

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Charlotte Tuhy, Unlicensed

**STIPULATION AND ORDER TO
CEASE AND DESIST**

TO: Charlotte Tuhy, Unlicensed ("Ms. Tuhy"), 28593 15th Avenue North, Hawley, Minnesota 56549.

Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minnesota Statutes chapter 156, unless the person is exempt from such licensing requirements, pursuant to Minnesota Statutes section 156.12, subdivision 2.

The practice of veterinary medicine is defined in Minnesota Statutes section 156.12, subdivision 1, as follows:

The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. The practice of veterinary medicine shall include but not be limited to the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique.

STIPULATED FACTS

The Minnesota Board of Veterinary Medicine ("Board"), by its Complaint Review Committee ("Committee"), and Charlotte Tuhy through her counsel, Timothy J. Shields, Esq., Shields Legal Services, P.A., agrees to the following:

1. Ms. Tuhy is not now and has never been licensed to practice veterinary medicine in the State of Minnesota.

2. On June 9, 2015, the Committee issued a Cease and Desist Order upon Ms. Tuhy. Ms. Tuhy appealed said Order and its Findings.

3. The Committee contends in its Order that Ms. Tuhy is not exempt from engaging in the unlicensed practice of veterinary medicine as set forth in Minnesota Statutes sections 156.10 and 156.12. For purposes of this Stipulation and Order, Ms. Tuhy does not dispute this conclusion, and does not claim to be exempt from the provision of Minnesota Statutes sections 156.10 and 156.12.

4. The Committee and Ms. Tuhy agree that the word "diagnosis" and its related "diagnose" as contained in Minnesota Statutes section 156.12, subdivision 1, is not defined in Minnesota Statutes chapter 156.

5. The Committee contends that the common usage of "diagnosis" and "diagnose" is not limited to statements only by veterinarians, but the words should be given a broad definition such as the act or process of a careful examination and analysis to attempt to understand, explain, or ascertain the nature of symptoms of a diseased condition. Further, the Committee contends Minnesota Statute section 156.12, subdivision 1, and the Committee's definition of the word "diagnosis" should control statements made by non-licensed individuals.

6. The Committee contends that Ms. Tuhy engaged in the practice of veterinary medicine when the Committee believes she diagnosed an equine with heaves and implemented a feed management program for the equine.

7. Ms. Tuhy contends that any statements made by her in relation to the horse were her personal opinions and observations, and were never intended to be a diagnosis. She further claims that anyone in possession and control of a horse may feed it as appropriate to maintain proper levels.

8. Ms. Tuhy further contends that her statements of “heaves” was not intended as a diagnosis but was an opinion by a non-veterinarian describing a group of symptoms, and that the proper diagnosis by a veterinarian would be either “chronic obstructive pulmonary disease” or “recurrent airway obstruction,” or similar language. The Committee takes the opposite view, contending that a statement that a horse has “heaves” is a diagnosis, even when made by a non-veterinarian lay person, under Committee’s definition of “diagnosis.”

9. For purposes of this appeal and Stipulation and Order, Ms. Tuhy accepts the Committee’s view of the definition of diagnosis, and further accepts that non-veterinarian lay persons may not make a statement of diagnosis pursuant to Minnesota Statutes sections 156.10 and 156.12, subdivision. 1.

10. For purposes of this appeal and Stipulation and Order, Ms. Tuhy also accepts that the Committee may issue a Cease and Desist Order to a non-veterinarian lay person.

ADDITIONAL INFORMATION

1. This Stipulation and Order shall be classified as public data for purposes of Minnesota Statutes sections 13.02, subdivision 15 and 13.41, subdivision 5.

2. Having been duly advised of her right to counsel, Ms. Tuhy chose to be represented by Timothy J. Shields, Esq., Shields Legal Services, P.A.

3. Ms. Tuhy has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Ms. Tuhy is aware this Stipulation and Order must be approved by the Board before it takes 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 Ms. Tuhy, the Stipulation and Order will take effect and the order as modified will be issued. If the changes are unacceptable to Ms. Tuhy or the Board rejects the Stipulation and Order, it will be of no effect, and the matter shall proceed on appeal.

4. Ms. Tuhy waives the contested case hearing and all other procedures before the Board to which Ms. Tuhy may be entitled under the Minnesota and United States constitutions, statutes, or rules.

5. Ms. Tuhy 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 Ms. Tuhy.

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

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

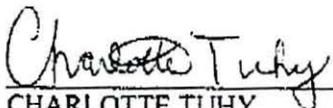
8. Ms. Tuhy agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Ms. Tuhy will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

9. This Stipulation and Order does not limit the Board's authority to proceed against Ms. Tuhy by initiating a contested case hearing or by other appropriate means on the basis of any new act, conduct, or admission of Ms. Tuhy which constitutes grounds for cease and desist action and which is not directly related to the specific facts and circumstances set forth herein.

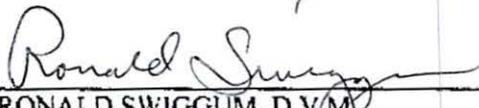
10. If the Board accepts this Stipulation and Order, or other agreed upon modified language, the parties shall notify the court that an agreement has been reached and that the appeal by Ms. Tuhy is dismissed.

11. This Stipulation and Order contains the entire agreement between the Board and Ms. Tuhy, there being no agreement of any kind, verbal or otherwise, which varies this Stipulation and Order.

MINNESOTA BOARD
OF VETERINARY MEDICINE



CHARLOTTE TUHY
Unlicensed



RONALD SWIGGUM, D.V.M.
Complaint Review Committee

Dated: 2/23/16 . 2016

Dated: 2/24/ . 2016

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 156.15, that Ms. Tuhy shall cease and desist from engaging in any act or practice in Minnesota that constitutes the practice of veterinary medicine as defined in Minnesota Statutes section 156.12, subdivision 1.

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

JULIA WILSON, D.V.M.
Executive Director