNC at times when the ASNC did not have a premise permit as required by the Veterinary Practice Act and the Administrative Code.

129. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 28**  
**Violation(s) of 930-X-1-.37 and of § 34-29-94(k)**

130. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

131. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.37 provides and describes certain conduct that is unprofessional and that is grounds for discipline by the ASBVME. This administrative section describes certain specific requirements under the Alabama Veterinary Practice Act involving licensed veterinary technicians and licensed veterinarians. Alabama Code § 34-29-94(k) provides for discipline of licensed veterinarians that

violate the Alabama Veterinary Practice Act and administrative code of the Board regarding the conduct of licensed veterinarians and their supervision of licensed veterinarian technicians.

132. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, has allowed, failed to supervise, and unlawfully managed licensed veterinarian technicians at the ASNC. Respondent Ferrell has failed to require the licensed veterinarians to be employed and supervised by a licensed veterinarian while performing veterinary services at the ASNC, has allowed licensed veterinary technicians to compromise the integrity of the veterinarian-client-patient relationship, failed to acknowledge that the licensed veterinary technicians employed at the ASNC were not employees of a veterinarian, has permitted licensed veterinary technicians to undertake procedures not authorized by Respondent Ferrell and/or other veterinarians, aided and abetted the practice of veterinary medicine and veterinary technology by unlicensed persons, and provided false sworn information in testimony to the Board involving the content of clinical records and in the rendering of patient care.

133. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 29**  
**Violation(s) of 930-X-1-.10 (m)**

134. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

135. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(m) provides and describes disciplinary action for licensed veterinarians that perform veterinary medical services with incompetence, gross negligence, or malpractice.

136. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, performed surgery and veterinary services on or around May, 2011 on an animal patient named "Oz".

Respondent Ferrell neutered said animal which became hypothermic during surgery. Respondent Ferrell or those under her supervision burned "Oz" with a blow dryer and allowed the animal to overdose on the controlled medication "torb". The animal was taken to an emergency clinic in Jefferson County by the owner of the animal where "Oz" was treated and the overdose reversed with "Naloxone". Respondent Ferrell's actions and veterinary services were performed with incompetence, gross negligence, and/or by malpractice in violation of the Alabama Veterinary Medical Practice Act and the administrative rules of the Board.

137. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

**CHARGE 30**  
**Violation(s) of 930-X-1-.10 (m)**

138. The ASBVME incorporates by reference all of the above paragraphs in this Administrative Complaint.

139. The Alabama Veterinary Practice Act's Administrative Code 930-X-1-.10(m) provides and describes disciplinary action for licensed veterinarians that perform veterinary medical services with incompetence, gross negligence, or malpractice.

140. Respondent Ferrell, acting as the veterinarian responsible for the management of the premises and acting as the supervising veterinarian of the ASNC, performed or supervised veterinary services on or around July, 2011 on an animal patient named "Buttercup".

Respondent Ferrell's actions or supervision failed to properly address the medical condition of the animal "Buttercup" resulting in emergency veterinary medical treatment being necessary for

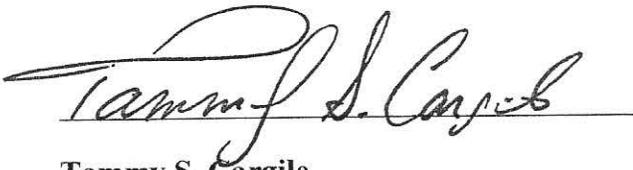
the animal. Respondent Ferrell's actions and supervision of veterinary services were performed with incompetence, gross negligence, and/or by malpractice in violation of the Alabama Veterinary Medical Practice Act and the administrative rules of the Board.

141. WHEREFORE, based on the foregoing, Respondent Ferrell violated the Alabama Veterinary Practice Act and is therefore subject to discipline by the ASBVME.

#### CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the ASBVME agency prays that a hearing on this complaint be held and that an Order be entered to revoke or suspend Respondent Ferrell's license to practice veterinary medicine. In the event that Respondent's license and/or premise permit is not revoked or suspended, or in addition to the requested penalties, the ASBVME agency prays that other discipline, fines, and/or costs be imposed in compliance with the Alabama Veterinary Practice Act.

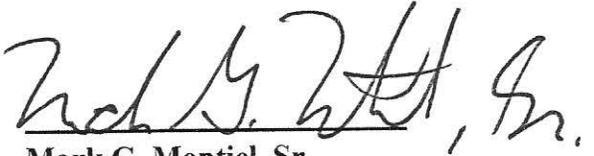
FOR THE ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS



Tammy S. Cargile

Executive Director, Alabama State Board of Veterinary Medical Examiners

Signed this, the 17<sup>th</sup> day of July, 2014.



Mark G. Montiel, Sr.

Attorney for the ASBVME

OF COUNSEL:  
MARK G. MONTIEL, P.C.  
6752 Taylor Circle  
Montgomery, AL 36117  
(334) 356-1899  
(334) 467-9265  
mmontiel@montiellaw.net

