

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
George Frenchick, D.V.M.
License No. 07475

STIPULATION AND ORDER

WHEREAS, on or about May 13, 1997, the Minnesota Board of Veterinary Medicine (Board) received a complaint against George Frenchick, D.V.M. (Respondent); and

WHEREAS, based on findings from a subsequent inspection of the Respondent's clinic by the Board's Executive Director, Respondent was advised that the Board's Complaint Review Committee had a basis to initiate action against his license; and

WHEREAS, based upon discussion between Respondent and the Board's Executive Director, the parties wish to resolve this matter without the necessity and expense of a contested case hearing by entering into this Stipulation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Respondent and the Board as follows:

1. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice veterinary medicine in the State of Minnesota;
2. If the Board in its discretion does not approve this Stipulation, it shall be deemed withdrawn and of no evidentiary value and shall not be introduced or relied on by either party; except that Respondent agrees that, should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto;
3. Respondent expressly waives formal hearing on all facts and legal conclusions referenced herein and any and all procedures before the Board relative to said facts and conclusions to which he might otherwise be entitled by law;
4. Respondent has been advised by counsel in this matter or has been advised of his right to be represented by counsel, which right he hereby waives;

5. Respondent does not contest the facts and conclusions hereinafter following and grants that the Board may, for purposes of its proceedings relating to this Stipulation, consider the following as true:

- a. Respondent was licensed by the Board to practice veterinary medicine in 1975.
- b. Respondent currently practices veterinary medicine out of his residence at 55569-395th Street, Paynesville, MN 56362.
- c. Respondent engages primarily in the practice of large animal medicine, concentrating on dairy cattle. Respondent engages in a small amount of dog and cat medicine, primarily as a favor to his large animal clients.
- d. Respondent treats dogs and cats and performs surgery on them in the basement of his home. The clinic basement area consists mainly of a wooden table, some cabinets and a couple of animal crates. It does not meet the requirements of Minn. R. 9100.0800, subp. 3 for the provision of sterile surgical services.
- e. On or about May 13, 1997, the Board received a complaint from a client of Respondent on whose dog Respondent had performed surgery. The complaint alleged that unsanitary conditions in Respondent's clinic contributed to a post-operative infection of the dog.
- f. On May 28, 1997, in response to the above-referenced complaint and pursuant to Minn. Stat. § 156.121 (1996), the Board's Executive Director inspected Respondent's basement clinic and advised Respondent that the clinic was inadequate for the provision of sterile surgical services.
- g. In discussing the matter with the Board's Executive Director, Respondent agreed to cease performing small animal surgery.
- h. Proof at hearing of the allegations set forth above would empower the Board to take disciplinary action against Respondent's license. See Minn. Stat. § 156.081, subd. 2 (12) (1996); Minn. R. 9100.0800,

subp. 3 (1995).

6. NOW, THEREFORE, IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation the Board may forthwith adopt and implement the following Order:

- a. Respondent is prohibited from performing any small animal surgery until further order of the Board.
- b. If the Board receives allegations that Respondent has failed to comply with the prohibition against performance of small animal surgery set forth in this Order, the Board shall so notify Respondent in writing at his last known address filed with the Board. Respondent shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the notice:

- (1) If Respondent does not submit a written request to contest the allegations within 30 days of service of a notice of opportunity to contest the allegations, the issues set forth in the notice may be taken as true or deemed proved without further evidence. Upon a report to the Board of such allegations and of Respondent's failure to contest, the Board may impose additional disciplinary action authorized under Minn. Stat. ch. 156. Any Board order issued under this paragraph shall be final and binding upon Respondent and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

- (2) If Respondent submits a written request to contest the allegations, the Board may initiate either a conference proceeding conducted pursuant to Minn. Stat. § 214.103, subd. 6, or a contested case hearing pursuant to Minn. Stat. §§ 14.57 to 14.62. This Order and the Stipulation of which it is a part shall be admissible without objection in any such hearing.

c. This Order and Stipulation of which it is a part shall be deemed to be a public document;

7. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Respondent on the basis of any act, conduct, or omission of Respondent occurring before or after the date of this Stipulation which is not directly related to the specific complaint and facts referenced herein;

8. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's counsel or after having been advised of his right to consult with counsel and having waived such right;

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


GEORGE FRENCHICK, D.V.M.
Respondent

Dated: 7/9, 1997.

* * *

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 3 day of Sept, 1997.

MINNESOTA BOARD OF
VETERINARY MEDICINE


ROLAND C. OLSON, D.V.M.
Executive Director