

In the Matter of:

Docket No.: 3-1/20

**Alison Darby, DVM**  
**License # 1934**  
(Misconduct Allegations)

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Veterinary Medicine ("Board") and Alison Darby, DVM, ("Respondent"), a veterinarian licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 332-B: 14, RSA 332-B: 15, and RSA 332-B: 16, and Veterinarian Medicine Administrative Rule ("Vet") 202, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by veterinarians. Pursuant to RSA 332-B: 15, VI (e), the Board may, at any time dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice veterinary medicine in the State of New Hampshire on June 8, 2009. Respondent holds an active license (# 1934).
3. On or about November 1, 2018, the Board received a complaint against Respondent, alleging professional misconduct.

4. In response to this Complaint, the Board conducted an investigation.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would present evidence of the following facts, from which the Board could find that she engaged in professional misconduct:
  - A. Respondent agreed to supervise Jeanne Ficociello ("Ficociello"), DVM, who was initially practicing on a temporary license in accordance with RSA 332-B: 12, and PART Vet 305.
  - B. Ficociello was granted a temporary license to practice veterinary medicine on January 23, 2018 with a sixty (60) day expiration of March 23, 2018.
  - C. At all relevant times, Respondent agreed, under the provisions of the statutes and administrative rules governing the New Hampshire Veterinary Practice Act, to supervise Ficociello, including being named on the temporary license.
  - D. Ficociello's temporary permit expired on March 23, 2018 and she continued to maintain at least fourteen (14) appointments while her temporary license was expired in violation of statutes and rules governing the New Hampshire Veterinary Practice Act.
  - E. Respondent failed to adequately supervise Ficociello by allowing Ficociello's temporary license to practice veterinary medicine expire and further allow Ficociello to continue practicing at a time Ficociello was not authorized to do so.

6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 332-B: 12 and PART Vet 305, which is disciplinable misconduct under RSA 332-B: 14, II (p).
7. Respondent acknowledges that the above -described conduct constitutes grounds for the Board to impose disciplinary sanctions against his license to practice as a Veterinarian in the State of New Hampshire.
8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 332-B: 14, III:

A. Respondent is **REPRIMANDED**

9. Should Respondent fail to comply with any of the terms of this Settlement Agreement, the Board reserves the right to suspend Respondent's license or impose other authorized discipline, in accordance with the following process:

A. The Board will notify Respondent, in writing, of the Board's finding of Respondent's non-compliance and the suspension and/or additional discipline it intends to impose for such non-compliance. Respondent will have ten (10) days, from the date of the Board's notification of non-compliance, to request a show cause hearing before the Board. If Respondent timely requests such a hearing, the Board will schedule a show-cause hearing for its next available hearing slot. At the hearing, Respondent will have the burden of demonstrating to the Board either

why their license should not be suspended or additional discipline imposed for non-compliance or that they are in compliance with this *Settlement Agreement*.

B. Respondent has stipulated to the facts set out in Paragraph 5 A-E of this Agreement and acknowledges and agrees that those facts cannot be challenged in any hearing regarding enforcement of this *Settlement Agreement*. After the hearing, the Board will issue an order explaining its reasons for imposing, or not imposing, a suspension of Respondent's license, and/or any other discipline within the terms of RSA 329:17, VII.

C. If Respondent does not request a show cause hearing within ten days of the date of the Board's notification of non-compliance, the license suspension and/or additional discipline outlined in the notice of non-compliance shall be imposed. Any imposed suspension or additional discipline shall remain in effect until Respondent comes into compliance with this *Settlement Agreement* and the Board notifies Respondent in writing that the suspension or additional discipline has been lifted, unless such discipline is a license revocation.

10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence in the event that similar misconduct is proven against Respondent in the future. Additionally,

the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
13. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
14. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with his decision to enter into this agreement.
15. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to, or by, the Board involving its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
17. Respondent certifies that she has read this document titled *Settlement Agreement*.
18. Respondent understands that she has the right to a formal adjudicatory hearing

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And Alison Darby, DVM  
Settlement Agreement*

concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.

19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

**FOR RESPONDENT**

Date:

7/28/21

  
Alison Darby, DVM

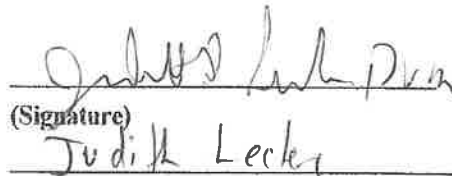
Mark Darling, Esq. Counsel for Respondent

**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date:

8-18-2021

  
(Signature)  
Judith Lecker

(Print or Type name)  
Authorized Representative of the  
New Hampshire Board of Veterinary Medicine