

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: LINDA M. O'BRIEN, D.V.M.
License No: 0301-005693

ORDER OF SUMMARY SUSPENSION

Pursuant to § 54.1-110 of the Code of Virginia (1950), as amended ("Code"), a quorum of the Board of Veterinary Medicine ("Board") met on October 5, 2006, by telephone conference call after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon certain information indicating that Linda M. O'Brien, D.V.M., may have violated certain laws and regulations relating to the practice of veterinary medicine in the Commonwealth of Virginia, as more fully set forth in the Statement of Particulars, which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under § 54.1-2408.1 of the Code, the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Linda M. O'Brien, D.V.M., to practice veterinary medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED. It is further ORDERED that a hearing be convened forthwith to receive and act upon evidence in this cause, and that the Executive Director of the Board shall be authorized to execute this Order and all other documents, notices and Orders on behalf of the Board necessary to bring this matter to hearing.

Upon entry of this Order of Summary Suspension, the license of Linda M. O'Brien, D.V.M., will be recorded as suspended and no longer current.

Pursuant to § 54.1-2400.2 G of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Elizabeth Carter, Ph.D.

Executive Director

Entered: October 10, 2006



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

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October 10, 2006

Linda M. O'Brien, D.V.M.
2955 Pocahontas Trail
Quinton, Virginia 23141

HAND DELIVERED

RE: Notice of Formal Hearing

Dear Dr. O'Brien:

Enclosed are a Notice of Hearing and Statement of Particulars informing you that the Virginia Board of Veterinary Medicine will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws and regulations governing the practice of veterinary medicine in the Commonwealth of Virginia. The hearing is scheduled for November 15, 2006, at 2:00 p.m., at the Department of Health Professions, 6603 West Broad Street, Classroom A, Basement Floor, Richmond, Virginia. Please report to the 5th Floor receptionist. Arrangements should be made for you to be at the hearing at 1:30 p.m.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas. Further, you have the right to receive a copy of the investigative report and supporting documents which will be used as evidence at your hearing. I enclose with the letter sent to you by certified mail Commonwealth's Exhibits 1 - 2 for your review.

The Board hereby offers to enter into the enclosed Consent Order with you in lieu of a formal administrative hearing in this matter. Please review this document and, should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your witnessed signature to the Board office on or before November 1, 2006. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. You will receive a certified copy of the Consent Order, bearing the date of entry, shortly thereafter. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on November 1, 2006, the Board will proceed with the formal administrative hearing as scheduled.


Prior to the hearing, copies of these exhibits will be distributed to the members of the Board, who will conduct the hearing. If you have any objections to the materials, please contact William C. Garrett, Assistant Attorney General at (804) 786-0030, or Cynthia E. Gaines, Adjudication Specialist, at (804) 662-7135 before November 1, 2006. If you do not object to the proposed distribution before November 1, 2006, these exhibits will be distributed to the Board for its review prior to the hearing. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing. Further, the Board requests that you provide to Terri Behr, Administrative Assistant, Board of Veterinary Medicine, 6603 West Broad Street, Richmond, Virginia 23230, fifteen (15) copies of any additional documents you wish to introduce into evidence by November 1, 2006. An additional duplicate copy of your proposed evidence should be provided directly to William C. Garrett, Assistant Attorney General, 900 East Main Street, Richmond, Virginia 23219.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter, or it may be sent via facsimile transmission to (804) 662-9504. Such request must be received by 5:00 p.m. on November 1, 2006. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after November 1, 2006, will not be considered.

You may be represented by an attorney at the formal hearing. If you obtain counsel, you should do so as soon as possible, as counsel may find it necessary to request a continuance due to their unavailability. Requests must be received by November 1, 2006, to be considered by the Board. After that date, such requests will be considered on the basis of whether a good faith effort to obtain counsel within this time parameter was attempted and that you were not successful.

Please advise us, in writing, whether you plan to be present for the hearing no later than November 1, 2006. Should you have any questions, please contact us at the above number

Sincerely,


Elizabeth A. Carter, Ph.D.
Executive Director

Enclosures

Notice of Hearing & Statement of Particulars
Commonwealth's Exhibits 1-2
Instructions for Requesting Subpoenas

cc: Members, Board of Veterinary Medicine
Sandra W. Ryals, Director, Department of Health Professions
James Banning, Director, Administrative Proceedings Division
Thomas Stallings, Esquire
William C. Garrett, Assistant Attorney General (with enclosures)
Cynthia E. Gaines, Adjudication Specialist
Lynne Helmick, Senior Inspector (#109465)
Peggy Call, Intervention Program Manager

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: LINDA M. O'BRIEN, D.V.M.
License No. 0301-005693

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021 and § 54.1-110 of the Code of Virginia (1950), as amended ("Code"), Linda M. O'Brien, D.V.M., is hereby given notice that in accordance with § 2.2-4024 and § 54.1-2400(11) of the Code, a formal administrative hearing will be held before a panel of the Board of Veterinary Medicine ("Board"). The hearing will be held on **November 15, 2006, at 2:00 p.m.**, at the Department of Health Professions, 6603 West Broad Street, Classroom A, Basement Level, Richmond, Virginia, at which time Dr. O'Brien will be afforded the opportunity to be heard in person or by counsel. Please report to the 5th Floor receptionist.

At the hearing, Dr. O'Brien has the following rights among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence, and the right to cross-examine adverse witnesses. If Dr. O'Brien desires any witnesses to appear on her behalf, she shall notify the Director of Administrative Proceedings, 6603 West Broad Street, 5th floor, Richmond, Virginia 23230-1717, giving the names and addresses of the witnesses, at least fifteen (15) days prior to the date of the hearing in order that subpoenas may be issued.

The purpose of the hearing is to receive and act upon evidence that Dr. O'Brien may have violated certain laws and regulations governing the practice of veterinary medicine in the Commonwealth of Virginia as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

Linda M. O'Brien, D.V.M.
October 10, 2006

1. Dr. O'Brien may be in violation of § 54.1-3807(3), (5) and (6) of the Code and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary Medicine in that:


a. On June 7, 2006, Client A presented to Dr. O'Brien's practice with "Coco" and "Stripes", two felines who were due for their routine vaccinations, in which only Coco was to receive the Feline Leukemia Vaccine. Client A stated that Dr. O'Brien appeared unkempt and the odor of alcohol was present. Further, Dr. O'Brien erroneously injected Stripes with the Feline Leukemia Vaccine.

b. On June 8, 2006, the Department of Health Professions received a complaint alleging that Dr. O'Brien was at her practice and was intoxicated. Investigators, along with an officer of the New Kent Sheriff's Office went to Dr. O'Brien's practice to interview her on June 8, 2006. The officer administered an alcosenor field test, where Dr. O'Brien's breath alcohol content registered 0.20. By her own admission, Dr. O'Brien stated that she drank vodka following her last appointment.

c. As fully set out in attachment B.

2. Dr. O'Brien may be in violation of § 54.1-3807 (2), (3) and (5) of the Code and 18 VAC 150-20-140 (6), (7) and (10) of the Regulations of the Board of Veterinary Medicine, in that she allowed a veterinary assistant to administer scheduled controlled substances. Specifically, Dr. O'Brien permitted the unlicensed assistant to euthanize animals to include one canine in a vehicle outside of the practice and another canine "Zoie" that was euthanized with Euthesol (C-III) on June 8, 2006. Further, the same veterinary assistant was allowed to administer Ketamine (C-III) and Valium (C-IV) to "Shiloh," a canine, who presented to the practice for grooming.

FOR THE BOARD



Elizabeth Carter, Ph.D.
Executive Director

Entered: October 10, 2006