

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Kathleen Michelle Dougan, D.V.M.
License No. 01770

STIPULATION AND ORDER

STIPULATION

Kathleen Michelle Dougan, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

B. Licensee holds a license from the Board to practice veterinary medicine in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

CONFERENCE

A. On April 25, 2006, Licensee met with the Complaint Review Committee, composed of Meg Glattly, D.V.M., Board Member, John Lawrence, D.V.M., Board Member, and John King, D.V.M., Executive Director of the Board, to discuss allegations in a Notice of Conference dated March 30, 2006. Susan E. Damon, Assistant Attorney General, represented

the Committee in this matter. Licensee was advised of her right to be represented by an attorney at the conference and knowingly and voluntarily waived that right.

III.

FACTS

A. For purposes of Board of Veterinary Medicine proceedings only and without prejudice to Licensee in a proceeding in any other forum, the Board may consider the following as true:

1. Licensee was issued a license to practice veterinary medicine in the State of Minnesota on July 12, 1970.

2. The Board received a complaint about Licensee's veterinary practice relating to Licensee's performance of neuter surgery on a dog on January 11, 2006.

3. The Committee investigated the complaint, including by inspecting Licensee's veterinary facility, which is located in the basement of Licensee's house, by evaluating Licensee's surgical practices and by reviewing Licensee's patient records.

4. Based on the investigation, the Committee determined that Licensee's veterinary facility does not meet current minimum standards of acceptable practice for the provision of sterile surgical services; Licensee's surgical practices do not meet current minimum standards of acceptable practice for anesthesia and pain management; and Licensee's record keeping does not meet the requirements of Minn. R. 9100.0800, subp. 4.

IV.

LAWS

A. Licensee acknowledges that the facts described in section III above, if proven at a hearing, would constitute violations of Minn. Stat. § 156.081, subd. 2(11) and (12) and Minn. R.

9100.0800, subps. 3 and 4 and are sufficient grounds for the remedy described in section V below.

V.

REMEDY

A. Licensee's license to practice veterinary medicine in the State of Minnesota is limited to house-call services consisting of routine health maintenance care; vaccinations and dewormings; diagnosis and non-surgical treatment of ailments of ears and skin; and outpatient management and care of chronic conditions. Licensee shall refer all emergency cases, cases requiring surgical procedures and cases involving life-threatening conditions to another licensed veterinarian.

B. Licensee shall keep patient records that conform to the requirements set forth in Minn. R. 9100.0800, subp. 4.

C. At any time while this Stipulation and Order is in effect, the Committee may, in its discretion, review Licensee's patient records to determine Licensee's compliance with the requirements set forth above.

VI.

PETITION FOR UNCONDITIONAL LICENSE

A. Licensee may petition the Board to issue an unconditional license at any regularly scheduled Board meeting following her successful completion of the following requirements:

1. Licensee shall complete one two-week senior rotation in anesthesia and one two-week senior rotation in surgery at the University of Minnesota College of Veterinary Medicine.

2. Licensee shall complete at least four hours of one-on-one instruction, by an instructor pre-approved by the Committee, in surgical/post-surgical pain management.

3. Licensee shall make improvements to her veterinary facility, including, but not limited to, appropriately separating animal housing and surgical areas, and acquiring and installing all necessary equipment to enable the performance of sterile surgery in conformance with current minimum standards of acceptable practice.

4. Licensee's facility must be re-inspected by a representative of the Board, who must verify that Licensee's facility and equipment improvements are adequate for the performance of sterile surgery in conformance with current minimum standards of acceptable practice and otherwise meet the requirements of statutes and rules enforced by the Board.

5. Licensee must demonstrate, to the satisfaction of the Committee or its designee, that she is proficient in the use of all equipment necessary for the performance of sterile surgery in conformance with current minimum standards of acceptable practice.

6. Licensee must take and pass, within two attempts, the Species Specific Disciplinary Examination in Companion Animal sponsored by the National Board of Veterinary Medical Examiners ("NBVME"). The minimum passing score is the NBVME's recommended criterion-referenced passing point. Licensee is responsible for all costs associated with taking the examination.

B. At the time of her petition, Licensee shall have the burden of proving that she has fully complied with this Stipulation and Order and that she is able to practice veterinary medicine in conformance with current minimum standards of acceptable practice. Before it makes a recommendation to the Board on Licensee's petition, the Committee, in its discretion, may schedule a conference with Licensee to discuss her petition and related matters.

VII.

ADDITIONAL INFORMATION

A. Licensee knowingly and voluntarily waives a contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

B. Licensee knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

C. This Stipulation and Order, the files, records and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

D. Licensee was advised of her right to be represented by counsel in this matter and knowingly and voluntarily waived that right.

E. Licensee has read, understands and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the Order as modified will be issued. If the changes are unacceptable to Licensee or if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph VII.F.

F. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee

will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

G. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4.

B. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

K. Michelle Dougan D.V.M.
KATHLEEN MICHELLE DOUGAN, D.V.M.
Licensee

Dated: May 16, 2006.

ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this 17 day of May, 2006.

MINNESOTA BOARD
OF VETERINARY MEDICINE



JOHN KING, D.V.M.
Executive Director

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