

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Richard H. McConnell, D.V.M.
License No. C3864

STIPULATION AND ORDER

STIPULATION

Richard H. McConnell, 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 Order.

II.

COMPLAINT REVIEW COMMITTEE

The Complaint Review Committee that negotiated this Stipulation with Licensee is composed of John Lawrence, D.V.M., and Michelle Vaughn, D.V.M. Karen B. Andrews, Assistant Attorney General, represented the Committee at the conference on June 6, 2012.

Licensee was advised of his right to be represented by legal counsel and knowingly and voluntarily waived that right.

III.

FACTS

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

1. On July 8, 1964, Licensee was licensed by the Board to practice veterinary medicine in the State of Minnesota.
2. From 1999 to March 7, 2011, Licensee practiced veterinary medicine in Wisconsin without a Wisconsin license.
3. On March 7, 2011, Licensee was licensed to practice veterinary medicine in the State of Wisconsin (License #6586-50).
4. On October 19, 2011, the Wisconsin Veterinary Examining Board issued a Final Decision and Order (“Wisconsin Order”), which revoked Licensee’s Wisconsin license based upon his unlicensed practice.
5. Licensee sold his veterinary practice in Minnesota in 2001 but continued to work elsewhere in Minnesota on a part-time basis until 2006. Between 2006 and 2011, Licensee engaged in consulting and other practice in Wisconsin. Beginning in 2011, Licensee practiced in Minnesota for one year as a relief veterinarian. In March 2012, he began practicing between 32 and 36 hours per week at a clinic. At all times of practice in Minnesota, Licensee was properly licensed in Minnesota. The Board has received no complaints about Licensee’s practice in Minnesota.

IV.

LAWS

Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 156.081, subdivision 2(5), and justifies the disciplinary action described in section V. below.

V.

REMEDY

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

Stayed Suspension

1. The Board hereby **SUSPENDS** Licensee's license to practice veterinary medicine. The suspension is **STAYED** so long as Licensee complies with the following requirements:

a. Minnesota Jurisprudence Examination. Licensee must take and pass the Minnesota Jurisprudence Examination. Licensee is responsible for contacting Board staff to make arrangements to take the examination and is responsible for all costs associated with taking the examination, including the \$50 examination fee.

b. Continuing Education. Licensee shall submit to the Board evidence of successful completion of the "*Online Veterinary Law and Ethics Course*" offered by James F. Wilson, D.V.M., J.D. Licensee is responsible for arranging and paying for the education.

c. Continuing Education Audit. No later than 60 days from the date of this Order, Licensee shall submit to the Committee the dates, number of hours, and titles of all

continuing education courses taken by Licensee in the two-year period preceding his last license renewal.

Removal of Stayed Suspension

2. The stayed suspension of Licensee's license may be administratively removed upon Licensee's successful completion of the conditions for staying the suspension outlined in paragraph V.1. above and written notification to Licensee by the Board of the removal of the stayed suspension.

VI.

CONSEQUENCES OF A VIOLATION

Noncompliance With Requirements for Stayed Suspension

1. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph V.1 above, the Committee may remove the stayed suspension pursuant to the procedures outlined below:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph VI.2 below or until the complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public

document under the Minnesota Government Data Practices Act. Licensee waives any right to a hearing before removal of the stayed suspension.

b. The Committee shall schedule the hearing pursuant to paragraph VI.2 below to be held within 60 days of service of the Order of Removal.

Noncompliance With Stipulation and Order

2. If Licensee fails to comply with or violates this Stipulation and Order, 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 before 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 Licensee's license is suspended or the suspension is stayed.

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 additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or 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 based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

1. 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.

2. 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.

3. 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.

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

5. 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.

6. 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.

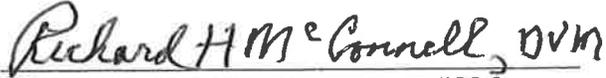
7. This Stipulation and Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

1. 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.

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


RICHARD H. MCCONNELL, D.V.M.
Licensee

Dated: 19 June 12 2012

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 5th day of September, 2012.

MINNESOTA BOARD
OF VETERINARY MEDICINE


JOHN KING, D.V.M.
Executive Director

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