



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
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July 29, 2005

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

**Certified Article Number**

7160 3901 9848 3153 6260

**SENDERS RECORD**

RE: Case # 102328

Dear Dr. Banks:

Enclosed is a Copy Teste of the Consent Order that was entered on July 29, 2005.

Please mail the monetary penalty to Susan Beasecker, Enforcement Division, 6603 W. Broad St., 5<sup>th</sup> Floor, Richmond, VA 23230. Your check should be made payable to Treasurer of Virginia.

Thank you for your cooperation in resolving this matter.

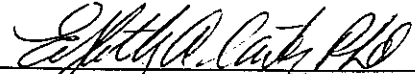
Sincerely,

Elizabeth A. Carter, Ph.D.  
Executive Director

cc: Robert A. Nebiker, Director, Dept. of Health Professions  
Cynthia Gaines, Administrative Proceedings Division  
Susan Beasecker, Compliance Division

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Samuel Banks, D.V.M., at Tri-County Animal Hospital, Route 33 P. O. Box 419, Mattaponi, Virginia 23110, on the 29<sup>th</sup> day of July, 2005.



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

**VIRGINIA:**

**BEFORE THE BOARD OF VETERINARY MEDICINE**

**IN RE: SAMUEL BANKS, D.V.M.  
License No.: 0301-002238  
Complaint No.: 102328**

**CONSENT ORDER**

By letter dated July1, 2005, the Virginia Board of Veterinary Medicine ("Board") noticed Dr. Banks for an informal conference to inquire into allegations that he may have violated certain laws and regulations governing the practice of veterinary medicine in the Commonwealth of Virginia.

In lieu of proceeding to this informal conference, the Board and Dr. Banks, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Banks to practice veterinary medicine in Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Samuel Banks, D.V.M., holds license number 0301-002238 issued by the Board to practice veterinary medicine in the Commonwealth of Virginia, and at all times material hereto was the Veterinarian-in-Charge of Tri-County Animal Hospital, Mattaponi, Virginia ("Tri-County").

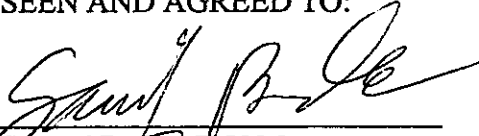
2. On March 9, 2005, Tri-County was the subject of an unannounced inspection, where the following deficiencies were identified:

a. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-200 (A) (2) (c) of the Regulations of the Board of Veterinary Medicine, in that the surgery suite was not used only for surgical procedures, but dental procedures were also performed.

b. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-200 (A) (2) (c) (2) of the Regulations of the

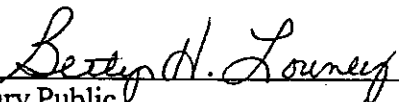
Samuel Banks, D.V.M.

SEEN AND AGREED TO:

  
\_\_\_\_\_  
Samuel Banks, D.V.M.

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF King Queen

Subscribed and sworn to before me, a Notary Public in and for the city/county of King Queen, this 26 day of July, 2005, by Samuel Banks, D.V.M.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 9/30/2006

Board of Veterinary Medicine, in that papers and notebooks were stored in the surgery suite.

c. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (C) (2), (4) and (7) of the Regulations of the Board of Veterinary Medicine, in that medications dispensed did not contain the name of the Client, date and quantity dispensed, and the identification of the prescribing veterinarian. This is a repeat violation.

d. Dr. Banks is in violation of § 54.1-3807 (4) 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 six (6) expired drugs were found within the working stock. One (1) bottle of medication did not have a visible expiration date on the label. This is a repeat violation.

e. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (G) of the Regulations of the Board of Veterinary Medicine, in that compound drugs were not accounted for in the drug distribution logs.

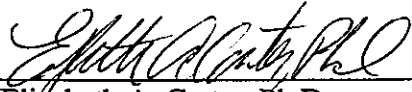
f. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (G) (4) of the Regulations of the Board of Veterinary Medicine, in that the identity of the veterinarian administering medications is unclear on the distribution log. Both veterinarians have the same initials.

g. Dr. Banks is in violation of § 54.1-3804 (4) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 G of the Regulations of the Board of

Samuel Banks, D.V.M.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent 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.  
Executive Director

ENTERED: July 29, 2015

Veterinary Medicine, in that invoices for scheduled medications were filed by distributor name, instead of chronological order.

h. Dr. Banks is in violation of § 54.1-3807 (4) and (5) and § 54.1-3404 C of the Code, and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary Medicine, in that scheduled drug invoices were not documented with the date of receipt.

i. Dr. Banks is in violation of § 54.1-3807 (4) and (5) of the Code and 18 VAC 150-20-140 (4), (6) and (7) and 18 VAC 150-20-190 D of the Regulations of the Board of Veterinary Medicine, in that scheduled drugs were not maintained in a secure manner and accessible to unlicensed personnel.

j. Dr. Banks is in violation of § 54.1-3807 (4) and (5) and § 54.1-3457 (1) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (B) of the Regulations of the Board of Veterinary Medicine, in that three (3) bottles of repackaged medication was found with improper labeling. One (1) bottle contained the word "Phenobarbital" on the label, and two (2) other bottles did not contain labels.

k. Dr. Banks is in violation of § 54.1-3807 (4) and (5) and 54.1-3410.2 of the Code, and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary Medicine, in that two (2) bottles of compounded drugs were improperly labeled. The full name of the ingredients, expiration date and tracking number(s) were not documented.

**CONSENT**

Samuel Banks, D.V.M., by affixing his signature hereon, agrees to the following:

within one hundred (100) days of the date of entry of this Consent Order shall constitute grounds for an administrative proceeding.

2. Within six (6) months from the date this Consent Order is entered, Dr. Banks' practice shall be the subject of an unannounced inspection. 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 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 Consent 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 Dr. Banks 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.



1. He has been advised specifically to seek the advice of counsel prior to signing this document;
2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, §2.2-4000A et seq. of the Code;
3. He has the following rights, among others:
  - a. the right to an informal fact-finding conference before the Board;
  - b. the right to representation by counsel; and
  - c. the right to cross-examine witnesses against him.
4. He waives all rights to an informal hearing;
5. He admits the truth of the above Findings of Fact; and
6. He consents to the following Order affecting his license to practice veterinary medicine in the Commonwealth of Virginia.

**ORDER**

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

1. Dr. Banks shall be assessed a MONETARY PENALTY of One Hundred Dollars (\$100.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date this Consent Order is entered. 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