

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Lori Ballinger, D.V.M.  
License No. 11099

**STIPULATION AND  
CONSENT ORDER**

**STIPULATION**

Lori Ballinger, 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 Consent Order.

**II.**

**REPRESENTATION**

3. The Committee that negotiated this Stipulation with Licensee is composed of Barbara Fischley, D.V.M., and Joanne Schulman, D.V.M. The Committee was represented by Bryan D. Huffman, Assistant Attorney General, at the conference on July 24, 2013. Julia Wilson, D.V.M., Executive Director of the Board, was also present. Licensee was advised of her right to be represented by legal counsel and knowingly and voluntarily waived that right.

### III.

#### FACTS

4. Licensee was licensed to practice veterinary medicine in Minnesota on June 12, 1999.

5. Licensee conducts a mobile veterinary practice based in Roseville, Minnesota.

6. On or about March 26, 2013, Licensee examined and treated a young female Beagle that was presented with a complaint of labored breathing. Licensee also examined the Beagle's week-old female puppy.

7. On <sup>July 24</sup> ~~June 25~~, 2013, the Committee met with Licensee after reviewing medical records related to Licensee's practice. The Committee concluded that Licensee:

a. Failed to determine the cause of the Beagle's labored breathing.

b. Failed to demonstrate the requisite knowledge to correctly estimate the volume of fluids required to restore moderate hydration to the Beagle.

c. Failed to give the Beagle a sufficient amount of subcutaneous fluids to restore moderate hydration.

d. Failed to accurately record and interpret respiratory tract examination findings.

e. Failed to properly note, delete, or otherwise document in the Beagle's medical record that a medication was not actually dispensed.

f. Failed to record respiratory rates and heart rates for the Beagle or her puppy.

**IV.**

**LAWS**

8. Licensee acknowledges the facts above constitute a violation of Minn. Stat. § 156.081, subd. 2(11), Minn. R. 9100.0700, subp. 1A and C, and Minn. R. 9100.0800, subps. 1 and 4, and justify the disciplinary action described below.

**V.**

**DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following **CONDITIONS**:

9. For the duration of this Stipulation and Consent Order, Licensee must refrain from providing emergency care after hours and may not provide overnight care for companion animals. Licensee must convey to current and potential clients that they seek other sources of care outside of normal work hours.

10. Within 30 days from the date this Stipulation and Consent Order is adopted by the Board, Licensee must submit documentation of all continuing education meeting attendance and hours of self-study in the most recent license renewal period.

11. Within three months from the date this Stipulation and Consent Order is adopted by the Board, Licensee must complete at least five preapproved hours of continuing education on the following topics: (a) veterinary medical records; (b) veterinary law; and (c) ethics. For purposes of this condition, the Committee has preapproved modules 6 and 7 of the "*Online Veterinary Law and Ethics Course*" offered by James F. Wilson, D.V.M., J.D. Should Licensee elect to take an alternative course(s), Licensee must obtain preapproval from the Committee. Licensee must submit written information about the course(s), such as the course's measureable

learning objectives and qualifications of the instructor, to obtain preapproval from the Committee. Continuing education hours completed in connection with this condition may not be counted toward the 40-hour requirement for Licensee's next renewal period.

12. Within six months from the date this Stipulation and Consent Order is adopted by the Board, Licensee must attend four preapproved hours of continuing education in each of the following topics related to canine medicine: (a) thoracic disease; (b) fluid therapy; (c) antimicrobial therapy; and (d) perinatal disease diagnosis and treatment. Continuing education hours completed in connection with this condition may not be counted toward the 40-hour requirement for Licensee's next renewal period.

13. Within six months from the date this Stipulation and Consent Order is adopted by the Board, Licensee must take and pass the Companion Animal Species Specific Examination provided by the National Board of Veterinary Medical Examiners ("NBVME"). Licensee must cause NBVME to submit evidence of successful completion to the Committee.

14. Within six months from the date this Stipulation and Consent Order is adopted by the Board, Licensee must provide the following to the Committee: (a) current antibiotic treatment protocols for common respiratory diseases and (b) a report on peripartum diseases of the bitch and neonatal puppies, to include protocols for diagnosis and treatment of common conditions.

## **VI.**

### **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

15. If Licensee fails to comply with or violates this Stipulation and Consent 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 must schedule a hearing before the Board. At least 20 days before the hearing, the Committee must 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 Consent Order. Unless stated otherwise in this Stipulation and Consent 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, revocation, or limitation of 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 Consent Order or based on conduct of Licensee not specifically referred to herein.

## VII.

### ADDITIONAL INFORMATION

16. In the event Licensee leaves Minnesota to reside or to practice outside of the state, Licensee must notify the Board in writing 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.

17. 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.

18. 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 Consent Order, which may otherwise be available to Licensee.

19. This Stipulation and Consent 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.

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

21. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent 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 Consent Order, it will be of no effect except as specified in the following paragraph.

22. Licensee agrees that if the Board rejects this Stipulation and Consent 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 Consent Order or of any records relating to it.

23. This Stipulation and Consent 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**

24. This Stipulation and Consent 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 Consent 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.

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

CONSENT:

BOARD OF VETERINARY MEDICINE  
COMPLAINT REVIEW COMMITTEE

  
LORI BALLINGER, D.V.M.  
Licensee

Dated: 12-8-2013

  
BARBARA FISCHLEY, D.V.M.  
Committee Member

Dated: 12/12/2013

**ORDER**

Upon consideration of the Stipulation, the Board hereby **CONDITIONS** Licensee's  
licensee and adopts the terms described above on this 12<sup>th</sup> day of December, 2013  
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MINNESOTA BOARD OF  
VETERINARY MEDICINE

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