BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Ralph H. Ganz, D.V.M.
License Number: 02763

STIPULATION AND
CONSENT ORDER

STIPULATION

Ralph J. Ganz, 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 Steven Shadwick, D.V.M., and Michelle Vaughn, DVM. Tiffany Sedillos, Assistant Attorney General, represented the Committee at the conference on November 7, 2018. Dr. Julia Wilson, D.V.M., Executive Director of the Board, was also present. Licensee was advised of his 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 the State of Minnesota on July 10, 1963.

5. At all times relevant to these allegations, Licensee was a veterinarian at Sauk Rapids Pet Care ("Clinic"), located in Sauk Rapids, Minnesota.

6. On or around March 21, 2018, Licensee anesthetized and performed a dental cleaning on Cheeky, a 9-year-old female Chihuahua, owned by A.P.

7. Licensee incompletely removed accumulated tartar on Cheeky’s teeth.

8. Licensee extracted three incisors, but did not note which ones, nor offer referral for dental radiographs to assess the health of the underlying bone and other teeth.

9. Licensee failed to identify or treat additional abnormalities of gingivitis, root abscesses and fractured teeth. This oversight was addressed at another clinic three weeks later.

10. Licensee vaccinated Cheeky against rabies, but did not provide a rabies certificate, nor note the serial number and expiration date of the vaccine at the time or vaccination. A rabies certificate was later issued upon the owner’s request, but listed a vaccination date 74 days later than the actual vaccination.

11. On or about May 1, 2018, Licensee performed a dental cleaning under general anesthesia on Brandy, a 10-year-old female Shepherd mix dog owned by A.P.

12. Licensee failed to remove all calculus and incorrectly stated that the upper and lower right molars were absent.

13. Licensee vaccinated Brandy on May 1, 2018, but could later not recall which vaccines were actually administered.
14. Licensee’s medical records for both dogs were incomplete, lacking:
   a. History;
   b. Evidence of pre-anesthetic physical examinations and anesthetic monitoring;
   c. Amount of medications and route of administration;
   d. Signed consent forms.
15. Licensee does not maintain an inventory of controlled substances.

LAWS

16. Licensee acknowledges the facts above constitute a violation of Minnesota Statutes section 156.081, subdivision 2(11) and (12); and Minnesota Rules 9100.0700, subpart 1(A), (B), (C), and (L); 9100.0800, subparts 1, and 4; and justify the disciplinary action described below.

V. DISCIPLINARY ACTION

17. The Board hereby SUSPENDS Licensee’s license to practice veterinary medicine. The suspension is STAYED so long as Licensee complies with the following CONDITIONS:
   a. Licensee will limit his companion animal veterinary practice to routine wellness and preventative care, and medical appointments. Licensee will refrain from all procedures under general anesthesia. The messaging system on Licensee’s business line must inform clients that Licensee has limited the scope of his companion animal veterinary practice.
b. Within one month from the date of this Order, Licensee must submit documentation of all of his veterinary continuing education from the most recent license renewal period, March 1, 2015 to February 28, 2017.

c. Within three months of the date of this Stipulation and Consent Order, Licensee must complete six credits of veterinary continuing education on the subject of veterinary medical records. The Committee preapproves the Drip Technologies online course, "Veterinary Medical Records".

d. Within six months of the date of this Order, Licensee shall submit to the Committee evidence of completion of the following interactive continuing education. The continuing education must be preapproved by the Committee and may not be utilized to fulfill continuing education requirements for license renewal.

1) Four hours on the topic of small animal dentistry, including the use of dental charts, radiography, and techniques for dental extractions.

2) Four hours of hands-on training with a diplomate of the American Veterinary Dental College (Specialist). The Specialist must be pre-approved by the Board. The training with this Specialist must include use of regional anesthesia, dental radiography and extractions in small animals. Licensee must provide this Order to the Specialist and cause the Specialist to provide notice to the Committee that he or she has agreed to provide the hands-on training. Following the training, Licensee will cause the Specialist to affirm in writing that Licensee has completed the training and to provide an assessment of Licensee’s competency to utilize a dental chart, as well as to perform routine dental procedures, including extractions. The Specialist’s report must be approved by the Committee.

3) Two hours on perioperative pain management;
4) Two hours on the regulatory requirements for controlled substances. For the purposes of this requirement, the Committee pre-approves one-on-one education with a Drug Enforcement Administration investigator.

18. Upon completing the requirements set forth in paragraph 17, Licensee may petition for an unconditional license. Licensee’s petition may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that an unconditional license should be granted.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

19. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Order.

A. Noncompliance With Requirements for Stayed Suspension

20. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 17 above, the Committee may remove the stayed suspension pursuant to the procedures outlined in paragraph 21 below, with the following additions and exceptions:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension (“Order of Removal”). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall
have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 21 below. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee’s license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

b. The Committee shall schedule the hearing pursuant to paragraph 21.a below to be held within 60 days of the notice of the Order of Removal.

B. Noncompliance With Stipulation and Order

21. If Licensee fails to comply with or violates this Stipulation and 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 shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall 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 shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. Unless stated otherwise in this Stipulation and Order, the Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. 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 shall 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 additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's license.
f. Nothing herein shall limit 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 Order or based on conduct of Licensee not specifically referred to herein. Similarly, 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

22. 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.

23. 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.

24. 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.

25. Licensee shall be responsible for all costs incurred in order to comply with this Stipulation and Order.

26. 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.

27. 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.

28. 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

29. 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.
30. This Stipulation contains the entire agreement between the parties, there being no
other agreement of any kind, verbal or otherwise, which varies this Stipulation.

RALPH J. GANZ, DVM
Licensee
Dated: 1-19-2019

MICHELLE VAUGHN, DVM
Committee Member
Dated: 3/4/19

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 4th day of
March, 2019.

MINNESOTA BOARD OF VETERINARY MEDICINE

JULIA H. WILSON, DVM.
Executive Director