

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Bruce H. Liveringhouse, D.V.M.  
License No. 02468

**STIPULATION AND CONSENT  
ORDER FOR SURRENDER**

**STIPULATION**

Bruce H. Liveringhouse, 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 Minnesota Statutes chapter 156 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.**

**CONFERENCE**

3. On December 1, 2010, Licensee and his attorney, Craig D. Greenberg, Esq., Huffman, Usem, Saboe, Crawford & Greenberg, P.A., Minneapolis, Minnesota, appeared before the Review Panel, composed of Board members Joanne Schulman and Barbara Fischley, to discuss allegations contained in a Notice of Conference dated November 3, 2010, and an Amended Notice of Conference dated November 12, 2010. The Board's Executive Director,

John King, was also present at the conference. Assistant Attorney General Karen Andrews represents the Review Panel in this matter.

### III.

#### FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On June 1, 1968, Licensee was licensed as a veterinarian in the State of Minnesota. Licensee owned a pet hospital in Champlin, Minnesota, for approximately 12 years.

b. On October 31, 2008, Licensee entered into an Agreement for Corrective Action ("2008 ACA") with the Committee based on three complaints about Licensee's practice. Licensee failed to comply with the 2008 ACA by failing to complete a medical records course offered by Michigan State University and failing to complete Committee-preapproved continuing education in companion animal cardiology, dermatology and endocrinology.

c. On March 14, 2009, Licensee treated a 15-year-old cat who presented with a change in appetite, slow respirations, and dehydration. Licensee administered subcutaneous fluids and antibiotics, for which the owner denied giving consent. Despite the cat's age and weakened condition, Licensee also administered anesthesia medication to aid in obtaining blood for laboratory tests, and then released the cat to his owner while he remained in a sedated condition. The cat died at home the following day.

d. During an investigation into the events of March 14, 2009, Licensee provided the Board with altered medical records. When confronted, Licensee admitted he rewrote a "synopsis" of the record on letterhead to make it "look professional" before sending it to the Board. Licensee then provided the investigator with a third version of the record, which differed from the version provided to the Board or the version on Licensee's computer.

e. During an inspection of Licensee's clinic, the investigator found the following:

1) A random sampling of Licensee's euthanasia and surgical records showed numerous deficiencies, including failure to document patient histories, physical examination findings, rule-out lists, diagnostics, options for treatment, discussions with owners, drugs administered, informed consents, vital signs, surgical techniques, or other surgical details (e.g. suture type/pattern, anesthetic agents/doses, locations of tumors, etc.). Licensee's records also showed he failed to properly assess several tumors and he charged at least one client for vaccinations although they were not actually administered.

2) Licensee's records were not kept in an appropriate manner. Some treatment information was entered into the computer while additional handwritten treatment notes were kept in 3-ring binders in the storage/break room area.

3) Licensee's documentation of controlled substances was insufficient. Licensee did not always document the administration of additional doses of a drug or if he gave a different drug than originally intended. Licensee's clinic had a "surgery log" and a "procedures log," but no "controlled substances log."

4) Licensee admitted to the investigator that he does not wear masks or gowns for routine surgeries. Licensee also admitted he has left the room during surgeries, and further admitted to leaving the clinic after surgeries and allowing his staff to monitor post-surgical animals.

5) Licensee kept expired medications in the clinic's medication cupboard.

f. During the investigation, a complainant reported that Licensee failed to give adequate doses of euthanasia medication to animals. Licensee denied this allegation, but

admitted it was not uncommon for him to give second or third doses of medication before the animal would pass away.

g. At the conference with the Committee, Licensee indicated he had sold his practice effective December 1, 2010, and wished to surrender his license in lieu of responding to the allegations in any further detail.

#### IV.

#### LAWS

5. The Committee concludes that the conduct described above constitutes a violation of Minnesota Statutes section 156.081, subdivision 2(11) and (12), for purposes of this Stipulation and Order only, and justifies the action described below. Licensee agrees that the conduct described above constitutes a violation of Minnesota Statutes section 156.081, if proven by the Committee, and agrees to enter into this Stipulation and Order for purposes of settlement.

#### V.

#### REMEDY

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

6. The Board accepts Licensee's **SURRENDER** of his license to practice veterinary medicine. Licensee shall not hereafter engage in any act which constitutes the practice of veterinary medicine as defined in Minnesota Statutes chapter 156 and shall not imply by words or conduct that Licensee is authorized to practice veterinary medicine.

7. Licensee shall surrender his license to the Board. Licensee shall personally deliver or mail his license to the Minnesota Board of Veterinary Medicine, c/o John King, Executive Director, 2829 University Avenue S.E., Suite 540, Minneapolis, MN 55414.

## VI.

### CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. If Licensee fails to comply with or violates this Stipulation and Order, Minnesota Statutes chapter 156, or Minnesota Rules chapter 9100, 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 prior to 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 this order is in effect.

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 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, subdivision 3, based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

## **VII.**

### **ADDITIONAL INFORMATION**

9. Licensee waives the 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.

10. Licensee waives any 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.

11. 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.

12. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

13. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware 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 change, 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 the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

14. 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.

15. This 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 admission 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

16. 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.

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

CONSENT:

MINNESOTA BOARD OF VETERINARY  
MEDICINE COMPLAINT REVIEW  
COMMITTEE

Bruce H. Liveringhouse, D.V.M.  
BRUCE H. LIVERINGHOUSE, D.V.M.  
Licensee

Dated: 1/4/10

Joanne Schulman  
~~JOANNE SCHULMAN~~ BARBARA S. FISCHLO  
Board Member

Dated: 2-8-11

**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 Board accepts the **SURRENDER** of Licensee's license to practice veterinary medicine in the State of Minnesota effective this 8 day of February, 2011.

MINNESOTA BOARD  
OF VETERINARY MEDICINE

  
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JOHN KING, D.V.M.  
Executive Director

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