

11/5/99
3/99

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Thomas Koepke, D.V.M.
License No. 05174

**SUPPLEMENTAL
STIPULATION AND ORDER**

STIPULATION

Thomas Koepke, 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 under 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 Supplemental Stipulation and Order.

II.

SEPTEMBER 3, 1997 STIPULATION AND ORDER

A. Licensee is subject to a Stipulation and Order of the Board of Veterinary Medicine dated September 3, 1997 ("September 3, 1997 Stipulation and Order") which imposed a stayed suspension of Licensee's license to practice veterinary medicine in the State of

Minnesota. The stay of suspension is conditioned on Licensee's compliance with terms and conditions specified in subparagraphs V.6.a. through V.6.m. of the September 3, 1997 Stipulation and Order. All terms and conditions of the September 3, 1997 Stipulation and Order remain in effect unless expressly modified by this Supplemental Stipulation and Order.

III.

FACTS

A. For purposes of Board of Veterinary Medicine proceedings, the Board may consider the following as true:

1. On November 2, 1998, patient #1, a Persian cat, was brought to Licensee's practice for castration and declawing of the front paws. These procedures were performed by Licensee that day. Patient #1 remained hospitalized for three days.
2. On November 5, 1998, patient #1's bandages were removed by a veterinary technician and patient #1's owner took the cat home. Later that day, patient #1's owner called Licensee's practice to say that one of patient #1's claws had not been removed.
3. On November 6, 1998, early in the day, patient #1 was brought back to Licensee's practice where Licensee removed a claw. Licensee did not perform a physical examination of patient #1. Licensee's veterinary technicians were late for work so Licensee masked the cat without assistance and removed a claw. Patient #1's owner took the cat home following the procedure.
4. On November 7, 1998, patient #1's owners called to report that when patient #1's bandages were removed, another claw that had not been removed was discovered. Patient #1 was brought to Licensee's practice that day. Licensee did not perform a

physical examination of patient #1. When patient #1 was anesthetized, Licensee saw and removed three claws. Licensee did not tell patient #1's owner that he had removed three claws that day.

5. On November 8, 1998, patient #1's owner called to say that when patient #1's bandages were removed, another claw that had not been removed was discovered. Licensee then realized that he had forgotten to remove the claws from an entire paw during patient #1's original declawing procedure on November 2, 1998, and that during two subsequent declawing procedures he had failed to notice that not all of patient #1's claws had been removed.

IV.

LAWS

A. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subd. 2(11) and (12), Minn. R. 9100.0700, subp. 1.A., B., and C., and Minn. R. 9100.0800, subp. 1.

V.

DISCIPLINARY ACTION

A. The Board of Veterinary Medicine hereby takes the following disciplinary action against Licensee:

1. Suspension of License. Licensee's license to practice veterinary medicine in the State of Minnesota is hereby SUSPENDED for 30 days, effective immediately. During the period of suspension, Licensee shall not:

a. Practice, advertise or otherwise hold himself out in any manner as being authorized to practice veterinary medicine in the State of Minnesota;

b. Assist or participate in the provision of veterinary care to any animal.

2. Declawing Procedures. Following the 30-day suspension, Licensee shall check each toe of each animal he declaws before the animal recovers from anesthesia and shall make a notation in animal's record that he has checked all toes to ensure that the claws have been removed. This requirement shall remain in effect until the Board grants Licensee an unconditional license in accordance with paragraph VII.8. of the September 3, 1997 Stipulation and Order.

VI.

CONSEQUENCES OF A VIOLATION OF THIS STIPULATION AND ORDER

A. If the Complaint Review Committee determines that Licensee has violated any term or condition of this Supplemental Stipulation and Order, the Complaint Review Committee may, in its discretion, seek additional discipline against Licensee in accordance with the procedures outlined in paragraph VI.7. of the September 3, 1997 Stipulation and Order. In addition, if the Committee determines that Licensee practiced veterinary medicine during the period of suspension set forth in paragraph V.A.1., the Committee may refer the matter to appropriate authorities for criminal prosecution.

VII.

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 Supplemental Stipulation and Order, which may otherwise be available to Licensee.

C. This Supplemental 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 has been represented by counsel in this matter.

E. Licensee has read, understands, and agrees to this Supplemental Stipulation and Order and has voluntarily signed the Supplemental Stipulation and Order. Licensee is aware that this Supplemental Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Supplemental Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Supplemental 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 Supplemental Stipulation and Order, it will be of no effect except as specified in paragraph VII.F.

F. Licensee agrees that if the Board rejects this Supplemental 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 Supplemental Stipulation and Order or of any records relating to it.

G. This Supplemental 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

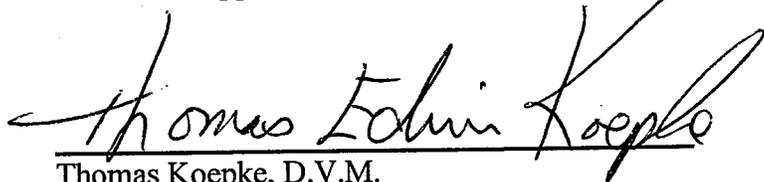
the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document or in the September 3, 1997 Stipulation and Order.

VIII.

DATA PRACTICES NOTICES

A. This Supplemental 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 Supplemental Stipulation and the September 3, 1997 Stipulation and Order, as expanded and modified by this Supplemental Stipulation, contain the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the Supplemental Stipulation or the September 3, 1997 Stipulation and Order.



Thomas Koepke, D.V.M.
Licensee

Dated: April 29, 1999.

ORDER

Upon consideration of the Supplemental Stipulation and all the files, records and proceedings herein, the terms of the Supplemental Stipulation are approved and adopted, and the recommended disciplinary action set forth in the Supplemental Stipulation is hereby issued as an Order of this Board effective this 11 day of May, 1999.

MINNESOTA BOARD

OF VETERINARY MEDICINE



ROLAND C. OLSON
Executive Director