STATE OF MINNESOTA

BOARD OF VETERINARY MEDICINE

In the Matter of Allan D. Howard

CEASE AND DESIST ORDER AND NOTICE OF RIGHT TO HEARING

TO: Allan D. Howard, 7685-29th Street N.E., Sheyenne, ND 58374

1. Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minn. Stat. ch. 156, unless the person is exempt from such licensing requirements.

2. The practice of veterinary medicine is defined in Minn. Stat. § 156.12, subd. 1, as follows:

> Subdivision 1. **Practice.** The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above. The practice of veterinary medicine shall include but not be limited to the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique. The practice shall not be construed to include the dehorning of cattle and goats or the castration of cattle, swine, goats, and sheep, or the docking of sheep.

3. Minn. Stat. § 156.075, subd. 1(a) defines "equine teeth floating" as follows:

> (1) removal of enamel points from teeth with handheld, nonmotorized, non-air-powered files or rasps;
>
> (2) reestablishing normal molar table angles and freeing up lateral excursion and other normal movements of the mandible;
>
> (3) shaping the lingual aspect of the lower arcades and the buccal aspect of the upper arcades to rounded smooth surface; and
>
> (4) removing points from the buccal aspect of the upper arcade and the lingual aspect of the lower arcade.

4. Under Minn. Stat. § 156.075, subd. 2(a), a person is prohibited from engaging in equine teeth floating unless the person first submits to the Board of Veterinary Medicine (Board) (1) proof of current certification from the International Association of Equine Dentistry or other professional equine dentistry association as determined by the Board; and (2) a written statement signed by a supervising veterinarian experienced in large animal medicine that the applicant will be under direct or indirect supervision of the veterinarian when floating equine teeth.

5. Pursuant to the above-referenced statutes, the Board, by its Complaint Review Committee, has determined as follows:

a. Allan D. Howard (Respondent) is a North Dakota resident who is not now and never has been licensed to practice veterinary medicine in the State of Minnesota and is not exempt from the licensure requirements set forth in Minn. Stat. ch. 156.

b. Respondent has not complied with the requirements of Minn. Stat. § 156.075, subd. 2(a) and is, therefore, not authorized to engage in equine teeth floating in Minnesota.

c. In or about Fall 2005, Respondent was contacted by a Minnesota resident to perform equine dentistry services on two of her horses.

d. Respondent came to Minnesota, where he sedated two of the Minnesota resident's horses and performed teeth floating and extractions. Following his performance of the dental work, Respondent advised the horses' owner to give one of the horses penicillin in case of infection.

e. Respondent, by the above conduct, engaged in the practice of veterinary medicine without a license, in violation of Minn. Stat. § 156.10, and should therefore be ordered to cease and desist from further violations thereof.

6. The following Order is in the public interest and is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15, that Respondent shall cease and desist from:

1. Performing equine teeth floating in Minnesota until such time as Respondent has fully complied with Minn. Stat. § 156.075, subd. 2(a); and

2. Performing dental extractions on horses, sedating horses, recommending the use of medication for horses or otherwise engaging in any act or practice that constitutes the practice of veterinary medicine in the State of Minnesota until compliance with Minn. Stat. ch. 156 is achieved, including licensure as a veterinarian.

IT IS FURTHER ORDERED, pursuant to Minn. Stat. § 156.15, subd. 3, that Respondent may request a hearing in this matter. Such request shall be made in writing and delivered to the Complaint Review Committee (Committee) of the Board of Veterinary Medicine, 2829 University Avenue S.E., Suite 540, Minneapolis, MN 55414, whereupon the Committee shall set a date for hearing within 30 days after its receipt of the request unless Respondent and the Committee by agreement waive the 30-day time period. If no hearing is requested by Respondent within thirty (30) days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

IT IS FURTHER ORDERED, that if a hearing is requested, this Order will remain in effect until it is modified or vacated or made permanent by further order of the Board pursuant to Minn. Stat. § 156.15, subd. 4.

IT IS FURTHER ORDERED, that in the event a hearing is requested in this matter, it will be held before an Administrative Law Judge to be appointed by the Chief Administrative

Law Judge for the State of Minnesota, Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, Telephone: (612) 341-7600. All parties have the right to represent themselves or to be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minn. Stat. §§ 14.57-14.69 and the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8401. Failure to attend a hearing in this matter after being duly notified may result in the allegations of this Order being taken as true. Questions concerning the issues raised in this Order, informal disposition of this proceeding or discovery may be directed to Assistant Attorney General Susan E. Damon, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, Telephone: (651) 297-4010.

Dated: 2-23-2006

BOARD OF VETERINARY MEDICINE
Complaint Review Committee

By: John King DVM
JOHN KING, D.V.M.
Executive Director

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AG: #1557437-v1