

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of Donna Miller

CONSENT CEASE AND DESIST ORDER

TO: Donna Miller, 17324 408th Ave, Waseca, MN 56093

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

1. Donna Miller ("Respondent") is an owner of Ditch Creek Pet Shop in Waseca, Minnesota. Respondent has also performed animal impound services for Waseca County and has acted as the local Humane Society.
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. Minnesota Statutes section 156.12, subd. 3 provides that "[a]ny person who sells or offers to apply, any prescription drug, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin, or any other agent for the treatment, vaccination, or testing of any animal belonging to another, shall be engaged in the practice of veterinary medicine."

5. 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. In or about July 2005, MJ, a resident of Waseca County, called Respondent for assistance in placing three stray cats that she had been feeding.

b. During MJ's communications with Respondent about picking up the stray cats, MJ asked Respondent whether she could vaccinate and deworm her adult cats and kittens. Respondent told MJ that she could do so.

c. On July 18, 2005, Respondent vaccinated and dewormed two cats and four kittens owned by MJ. Respondent told MJ that her charge for vaccinating and deworming was \$7 per animal. MJ only had \$30 cash on hand, which she paid to Respondent.

d. On October 3, 2005, an investigator for the Board interviewed Respondent. Respondent admitted to the investigator that she vaccinated and dewormed the cats and kittens for MJ.

6. 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.

7. 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 (2003).

8. Respondent agrees that if any violations of this Consent Cease and Desist Order occur, 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. 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.

9. 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:

a. Engaging in any activity that constitutes the practice of veterinary medicine as defined in Minn. Stat. § 156.12, subds. 1 and 3, including, but not limited to, administering vaccines or drugs to any animal she does not own, whether or not Respondent receives payment for such services.

b. Directing, authorizing or allowing any employee or agent of Ditch Creek Pet Shop to administer vaccines or drugs to any animal owned by another or to engage in any other activity that constitutes the practice of veterinary medicine.

IT IS FURTHER ORDERED, that if any violations of this Consent Cease and Desist Order occur, 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 8 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: 1-3-06

BOARD OF VETERINARY MEDICINE

By: John King DVM
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: Dec. 23, 2005

Donna Miller
DONNA MILLER