

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**



In the Matter of
Kate LeVasseur, D.V.M.
License No. 24515

STIPULATION AND ORDER

STIPULATION

Kate LeVasseur, D.V.M. (“Licensee”), and the Minnesota Board of Veterinary Medicine Complaint Review Committee (“Committee”) agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Veterinary Medicine (“Board”) is authorized pursuant to Minn. Stat. Ch. 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

2. Licensee applied for 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 Order.

II.

COMPLAINT REVIEW COMMITTEE

3. This matter came before the Complaint Review Committee. The Committee was composed of Board members Dr. Mary Olson and Dr. Barbara Fischley. Jennifer C. Middleton, Assistant Attorney General, represented the Committee. Licensee did not appear before the

Committee. The Committee determined this matter could be resolved with a Stipulation and Order sent to Licensee via mail.

III.

FACTS

4. For purposes of this Board of Veterinary Medicine proceeding only, and without prejudice to Licensee in a proceeding in any other forum or proceeding, the Board may consider the following as true:

a. Licensee was licensed to practice veterinary medicine in the State of Minnesota on July 15, 2015.

b. Licensee was licensed to practice veterinary medicine in the State of Colorado at the time of the allegations as set forth below.

c. On March 30, 2015, the Colorado Board of Veterinary Medicine entered a Stipulation and Final Agency Order (“Final Order”) based on the following:

1) On or around July 5, 2014, Licensee performed exploratory surgery on a dog.

2) Licensee failed to manage the case properly when she failed to:

A) Properly communicate with the patient’s owner;

B) Consider whether surgery may no longer be necessary;

C) Pursue certain options to determine the underlying cause of the dog’s illness; and

D) Consider or offer other options to the owner, including alternatives to surgery and alternative therapies to treat the dog.

d. The Final Order imposed the following discipline on Licensee's license to practice veterinary medicine:

- 1) A Letter of Admonition;
- 2) Licensee was ordered to pay a fine in the amount of \$750.00 plus a surcharge of \$75.00 payable to the Executive Director of the Colorado Department of Regulatory Agencies for a total amount payable of \$825.00;
- 3) Licensee was ordered to obtain four (4) credit hours of Board-approved continuing education in medical surgical management and four (4) credit hours of Board-approved continuing education in communication, in addition to the standard continuing education requirements for licensure.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section III above constitute a violation of Minn. Stat. § 156.081, subd. 2(5) and provide sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

Based on the foregoing facts and violations, the Board takes the following disciplinary action against Licensee:

6. The Board **REPRIMANDS** Licensee.
7. The Board hereby **CONDITIONS** Licensee's license to practice veterinary medicine upon the following:

a. Within 12 months from the date of this Order, Licensee must submit to the Committee evidence of completion of the following interactive continuing education: four (4) hours on medical surgical management and four (4) hours on communication. The continuing education must be interactive and preapproved by the Committee. In order to obtain preapproval, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor. The Committee agrees to approve or deny Licensee's requests for approval of continuing education within fourteen calendar days from the date or receipt of the request. These hours of continuing education may not be applied to the requirements for license renewal.

8. Upon completing the requirements set forth in paragraph 7, 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 he is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine.

9. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to discuss her petition. The Committee will make a recommendation to the full Board which will make a decision as discussed below.

10. Upon hearing Licensee's petition, the Board may deny Licensee's petition for reinstatement, reinstate Licensee's license with conditions and/or limitations imposed on her license, or reinstate Licensee's license as unencumbered.

11. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of her residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of

Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice veterinary medicine.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

12. *Hearing Before the Board.* If the Committee determines that Licensee has violated any term or condition of this Stipulation and Order, the Committee may schedule a hearing before the Board and serve on Licensee a Notice of Hearing for Alleged Non-Compliance With Stipulation and Order ("Notice"), which sets forth the allegations against Licensee and provides Licensee notice of the date, time, and place of the hearing before the Board. The procedures set forth in paragraph 13 below shall apply to the hearing.

13. *Hearing Procedures.* The following procedures shall apply:

a. *Response to Allegations in Notice.* At least seven days before the hearing, Licensee shall submit a written response to the allegations set forth in the Notice. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. *Hearing Before Board.* The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph 13.c. below to determine whether the allegations are true and, if so, whether to take additional disciplinary action against Licensee, which may include any of the forms of disciplinary action set forth in Minnesota Statutes section 156.127.

c. *Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge.* At the hearing before the Board, the Committee and Licensee may present affidavits made on personal knowledge or authenticated documents and may present argument based on such evidence in support of their positions. The record before the Board shall

VII.

ADDITIONAL INFORMATION

15. 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.

16. 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.

17. 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.

18. Licensee shall be responsible for all costs incurred as a result of compliance with this Stipulation and Order.

19. 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.

20. 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

be limited to such affidavits, documents, and this Stipulation and Order. The Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 14 days before the hearing. Licensee shall file with the Board all evidence he intends to present at the hearing and shall serve a copy on the Committee at least seven days before the hearing. The Committee must prove by a preponderance of the evidence that Licensee has violated this Stipulation and Order. The Board shall issue a final order within 30 days of the hearing. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

d. *Costs.* If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and documents, Board staff time, travel costs and expenses, and Board members' per diem reimbursements, travel costs, and expenses.

14. *Statutory Procedures.* 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.

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.

21. 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

22. 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.

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

Kate Levasseur
KATE LEVASSEUR, D.V.M.
Licensee

Dated: 4/29/2015

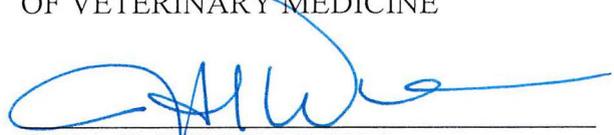
Barbara Fischley DVM
Barbara Fischley, D.V.M.
Committee Member

Dated: 4/9/15

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 9th day of September, 2015.

MINNESOTA BOARD
OF VETERINARY MEDICINE



JULIA H. WILSON, D.V.M.
Executive Director