



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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

www.dhp.virginia.gov
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

June 21, 2006

Certified Article Number

7160 3901 9848 8723 2710

SENDER'S RECORD

Samuel J. Banks, DVM
Tri-County Animal Hospital
Box 419
Mattaponi, VA 23110

RE: Order of the Special Conference Committee

Dear Dr. Banks:

Enclosed is a Copy Teste of the Order entered by the Board of Veterinary Medicine following the Special Conference held on June 15, 2006. Should the Board office not receive written notification requesting a Formal Hearing within thirty-three days of the date on the Certificate of Service, this Order becomes final.

This Order will be forwarded to Ann Tiller, Compliance Manager for the Department of Health Professions. Ms. Tiller will assign a Case Manager to monitor your compliance with the terms of the Order on behalf of the Board. Please direct all questions, documents, and correspondence related to compliance with your Order to your assigned Case Manager at (804)662-9510, or c/o the Compliance Unit, Dept. of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712. For more information on the compliance process, see: http://www.dhp.virginia.gov/enforcement/compliance_faq.htm on the Department's website.

Sincerely,

Elizabeth A. Carter, Ph.D.
Executive Director

17B

Enclosure

pc: Robert Nebiker, Director, Dept. of Health Professions
Cynthia Gaines, Administrative Proceedings Division
Ann Tiller, Compliance
Committee members

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: SAMUEL BANKS, D.V.M.
License No.: 0301-002238
Complaint No.: 104138

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Veterinary Medicine ("Board"), composed of John T. Wise, D.V.M., and George Siemering, D.V.M., met with Samuel Banks, D.V.M., on June 15, 2006, in Henrico County, Virginia. Dr. Banks was present and not represented by counsel. The purpose of the informal conference was to review his compliance with the terms and conditions with the Board's Order entered July 29, 2005 and to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated May 9, 2006.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Samuel Banks, D.V.M., holds license number 0301-002238 which was issued by the Virginia Board of Veterinary Medicine on July 7, 1983. Said license will expire on December 31, 2006, unless renewed. Dr. Banks was Veterinarian-In-Charge at Tri-Count Animal Hospital, Mattaponi, Virginia, at all times material to the findings below.

2. Dr. Banks is in violation of Term 2 of the Board's Order, in that on January 17, 2006, an unannounced inspection was conducted, in which the following deficiencies were identified:

a. Dr. Banks is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (F) of the Regulations of the Board of Veterinary Medicine, in that an expired partial bottle of Phenobarbital was found within the working stock. This was a repeat violation.

b. Dr. Banks is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-195 (A) of the Regulations of the Board of Veterinary Medicine, in that he failed to document the administration of Ketamine in the records of five (5) animals on which he performed surgery.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that:

1. Dr. Banks shall be assessed a MONETARY PENALTY of five hundred dollars (\$500.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date that this Order is final. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.

2. Dr. Banks' veterinary practice shall be subject to one (1) unannounced inspection within six (6) months from the date this Order becomes final. Dr. Banks shall be solely responsible for the payment of a Two Hundred Dollar (\$200.00) inspection fee to be paid to the Board within

thirty (30) days of the inspection. If the inspection fee is mailed, it shall be sent by certified or registered mail. If said fee is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full fee plus the additional assessment within one hundred (100) days of the inspection shall constitute grounds for an administrative proceeding. In the event that the inspection reveals a possible violation of the laws or regulations pertaining to the practice of veterinary medicine in the Commonwealth of Virginia, or Chapter 34 of Title 54.1, (§§ 54.1-3400 et seq.; Virginia Drug Control Act) of the Code, the Board specifically reserves the right to conduct further proceedings in this matter.

3. Dr. Banks shall maintain a course of conduct in his practice of veterinary medicine commensurate with the requirements of Chapter 38, Title 54.1 of the Code, and the Regulations of the Board of Veterinary Medicine.

Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of veterinary medicine in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Samuel Banks, D.V.M., and an administrative proceeding shall be convened to determine whether Dr. Banks' license to practice veterinary medicine in the Commonwealth shall be suspended or revoked.

Pursuant to § 54.1-2400(10) of the Code, this Order shall become final thirty (30) days after service unless a written request for a hearing before the Board is filed with Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine. In the event that this decision is served by mail, three (3) days shall be added to the thirty (30) day period.

Samuel Banks, D.V.M.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 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 release, inspection and copying upon request.

FOR THE BOARD:

Elizabeth A. Carter, Ph.D. _{TTB}
Elizabeth A. Carter, Ph.D.
Executive Director

ENTERED: *June 21, 2006*

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to Samuel Banks, D.V.M., at Tri - County Animal Hospital, P. Box 419, Mattaponi, Virginia 23110, on the 21st day of June, 2006.

Elizabeth A. Carter, Ph.D.
Elizabeth A. Carter, Ph.D. 116
Executive Director
Board of Veterinary Medicine