

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Allen L. Lande, D.V.M.
License Number: 03513

STIPULATION AND ORDER

STIPULATION

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

I.

JURISDICTION

1. The Board is authorized pursuant to Minnesota Statutes sections 156.001 to 156.20 to license and regulate veterinarians and to take disciplinary action as appropriate.
2. 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.

REPRESENTATION

3. After a thorough review of the file, the Committee, composed of Michelle Vaughn, D.V.M., and John Lawrence, D.V.M., determined this matter could be resolved by mail. Licensee was advised by the Board's representatives that he may choose to be represented by legal counsel in this matter. Licensee elected to forego legal representation. The Committee was represented by Bryan D. Huffman, Assistant Attorney General.

III.
FACTS

4. Licensee was licensed by the Board to practice veterinary medicine in the State of Minnesota on May 15, 2013.

5. On October 23, 2013, the Wisconsin Veterinary Examining Board issued a Final Decision and Order (“Wisconsin Order”), imposing discipline on Licensee’s license. The Wisconsin Order included the following findings of fact:

a. On August 1, 2012, Licensee performed a front paw declaw and spay surgery on “Jax,” a four-and-a-half-month-old female cat. Immediately after the spay, Licensee administered the antibiotic benzathine penicillin, and flunixin for pain. However, Licensee incorrectly recorded that amount of Flunixin as “0.ml” instead of the correct amount of “0.5 ml” in the patient medical records. The cat stayed at the clinic two nights for observation, and the declaw bandages were removed on the second day.

b. On August 3, 2012, the client picked up Jax but did not receive any verbal postoperative care instructions. Licensee did not prescribe and did not dispense any additional postoperative pain medications when the cat was discharged.

c. Three days later, the client noticed that Jax was unable to apply any pressure on her right front paw and brought Jax to an emergency care veterinary clinic for examination. This subsequent treating veterinarian examined the cat, prescribed the antibiotic clavamox to treat an infection, prescribed the pain medications ketoprofen and buprenorphine to treat postoperative pain from the spay, and prescribed an E-collar.

d. During the emergency visit, the client was informed that she needed to schedule an appointment to have the spay sutures removed because Licensee had not used dissolvable sutures.

e. The client was not aware that she needed to schedule an appointment to have the spay sutures removed. The client did not receive any verbal instructions. She was given two postoperative instruction sheets for the declaw procedure but did not receive a postoperative instruction sheet for the spay procedure.

f. On August 13, 2012, the client and her partner returned to Licensee for the suture removal. The cat struggled and bit Licensee while it was being held during the suture removal. Licensee used a mechanical restraint on the cat to finish removing the sutures, and so he could exam and confirm that the cat's toe was healing well.

g. Licensee said that he explained to the client's partner, while the client was out of the room, that the cat would have to be restrained with either a chemical restraint or a mechanical restraint, and the client's partner then chose a mechanical restraint. However, this discussion is not documented in the patient medical records, and the client's partner denies it.

h. It is Licensee's routine practice not to prescribe any pain medications for postoperative felines because he is concerned about the risk of kidney failure with NSAIDs and because of the short-term effect of buprenorphine, which is normally used to treat postoperative pain in felines. It is below the minimal standard of care for a veterinarian not to provide additional postoperative pain medications following feline surgical procedures when neutering and declawing are performed.

i. On October 25, 2012, Licensee sold his veterinary clinic and practice to another veterinarian.

j. Licensee plans to volunteer his services as a veterinarian for animal shelters in Minnesota.

IV.

LAWS

6. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subd. 2(5) and (12), and Minn. R. 9100.0700, subp. 1, and 9100.0800 and are sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action:

7. The Board **REPRIMANDS** Licensee and **CONDITIONS** Licensee's license by requiring him to comply with and satisfy all requirements set forth in the Wisconsin Order. Licensee must provide the Board with evidence that he has satisfied the Wisconsin Order.

8. Upon completing the terms and conditions of this Stipulation, Licensee may petition the Board for an unconditional license. Upon petitioning, Licensee may be required to meet with the Complaint Review Committee, which will then make a recommendation to the full Board regarding Licensee's petition. Upon hearing Licensee's petition, the Board may issue Licensee an unconditional license, continue or modify the conditions set forth in this document, or deny Licensee's petition. Licensee bears the burden of proving that he has satisfied all terms and conditions of this Stipulation.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Licensee fails to comply with or violates this Stipulation and Order the Complaint Review Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice must designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee must submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument may not refer to matters outside the record. The evidentiary record must be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. Unless stated otherwise in this Stipulation and Order, the Committee will have the burden of proving by a preponderance of the evidence that a violation has occurred. Licensee waives a hearing before an administrative law judge, discovery, cross-

examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including suspending, revoking, or limiting Licensee's license.

f. Nothing herein limits the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 156.126, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

10. If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and documents, Board staff time, travel costs and expenses, and Board members' per diem reimbursements, travel costs, and expenses.

VII.

ADDITIONAL INFORMATION

11. In the event Licensee leaves Minnesota to reside or to practice outside of the state, Licensee must give the Board written notification of the new location, as well as dates of departure and return. If Licensee leaves the state, the terms of this Order continue to apply unless waived by the Board in writing.

12. Licensee waives the 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.

13. Licensee waives any 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.

14. 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.

15. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

16. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware 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 the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

17. 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.

18. This Stipulation and Order does 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 admission 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.

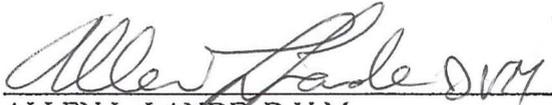
VIII.

DATA PRACTICES NOTICES

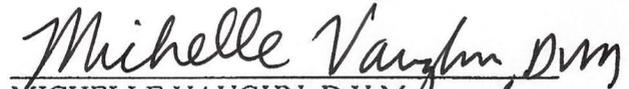
19. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to all entities and data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional and, as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

20. The parties consider this Stipulation and Order a settlement document under Rule 408 of the Federal Rules of Evidence and Rule 408 of the Minnesota Rules of Evidence. The parties contemplate that this Stipulation and Order shall be inadmissible in any civil or criminal proceeding outside of this administrative health licensing proceeding.

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


ALLEN L. LANDE, D.V.M.
Licensee

Dated: 4-1-14


MICHELLE VAUGHN, D.V.M.
For the Complaint Review Committee

Dated: 5-14-14

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 14th day of May, 2014.

MINNESOTA BOARD
OF VETERINARY MEDICINE


JULIA H. WILSON, D.V.M.
Executive Director