BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of
Genevieve R. Bergman, D.V.M.
License No. 04310

STIPULATION AND ORDER

STIPULATION

Genevieve R. Bergman, 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

A. 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.

B. 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

The Complaint Review Committee that entered into this Stipulation with Licensee is composed of John Lawrence, D.V.M., Board member, and Michelle Vaughn, D.V.M., Board member. Jennifer Middleton, Assistant Attorney General, represented the Committee in this matter.

III.

FACTS

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

1. Licensee was licensed by the Board to practice veterinary medicine in the State of Minnesota on May 11, 2010.

2. Veterinarians licensed in Minnesota must renew their licenses on a biennial basis. Licensees on active status must, at the time of license renewal, certify their completion of 40 hours of veterinary continuing education ("CE") for the previous two-year period.

3. In accordance with Minn. R. 9100.1000, the Board conducted a routine audit of CE compliance for the two year licensure period, and Licensee was among those veterinarians selected for auditing.

4. On June 30, 2014, Licensee submitted the 2014 CE Audit Form to the Board. Licensee could not provide documentation of completion of 40 hours of approved CE for the licensure period, and the completed form indicated that Licensee did not meet the continuing education requirements for license renewal.

IV.

LAWS

Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subd. 2(12) and Minn. R. 9100.1000, subps. 8.C(1) and (2), and are sufficient grounds for the remedy set forth below.

V.

REMEDY

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

1. Licensee shall pay to the Board a $650 administrative penalty. Payment shall be sent to the Board of Veterinary Medicine c/o Julia Wilson, D.V.M., Executive Director, 2829 University Avenue S.E., Suite 401, Minneapolis, Minnesota 55414, and is due no later than 60 days from the date of this Order.

2. Within six months of the date of this Order, Licensee shall complete and provide documentation to the Board of her completion of at least seven interactive veterinary continuing education hours that meet criteria for approval to make up for the missing hours for the March 1, 2012, through February 28, 2014, licensure period. Licensee must provide satisfactory evidence of this continuing education to the Board. These hours will not count toward the 40 hours of continuing education required for the March 1, 2014, through February 29, 2016, licensure period.

3. The Board may, in its discretion, audit Licensee's continuing education compliance for the March 1, 2014, through February 29, 2016, licensure period or future license renewals.

VI.

CONSEQUENCES OF A VIOLATION

A. *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 VI.B.2 below shall apply to the hearing.

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

1. *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.

2. *Hearing Before Board.* The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph VI.B.3. 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.

3. *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 she 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.

4. *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.

C. *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

A. 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.

B. 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.

C. 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.

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

E. 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.

F. 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.

G. 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

A. 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.

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

GENEVIEVE R. BERGMAN, D.V.M.
Licensee

Dated: 9/8/, 2014

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 17th day of September, 2014.

MINNESOTA BOARD
OF VETERINARY MEDICINE

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