

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Thomas H. Carr, D.V.M.
License No. 00699

STIPULATION AND ORDER

STIPULATION

Thomas H. Carr, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review 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 Minnesota Statutes chapter 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

A. The Complaint Review Committee, which negotiated this Stipulation with Licensee, is composed of Lorna Reichl, D.V.M., Board Vice President, Joanne Schulman, D.V.M., Board President, and John King, D.V.M., Executive Director of the Board. Susan E.

Damon, Assistant Attorney General, represented the Complaint Review Committee in this matter. Licensee was represented by Joseph Fitzgibbons, Esq.

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 issued a license to practice veterinary medicine in the State of Iowa on June 19, 1998.

2. Licensee was initially licensed to practice veterinary medicine in the State of Minnesota on January 12, 1999.

3. Licensee resides in and primarily practices veterinary medicine in Iowa.

4. On August 5, 2002, the Iowa Board of Veterinary Medicine (“Iowa Board”) issued a Statement of Charges against Licensee alleging that Licensee exhibited professional incompetency in his treatment of at least eleven patients in the following manner:

a. Failure in at least five cases to properly perform routine surgeries, resulting in the death of one patient and the need for additional corrective surgery for four patients.

b. Failure in at least two cases to properly stabilize fractures and to properly refer the orthopedic cases.

c. Failure in at least one case to properly manage diabetes mellitus.

d. Failure in at least one case to properly manage the pregnancy and delivery of a canine patient.

e. Failure in at least one case to properly euthanize a canine patient.

f. Failure in at least three cases to properly diagnose a medical condition.

5. On November 21, 2002, the Iowa Board issued a Settlement Agreement and Final Order, resolving the allegations in the August 5, 2002 Statement of Charges. The Settlement Agreement indefinitely limited Licensee's license to performing large animal medicine and surgery and set forth a number of educational and examination requirements that Licensee must meet before seeking full or partial reinstatement of his license. A true and correct copy of the Settlement Agreement and Final Order is attached hereto as Exhibit A. To date, Licensee has not applied for full reinstatement of his Iowa license.

6. Licensee did not disclose the Iowa disciplinary action to the Minnesota Board until March 2005, when he stated on his renewal application:

Small animal license was suspended for not appropriately completing surgeries and not correctly diagnosing fractures. I complied with their recommendations, of a 12 week refresher course, and completed the requirements, now just waiting for reinstatement.

7. In connection with its investigation of this matter, the Board reviewed Licensee's evaluations from the retraining at the Iowa State University College of Veterinary Medicine that was required under the November 21, 2002 Settlement Agreement and Final Order. Most of the evaluators found Licensee's general knowledge base in small animal medicine unsatisfactory.

IV.

LAWS

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

V.

REMEDY

A. Effective immediately and until further order of the Board, Licensee's license to practice veterinary medicine in the State of Minnesota is limited and conditioned as follows:

1. Licensee shall fully comply with all terms and conditions of the November 21, 2002 Settlement Agreement and Final Order of the Iowa Board.

2. Licensee is prohibited from practicing small animal medicine and surgery.

3. Licensee is prohibited from practicing large animal veterinary medicine and surgery, including equine and food animal medicine and surgery, until he takes and passes the Species Specific Disciplinary Examination in Equine sponsored by the National Board of Veterinary Medical Examiners ("NBVME"). Licensee must pass the Examination within two attempts. The passing score is the NBVME's recommended criterion-referenced passing point. Licensee is responsible for all costs of the Examination.

4. Licensee must take and pass, within two attempts, the Species Specific Disciplinary Examination in Companion Animal sponsored by the National Board of Veterinary Medical Examiners ("NBVME"). The minimum passing score is the NBVME's recommended criterion-referenced passing point. Licensee is responsible for all costs of the Examination.

B. *Costs.* Licensee shall pay to the Board \$1,000 in costs. Payment of \$500 is due within 10 days of the date of this Order. Payment of the remaining \$500 is due six months from the date of this Order. Payment shall be sent to: Minnesota Board of Veterinary Medicine, c/o John King, D.V.M., Executive Director, 2829 University Ave. S.E., Suite 540, Minneapolis, Minnesota 55414.

VI.

CONSEQUENCES OF A VIOLATION

A. *Hearing Before the Board/Temporary Suspension.* 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 below shall apply to the hearing. The Committee may, in its discretion, prior to the hearing, temporarily suspend Licensee’s license based on its determination that Licensee has violated this Stipulation and Order. A temporary suspension shall become effective upon service on Licensee of a written notice of temporary suspension. If the Committee temporarily suspends Licensee’s license, the hearing shall be held no later than 30 days after the date the written notice of temporary suspension is mailed to Licensee, unless the Committee and Licensee agree to hold the hearing at a later time.

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 Minn. Stat. § 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; affidavits of experts; authenticated documents; records of any licensing Board; 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.

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 Minn. Stat. § 214.103, subd. 6 or to initiate a contested case proceeding under Minn. Stat. ch. 14 based on an alleged violation of this Stipulation and Order.

VII.

PETITION FOR UNCONDITIONAL LICENSE

A. Licensee may petition the Board to issue an unconditional license at any regularly scheduled Board meeting following his successful completion of the examination requirements set forth in paragraphs V.A.3 and V.A.4 and issuance to Licensee by the Iowa Board of an unconditional license. At the time of his petition, Licensee shall have the burden of proving that he has fully complied with this Stipulation and Order and that he is able to practice veterinary medicine safely and in compliance with all statutes and rules governing the profession without being subject to the terms of this Stipulation and Order. Before it makes a recommendation to the Board on Licensee's petition, the Committee, in its discretion, may schedule a conference with Licensee to discuss Licensee's petition and related matters.

VIII.

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 was represented by counsel in this matter.

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 change, 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 in paragraph VIII.F.

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 shall 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.

IX.

DATA PRACTICES NOTICES

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 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.

Signature on File

THOMAS H. CARR, D.V.M.

Licensee

Dated: September 20, 2005.

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 21st day of September, 2005.

MINNESOTA BOARD
OF VETERINARY MEDICINE

Signature on File

JOHN KING, D.V.M.

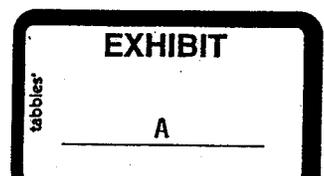
Executive Director

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF:)	CASE NO: 01-027
)	
THOMAS H. CARR, D.V.M.)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

COME NOW the Iowa Board of Veterinary Medicine ("Board") and Thomas H. Carr, D.V.M. ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2002), enter into the following Settlement Agreement and Final Order of the contested case currently on file.

1. Respondent is licensed to practice as a veterinarian in the State of Iowa. Respondent's license is current and will next expire on June 30, 2005.
2. Respondent was issued license number 6626 to practice as a veterinarian in the state of Iowa on June 19, 1998.
3. Respondent's current address as reported to the Board is 15002 252nd Avenue, Spirit Lake, Iowa, 51360.
4. The Board has jurisdiction of the parties and the subject matter.
5. A Statement of Charges was filed against the Respondent on August 5, 2002, and is scheduled for hearing on November 21, 2002.
6. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. By executing this agreement Respondent expressly waives the right to a hearing on these charges.



7. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order, and he agrees that the State's counsel may present this agreement to the Board.

8. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

9. This agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

10. This Settlement Agreement and Final Order as well as the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

11. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

12. Respondent is indefinitely restricted from performing small animal veterinary medicine and small animal veterinary surgery. Respondent's license is limited to performing large animal veterinary medicine and surgery, including equine and food animal medicine and surgery. This restriction on Respondent's license is effective commencing January 1, 2003, and shall remain in effect until such time as Respondent applies for and is granted full or partial reinstatement of his license pursuant to paragraph 13.

13. Respondent may apply for removal of the restriction by applying for full or partial reinstatement of his license when the following conditions have been satisfied:

a. If applying for full reinstatement of his license to perform small animal veterinary medicine and surgery, Respondent shall complete a twelve (12) week retraining program at Iowa State University College of Veterinary Medicine.

Respondent shall complete six (6) weeks of small animal internal medicine and six (6) weeks of small animal soft tissue and orthopedic surgery.

b. If applying solely for reinstatement of his license to perform small animal veterinary medicine, Respondent shall complete a six (6) week retraining program at Iowa State University College of Veterinary Medicine in the area of small animal medicine. If Respondent applies for and is granted reinstatement pursuant to this paragraph, his license shall be restricted from performing small animal veterinary surgery. If Respondent seeks partial reinstatement of his license pursuant to this paragraph, he is not precluded from seeking full reinstatement of his license in the future, provided he successfully completes the additional six (6) week retraining at Iowa State University College of Veterinary Medicine in small animal soft tissue and orthopedic surgery.

c. Respondent shall be evaluated and examined throughout the program of retraining by the College of Veterinary Medicine. Respondent shall comply with all recommendations of the College of Veterinary Medicine, including any recommendations for further retraining or further examination. Respondent is responsible for all costs associated with the retraining.

d. Prior to the retraining, the College of Veterinary Medicine shall be provided with the Statement of Charges, the Settlement Agreement, and the investigative file in this contested case.

e. Following completion of the retraining, the College of Veterinary Medicine shall forward directly to the Board a report detailing Respondent's performance throughout the retraining in the following areas: technical ability and clinical skills, patient care, knowledge/rounds/participation, record keeping, and attitude/reliability/initiative. The report shall include a recommendation as to whether Respondent is safe to return to the practice of small animal veterinary medicine, and, if applicable, small animal veterinary surgery, and additional recommendations or restrictions as indicated.

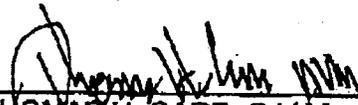
f. Upon compliance with the above provisions, Respondent may submit an application for reinstatement to the Board pursuant to 811 Iowa Administrative Code 10.11. Respondent's license to practice small animal veterinary medicine and surgery shall not be reinstated except upon a showing that Respondent has complied with the terms of this Settlement Agreement, that the basis for the restriction no longer exists, and that it would be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the Respondent.

14. Respondent agrees that following a hearing on the application for reinstatement the Board may issue an Order which places Respondent's license on probation for a period of time subject to terms, conditions and restrictions which the

Board deems appropriate, or which imposes other appropriate discipline.

15. In the event the Respondent violates or fails to comply with any of the terms or provisions of this agreement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized by Iowa Code section 272C.3(2)(a).

AGREED AND ACCEPTED:


THOMAS H. CARR, D.V.M.


CHAIRPERSON
IOWA BOARD OF
VETERINARY MEDICINE

Dated this 20th day of
November, 2002.

Dated this 21 day of
Nov, 2002.

Copies to:

Heather Adams
Assistant Attorney General
Hoover State Office Building
LOCAL

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