BEFORE THE MINNESOTA BOARD OF VETERINARY MEDICINE

In the Matter of
Michael H. Williams, DVM
License No. 04273

STIPULATION AND ORDER

STIPULATION

Michael H. Williams, DVM ("Licensee"), and the Minnesota Board of Veterinary Medicine 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 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 January 6, 2021, Licensee met with the Committee, composed of Board members Steven Shadwick, DVM, and Michelle Vaughn, DVM. Rebecca Huting, Assistant Attorney General, represented the Committee remotely. Julia Wilson, DVM, Executive Director of the Board, also participated in the teleconference. Nicole Vink, State Program Administrator, recorded the conference remotely.
III.

FACTS

4. The parties agree this Stipulation and Order is based upon the following facts:

a. At all times relevant to these allegations, Licensee was a veterinarian at Veterinary Medical Hospital ("Clinic"), located in Austin, Minnesota.

b. On September 27, 2020, Licensee evaluated an ulcerated lump on the leg of Asa, a 12-year-old male Labrador Retriever mix owned by S.W. Licensee noted a gum infection and recommended a dental cleaning while the dog was anesthetized to remove the lump.

c. Licensee did not offer preoperative bloodwork to evaluate Asa’s metabolic status and potential abnormalities resulting from the tumor or gum infection.

d. On September 30, 2020, Licensee sedated Asa with xylazine to surgically remove the lump and perform the dental cleaning. Licensee did not anesthetize the dog.

e. Licensee found all molars and premolars were encased in thick tartar, and one loose premolar. The loose premolar was not removed per the owner’s request.

f. Licensee did not characterize the gingival infection or measure the depth of the gingival sulci.

g. Licensee used hand tools to incompletely clean Asa’s teeth.

h. Reluctance to eat and signs of pain were observed by the owner after the procedures.
f. Two weeks later, a significant amount of tartar and Grade IV periodontal disease were identified at another veterinary clinic.

j. Licensee’s instruments for both procedures were disinfected with chlorhexidine prior to use but not autoclaved.

k. Licensee does not use any warming devices for anesthetized patients nor monitor body temperature, heart rate, oxygen saturation or blood pressure.

l. Licensee does not routinely intubate dental patients or cats to reduce the risk of aspiration pneumonia.

m. Licensee’s medical record was incomplete, lacking details of physical examinations at both visits, a completed dental chart, and differential diagnoses for the removed mass.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes sections 156.081, subdivisions 2(11) and (12); and Minnesota Rules 9100.0700, subparts 1(A), (B), and (C); and 9100.0800, subparts 1 and 4, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

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

6. The Board hereby SUSPENDS Licensee’s license to practice veterinary medicine. The suspension is STAYED so long as Licensee complies with the following LIMITATIONS and CONDITIONS:
A. Licensee will refrain from all surgery, dentistry and other procedures under anesthesia until the following requirements are completed or with permission of the Committee.

B. Within one month from the effective date of this Order, Licensee must submit documentation to the Board of all his veterinary continuing education for the most recent license renewal period, March 1, 2018 to February 28, 2020.

C. Within three months from the date of this Agreement, Licensee shall submit to the Committee evidence of completion of at least six (6) credit hours of continuing education on the topic of veterinary medical records. For purposes of this requirement, the Committee preapproves “Medical Record Keeping for Veterinarians”, an online course offered by Drip Learning Technologies. The credits from this continuing education may not be applied to the requirements for Licensee’s next license renewal.

D. Within six months from the date of this Agreement, Licensee shall submit to the Committee evidence of completion of at least eighteen (18) credit hours of interactive continuing education on the topics below. The continuing education must be preapproved by the Committee and may not be applied to the requirements for Licensee’s next license renewal.

1. Four (4) hours on small animal anesthesia, including monitoring and anesthetic protocols;

2. Four (4) hours on pain management in small animals, including perioperative pain;

3. Eight (8) hours on canine dentistry which must include a four (4) hour wet lab focused on cleaning and extractions;

4. Two (2) hours on sterile surgery and perioperative infection control.

E. Within three (3) months of the conclusion of the continuing education,
Licensee will submit two (2) protocols on the topics below that must be approved by the Committee. Upon approval of the protocols, the limitations and conditions may be removed.

1. Anesthesia monitoring to include heart rate, respiratory rate, body temperature, oxygen saturation, and medications administered.

2. Sterilization and inventory of surgical and dental instruments.

F. Within three months of completion of the continuing education on medical records and for three (3) subsequent quarters, Licensee will submit his appointment schedule for the preceding two (2) months to the Committee. Licensee will provide complete medical records for five (5) cases selected from his schedule for review by the Committee. The medical records must meet the Committee’s approval.

7. Upon completing the requirements set forth above, 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 the suspension should be lifted.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

8. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Order.

9. If Licensee fails to comply with or violates this Stipulation and Order the 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 shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall 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 shall not refer to matters outside the record. The evidentiary record shall 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 shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. 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 shall 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 additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's license.

f. Nothing herein shall limit 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. Similarly, 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

10. 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.

11. 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.

12. 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.

13. Licensee shall be responsible for all costs incurred in order to comply with this Stipulation and Order.

14. 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.

15. 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.

16. 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

17. 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.

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

Michael H. Williams
MICHAEL H. WILLIAMS, DVM
Licensee
Dated: 2/22/2021

Michelle Vaughn, DVM
MICHELLE VAUGHN, DVM
Committee Member
Dated: 4/7/21
ORDER

Upon consideration of the Stipulation, the Board accepts the SUSPENSION of Licensee’s license and adopts all of the terms described above effective this 12th day of April, 2021.

MINNESOTA BOARD
OF VETERINARY MEDICINE

JULIA H. WILSON, DVM
Executive Director