

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE
COMPLAINT REVIEW COMMITTEE**

In the Matter of
Katherine M. Baratto, D.V.M.
License No. 02508

**AGREEMENT FOR
CORRECTIVE ACTION**

This Agreement is entered into by and between Katherine M. Baratto, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review Committee") based on Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Complaint Review Committee agree to the following:

FACTS

1. On June 14, 2016, the Board granted Licensee a license to practice veterinary medicine in Minnesota.
2. While Licensee practiced veterinary medicine at an animal hospital ("Clinic") in Garrison, Minnesota, the following occurred:
 - a. On January 3, 2024, Licensee performed an ovariohysterectomy and gastropexy on Daisy, a 2-year-old female St. Bernard owned by F.H. and family.
 - b. Licensee failed to clearly communicate the risks of anesthesia and surgery before the procedure and the benefits of preoperative blood testing.
 - c. Prior to surgery, Licensee recommended that Daisy be hospitalized at her clinic where Daisy could be observed via video through the evening. Advantages of alternatively taking her to a clinic with overnight staffing were not discussed.
 - d. Licensee did not monitor blood pressure during the procedure.

e. Postoperatively, Licensee's communication with Daisy's owner was insufficiently prompt.

f. Licensee instructed Clinic staff to inform her owners that there were no issues during the anesthesia; however, there were episodes of abnormal breathing.

g. Licensee last observed Daisy at the Clinic via video at approximately 11:00 PM.

h. Licensee's staff first observed Daisy at approximately 7:00 AM the following morning and did not note any abnormalities.

i. One hour later, Licensee's veterinary colleague was informed that Daisy was lying down with a distended abdomen, rapid labored breathing, and pale gums. The colleague determined that Daisy was in critical condition and immediately initiated treatment, during which Daisy died.

j. Licensee and her colleague performed a forensic necropsy which revealed a 360-degree torsion of the mesentery.

k. Licensee's medical record was incomplete, lacking dates, patient signalment, a record of a preoperative physical examination, and an assessment of blood abnormalities identified on the day following surgery.

3. On April 22, 2024, Licensee met with the Complaint Review Committee, composed of John Howe, D.V.M., Board member, and Steven Shadwick, D.V.M., Board member, to discuss allegations regarding Licensee's practice of veterinary medicine contained in a Notice of Conference dated April 3, 2024. Priya S. Narayanan, Assistant Attorney General, represented the Complaint Review Committee during the conference and participated remotely. Dr. Julia Wilson,

executive director of the Board, also participated. Licensee was represented by Robert E. Kuderer, Esq., of Erickson, Zierke, Kuderer & Madsen, P.A., in Minneapolis, Minnesota.

CORRECTIVE ACTION

4. Based on the available information, Licensee and the Committee agree that the conduct above violates Minnesota Statutes section 156.081, subdivision 2(11) and (12); and Minnesota Rules 9100.0700, subpart 1(A) and (C); and 9100.0800, subparts 1 and 4. Licensee and the Committee have agreed to enter into this Agreement for Corrective Action as follows:

a. Within one month from the date of this Agreement, Licensee shall submit to the Committee documentation of the continuing education for Licensee's most recent license renewal.

b. Within three months from the date of this Agreement, Licensee shall submit to the Committee evidence of completion of at least two (2) credit hours of continuing education on the topic of veterinary medical records and client communication. For purposes of this requirement, the Committee preapproves the "Top Ten Medical Records Deficiencies" and "Consent and Client Communication" online courses offered by Dr. Sarah Babcock and Animal Law and Legal Services. The credits from this continuing education may not be applied to the requirements for Licensee's next license renewal.

c. Within six months from the date of this Agreement, Licensee shall complete two (2) hours of interactive or pre-recorded continuing education on the differential diagnosis and management of small animal patients with metabolic illnesses. The continuing education must be preapproved by the Committee. The continuing education may not be counted toward Licensee's next license renewal.

d. Three months following completion of the continuing education and for three subsequent quarters, Licensee will submit her appointment schedule to the Board for the preceding three months. The schedule must indicate the purpose of the appointment. Licensee will submit copies of complete medical records selected by the Committee. The records must meet the approval of the Committee.

OTHER INFORMATION

5. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 4 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 2. The Committee shall be the sole judge of satisfactory completion. The Committee may reopen this complaint if it receives newly discovered information that was not available to the Committee during the initial investigation, or if the Committee receives a new complaint that indicates a pattern of behavior or conduct.

6. If Licensee fails to complete the corrective action satisfactorily, the Committee may, at its discretion, reopen the investigation and proceed according to Minnesota Statutes chapter 156 (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14. Licensee agrees that failure to complete the corrective action satisfactorily is failure to cooperate under Minnesota Statutes section 156.123 and may subject Licensee to disciplinary action by the Board.

7. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter. Licensee was represented by counsel.

8. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon

receiving such information, the Committee may, at its discretion, proceed according to Minnesota Statutes chapter 156 (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14.

9. This agreement is not disciplinary action. See Minnesota Statutes section 214.103, subdivision 6. However, this agreement is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5, and 214.072, subdivision 3.

10. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.


KATHERINE M. BARATTO, D.V.M.
Licensee

Dated: 5/20/24


~~JULIA WILSON~~ PAMELA JOHNSON
Executive Director

Dated: 5/23/24