

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Jonathan Woodman, D.V.M.
License No. 03694

STIPULATION AND ORDER

STIPULATION

Jonathan Woodman, 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

1. The Minnesota Board of Veterinary Medicine (“Board”) is authorized pursuant to Minn. Stat. Ch. 156 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.

COMPLAINT REVIEW COMMITTEE

3. On April 9, 2014, and February 23, 2015, Licensee met with the Complaint Review Committee. The Committee was composed of Board members Michelle Vaughn, D.V.M., and John Lawrence, D.V.M. Julia Wilson, D.V.M., Executive Director of the Board, was also present. Jennifer C. Middleton, Assistant Attorney General, appeared on behalf of the

Committee. Licensee was represented by Robert Kuderer, Esq., Erickson, Zierke, Kuderer & Madsen, P.A., Minneapolis, Minnesota.

III.

FACTS

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

a. Licensee was licensed to practice veterinary medicine in the State of Minnesota on June 12, 1994. Licensee conducts a small animal veterinary practice in Hastings, Minnesota.

b. On September 9, 2013, Licensee assumed primary care post anesthesia and dental procedures for Sophie, a 9-year-old female Shih Tzu, and Kaiya, an 8-year-old female Shih Tzu.

c. Sophie and Kaiya were anesthetized on September 9, 2013, for dental cleaning, radiography, and dental extractions. A cutaneous mass was also removed from Kaiya. The procedures were performed in lateral recumbency. Kaiya's procedures required positioning in left and right lateral recumbency. In order to maintain body temperature during anesthesia, both dogs were placed on a store-bought heating pad intended for human use. The duration of anesthesia was forty minutes for Sophie and two hours, one minute for Kaiya. Near the end of Kaiya's procedure, the technician noted that Kaiya's temperature was 105.3 degrees.

d. Both Sophie and Kaiya suffered iatrogenic, extensive skin necrosis with vascular thrombosis on their trunk, presumably thermal burns as a result of procedures.

e. Licensee provided the majority of the aftercare after the dental procedure; however, Licensee frequently discussed the dogs' condition and was involved in the management of care with another veterinarian at the same practice.

f. Licensee failed to recognize that thermal injury was the likely etiology for the severe lesions and systemic abnormalities that subsequently developed in both dogs.

g. Licensee was unable to reach any definitive diagnosis for the etiology of both dogs' abnormalities and did not consult any veterinary specialists or refer the owners to another veterinarian.

h. On October 4, 2013, Kaiya died from suspected complications of severe ulcerative skin lesions.

i. On the day following Kaiya's death, the owners consulted with another veterinarian regarding Sophie's injuries. The veterinarian diagnosed thermal burns and immediately referred Sophie to another veterinary medical center.

j. A board certified veterinary pathologist at the veterinary medical center conducted a post mortem examination of Kaiya. The pathologist reported that the most significant necropsy and histopathology findings on Kaiya were bilateral, extensive dermal necrosis with vascular thrombosis, ulceration of haired skin along the trunk with positive cultures for two bacteria, *Proteus mirabilis* and *Staphylococcus intermedius*. He noted that the ulceration of the haired skin and dermal necrosis were presumably a result of antemortem thermal burns.

k. A board certified veterinary critical care specialist at the veterinary medical center conducted an examination of Sophie and concluded her skin lesions were suggestive of thermal injury (3rd degree burns).

l. After receiving a complaint from the owner that the lesions were due to thermal injury, Licensee disposed of the heating pads and did not preserve the pads for forensic assessment.

m. Licensee's medical records failed to include complete and comprehensive examination findings and communication with the owner. The medical record for Kaiya was altered after the animal's death was reported.

n. On August 6, 2014, and August 18, 2014, Licensee provided medical care for Gunner, a 3 year-old male Golden Retriever, owned by C.S. and J.S.

o. Gunner exhibited signs of wheezing, vomiting, and weight loss which Licensee diagnosed as gastroenteritis and prescribed antibiotics.

p. Gunner failed to improve and continued to lose weight.

q. On August 18, 2014, Gunner was re-evaluated by Licensee. Licensee made a diagnosis of pancreatitis based on mild elevations of blood amylase and lipase. Mild elevations of these enzymes are not sensitive or specific for a diagnosis of pancreatitis, and other common signs of pancreatitis were not present. Pancreatitis is not an infectious disease. Licensee prescribed another antibiotic as well as an anti-ulcer medication and a non-steroidal anti-inflammatory drug.

r. Gunner's condition continued to deteriorate despite treatment.

s. On August 27, 2014, Licensee referred Gunner to a specialty referral hospital.

t. On August 28, 2014, Gunner was examined at the specialty referral hospital. The specialist diagnosed Gunner with blastomycosis based on a markedly enlarged prescapular lymph node, abnormal lung sounds, and marked abnormalities seen on thoracic radiographs. Antifungal treatment was initiated.

u. On August 29, 2014, Gunner's diagnosis of blastomycosis was confirmed via cytology of a fine needle aspirate of the enlarged lymph node.

v. On August 29, 2014, Gunner was euthanized due to the very poor prognosis for his advanced stage of blastomycosis provided by the specialist, and Gunner's severe reaction to treatment.

w. Licensee's medical record failed to record any physical examination findings or differential diagnoses for August 6, 2014 and August 18, 2014.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subs. 2(11) and (12), Minn. R. 9100.0700, subs. 1(A), (B), and (C), and Minn. R. 9100.0800, subs. 1 and 4, and are sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

Based on the foregoing facts and violations, the Board takes the following disciplinary action against Licensee:

6. The Board **REPRIMANDS** Licensee.

7. The Board hereby **SUSPENDS** Licensee's license to practice veterinary medicine. The suspension is **STAYED** so long as Licensee complies with the following

CONDITIONS:

a. Licensee must refrain from performing any dental procedures while this Order is in effect.

b. Within 30 days from the date of this Order, Licensee must submit to the Committee documentation of all continuing education meeting attendance and hours of self-study completed in satisfaction of the most recent renewal period.

c. Licensee must submit to the Committee evidence of completion of all continuing education as described below. This continuing education includes the topics of ethics, veterinary medical records, veterinary law, critical care, thermal injury, anesthetic monitoring, antibiotic use, pain management, dermatology, endocrinology, fungal disease, canine gastroenterology, and physical examination. The continuing education must be interactive and preapproved by the Committee. In order to obtain preapproval, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor. The Committee agrees to approve or deny Licensee's requests for approval of continuing education within fourteen calendar days from the date or receipt of the request. These hours of continuing education may not be applied to the requirements for license renewal.

1) Within 90 days from the date of this order, Licensee must discuss thermal injury and appropriate maintenance of body temperature during anesthesia for a minimum of 3 hours with a board certified veterinary anesthesiologist or board certified critical care specialist who has previously treated thermal injury. Licensee will also discuss anesthesia and monitoring protocols for routine surgical procedures for a minimum of one additional hour and, with their guidance, develop a protocol for use in his practice. The anesthesiologist or specialist must be provided with a copy of this Stipulation and Order prior to the discussion. The anesthesiologist or criticalist must be preapproved by the Committee. To obtain preapproval, Licensee must submit the veterinarian's credentials to the Committee. After meeting with Licensee, the anesthesiologist or specialist must provide a letter to the Committee outlining all of the topics that were discussed and the protocol developed for anesthesia and monitoring. The

protocol must be approved by both the specialist and the Committee. After meeting with the specialist, Licensee must submit a written summary, totaling two-pages, double spaced, of what was learned and how that knowledge will be applied in Licensee's practice. Licensee will also provide a written protocol for maintaining body temperature during anesthesia and monitoring both equipment and the patient to the Board.

2) Within 90 days from the date of this Order, Licensee must submit to the Committee evidence of completion of all modules of "Online Veterinary Law and Ethics Course" offered by James F. Wilson, D.V.M., J.D. This course is preapproved by the Committee.

3) Within 90 days after Licensee completes all modules of "Online Veterinary Law and Ethics Course" offered by James F. Wilson, D.V.M., J.D., Licensee must submit to the Committee copies of ten recent medical records for review by the Committee, from a date of the Committee's choice.

4) Within 12 months from the date of this Order, Licensee must complete 23 hours of continuing education on the topics of: wound management (2 hours); cardiology (2 hours); dermatology (4 hours, including the topic of cutaneous drug reactions); pain management (4 hours); antibiotic therapy (2 hours), fungal diseases, including blastomycosis (2 hours), canine gastroenterology (5 hours), canine pancreatitis (1 hour), and physical examination (1 hour).

8. Upon completing the requirements set forth in paragraph 7, Licensee may petition for an unconditional license. Licensee's petition may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine.

9. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to discuss his petition. The Committee will make a recommendation to the full Board which will make a decision as discussed below.

10. Upon hearing Licensee's petition, the Board may deny Licensee's petition for reinstatement, reinstate Licensee's license with conditions and/or limitations imposed on his license, or reinstate Licensee's license as unencumbered.

11. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice veterinary medicine.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

12. *Hearing Before the Board.* If the Committee determines that Licensee has violated any term or condition of this Stipulation and Order, the Committee may schedule a hearing before the Board and serve on Licensee a Notice of Hearing for Alleged Non-Compliance With Stipulation and Order ("Notice"), which sets forth the allegations against Licensee and provides Licensee notice of the date, time, and place of the hearing before the Board. The procedures set forth in paragraph 13 below shall apply to the hearing.

13. *Hearing Procedures.* The following procedures shall apply:

a. *Response to Allegations in Notice.* At least seven days before the hearing, Licensee shall submit a written response to the allegations set forth in the Notice. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. *Hearing Before Board.* The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph 13.c. below to determine whether the allegations are true and, if so, whether to take additional disciplinary action against Licensee, which may include any of the forms of disciplinary action set forth in Minnesota Statutes section 156.127.

c. *Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge.* At the hearing before the Board, the Committee and Licensee may present affidavits made on personal knowledge or authenticated documents and may present argument based on such evidence in support of their positions. The record before the Board shall be limited to such affidavits, documents, and this Stipulation and Order. The Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 14 days before the hearing. Licensee shall file with the Board all evidence he intends to present at the hearing and shall serve a copy on the Committee at least seven days before the hearing. The Committee must prove by a preponderance of the evidence that Licensee has violated this Stipulation and Order. The Board shall issue a final order within 30 days of the hearing. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

d. *Costs.* 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.

14. *Statutory Procedures.* Nothing herein shall limit the Committee's right to attempt to resolve an alleged violation of this Stipulation and Order through the procedures of Minnesota Statutes section 214.103, subdivision 6, or to initiate a contested case proceeding under Minnesota Statutes chapter 14 based on an alleged violation of this Stipulation and Order.

VII.

ADDITIONAL INFORMATION

15. 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.

16. 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.

17. 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.

18. Licensee shall be responsible for all costs incurred as a result of compliance with this Stipulation and Order.

19. 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 changes, 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 below.

20. 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.

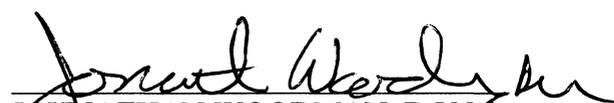
21. This Stipulation and Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related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

VIII.

DATA PRACTICES NOTICES

22. 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 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.

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


JOHNATHAN WOODMAN, D.V.M.
Licensee


MICHELLE VAUGHN, D.V.M.
Committee Member

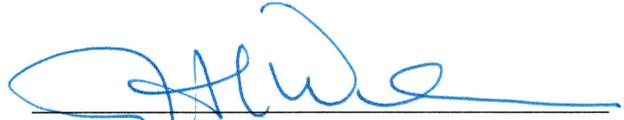
Dated: 3-16-15

Dated: 4-8-15

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 8th day of April, 2015.

MINNESOTA BOARD
OF VETERINARY MEDICINE



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