

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of Rachel Joseph,
Individually and d/b/a Creature Comforts,
Pampered Puss and Pooch Pet Rehabilitation
and Massage Therapy, and Pampered Puss and
Pooch Pet Rehabilitation, Physical Therapy
and Massage

CONSENT CEASE AND DESIST ORDER

TO: Rachel Joseph, 3809 16th Avenue South, Minneapolis, MN 55407

The Board of Veterinary Medicine ("Board") has determined as follows:

1. Rachel Joseph ("Respondent") resides in Minneapolis, Minnesota and has worked for several veterinary clinics as a veterinary technician.
2. Respondent is not currently and never has been licensed to practice veterinary medicine in the State of Minnesota.
3. Minnesota Statutes section 156.12, subd. 1, defines the practice of veterinary medicine as follows:

The practice of veterinary medicine . . . 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.

4. The Complaint Review Committee ("Committee") of the Board has advised Respondent that it is prepared to commence formal action against her pursuant to Minn. Stat. §§ 156.15 and/or 214.11 (2004) based on allegations that she engaged in the practice of

veterinary medicine in the State of Minnesota without a license, in violation of Minn. Stat. §§ 156.10 and 156.12 (2004), by the following conduct:

a. Respondent has performed or advertised that she performs pet rehabilitation, physical therapy and therapeutic massage, using the assumed names “Creature Comforts,” “Pampered Puss and Pooch Pet Rehabilitation and Massage Therapy” and “Pampered Puss and Pooch Pet Rehabilitation, Physical Therapy and Massage.”

b. In about April 2006, Respondent distributed advertising to Twin Cities area veterinarians, which included:

- A flyer stating that “Creature Comforts is now: Pampered Puss and Pooch Pet Rehabilitation, Physical Therapy and Massage.” This flyer further stated: “It is only with your support that we have been able to expand our healing services to include feline rehabilitation, physical therapy and massage! It has been our pleasure to aid your loyal patients in their recoveries from orthopedic surgeries, provide them with preventative therapy when they engage in agility, flyball and sport, and to offer relief from the discomforts of arthritis and disc disease.”
- A flyer for “Pampered Puss and Pooch Pet Rehabilitation and Massage Therapy,” listing “canine and feline post-surgical rehabilitation” and “canine and feline therapeutic massage, including heat therapy” as services provided. This flyer states that a “short consultation appointment will be needed to determine your pet’s temperament and therapeutic needs.”
- A Pampered Puss and Pooch business card for “Rachel Joseph, Veterinary Technician,” which contained Respondent’s telephone number, web site and e-mail address.

c. As of April 20, 2006, Respondent had a web site for Pampered Puss and Pooch stating: “We are an in-home service for physical therapy, orthopedic rehabilitation and massage for your pet.” The web site represented that Pampered Puss and Pooch provided surgical rehabilitation, pain relief and massage and contained a page with a number of testimonials purporting to be from satisfied clients.

d. In an interview with an investigator for the Board, Respondent admitted that she had sent out mailings advertising her business in early April 2006 and had in the past performed massage on animals for private clients. Respondent told the investigator that the “testimonials” on her business web site were not from actual clients.

5. Respondent acknowledges that she has been advised of her rights to a hearing or trial in this matter, to present argument to the Board or court and to appeal from any adverse determination after a hearing or trial, and Respondent waives those rights. Respondent further acknowledges that she has been advised by Board representatives that she may be represented by legal counsel in this matter and has knowingly and voluntarily waived this right.

6. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2004) and Minn. R. 1400.5900 (2005).

7. Respondent agrees that if she violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against her of up to \$1,000 per violation in addition to any other remedies provided by law. Before imposing such a penalty, the Committee must provide Respondent with notice of the alleged violations and must further provide Respondent 30 days during which she may request a hearing at the Minnesota Office of Administrative Hearings to challenge the allegations.

8. Respondent understands that this Consent Cease and Desist Order is classified as a public document in accordance with the Minnesota Government Data Practices Act, Minn. Stat. ch. 13.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15 (2004), that Respondent shall cease and desist from engaging in any activity that constitutes the practice of veterinary medicine as defined in Minn. Stat. § 156.12, subs. 1 and 3, including, but

not limited to, performing rehabilitation or therapeutic massage on animals unless Respondent is an employee of a veterinarian and is performing delegated health care services under the direct supervision of veterinarian as set forth in the following paragraph.

IT IS FURTHER ORDERED, that nothing in this Consent Cease and Desist Order shall prohibit Respondent from performing animal rehabilitation, therapeutic massage or any other veterinary health care service except surgery; diagnosis and prognosis; or prescribing of drugs, medicines, and appliances if Respondent is a bona fide employee of a veterinarian who has authorized Respondent to perform the health care services and the supervising veterinarian is present on the client's premises or in the veterinary facility while Respondent performs the health care services. See Minn. Stat. § 156.12, subd. 2(h); Minn. R. 9100.0800, subp. 7.

IT IS FURTHER ORDERED, that if Respondent violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty against Respondent of up to \$1,000 per violation in addition to any other remedies provided by law in accordance with the terms set forth in paragraph 7 above.

IT IS FURTHER ORDERED, that this Consent Cease and Desist Order shall remain in effect until such time as it is modified or vacated by the Board.

This Order shall be effective upon signature on behalf of the Board.

Dated: 10/17/06

BOARD OF VETERINARY MEDICINE

By: 
JOHN KING, D.V.M.
Executive Director

CONSENT TO ENTRY OF ORDER

The undersigned states that she has read this Consent Cease and Desist Order; that she knows and fully understands its contents and effect; that she has been advised of her right to a hearing; that she has been advised of her right to be represented by legal counsel in this matter and has knowingly and voluntarily waived this right; and that she consents to entry of this Consent Cease and Desist Order by the Board of Veterinary Medicine. This Consent Cease and Desist Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

Dated: 10/4/06


RACHEL JOSEPH

AG: #1646962-v1

- please send me a photocopy
once the Board has actually
signed it. Thank you.