

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Sandra N.M. Nelson, D.V.M.
License No. 09575

STIPULATION AND ORDER

STIPULATION

Sandra N.M. Nelson, 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 Stipulation and Order.

II.

CONFERENCE

A. On May 10, 2000, Licensee appeared before the Complaint Review Committee, composed of Frances Smith, D.V.M., Board President, Meg Glattly, D.V.M., Board Member, and Roland C. Olson, D.V.M., Executive Director of the Board, to discuss allegations set forth in a Notice of Conference dated March 30, 2000. Susan E. Damon, Assistant Attorney General, represented the Complaint Review Committee. Licensee was advised of her right to be represented by an attorney at the conference and knowingly and voluntarily waived that right.

III.
FACTS

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

1. Licensee was initially licensed by the Board as a veterinarian on July 2, 1975.

2. Licensee currently owns a veterinary practice called Timberknell Veterinary Clinic, which is located in rural Bruno, Minnesota. Licensee's clinic structure was destroyed in a fire in the fall of 1999. Licensee is in the process of remodeling a mobile home to use as a veterinary clinic.

3. Licensee rendered care to small animal patients that did not meet the minimum standards of practice. Examples include the following:

a. Scooter. On or about November 6, 1998, Licensee performed an ovariohysterectomy and a declaw of the front paws on Scooter, a six-month-old polydactyl kitten. By spring 1999, several of the claws had regenerated. Licensee performed a second declaw surgery on April 27, 1999. Two claws again regenerated after the second surgery. During the spring of 1999, Scooter displayed signs of intermittent heat. Scooter's owner described the symptoms, which included a vaginal discharge, to Licensee at the time of the April 27, 1999 surgery. No cytology was performed on the discharge. Licensee diagnosed vaginitis/metritis, performed a Chlorhexidine flush of the vagina and prescribed Clindadrops. Licensee also informed the owner that she could perform a laparotomy to determine whether there was missed ovarian tissue. The owner elected to have another veterinarian perform a second spay surgery. The veterinarian found ovarian stumps remaining on both sides. There were multiple follicles on both remnants.

b. Spooky. On or about November 30, 1998, Licensee performed an ovariohysterectomy on Spooky, an adult cat. Licensee used Ketamine, Atropine, Morphine and Acepromazine for chemical restraint and anesthesia. Licensee did not intubate the cat. As anesthesia was being induced, Spooky had several seizures. During the surgical procedure, the anesthesia started wearing off. Because the cat was shifting too much, Licensee was not able to isolate the uterine body. Licensee decided not to use additional anesthetic because of a concern

that it might cause further seizures and instead quickly removed what she could and closed the incision. Licensee failed to inform the owner about the seizures and failed to inform the owner that she did not remove the entire uterus. Spooky went into heat in about January 2000 and a second spay surgery was performed by another veterinarian in March 2000. The veterinarian found that the uterus was not fully removed in the first surgery. The left horn was cut off and ligated about midway. The right horn was even longer, appearing to be almost intact. The uterine body was wholly intact. Tissues from the right ovary appeared to have multiple follicles very close to the knot. The left side also had one very large follicular-like cyst behind the knot.

4. Licensee created patient records in which she failed to document the results of physical examinations and tests, conversations with clients regarding treatment options or instances in which clients declined recommended treatments. Examples include the following:

a. In June 1998, a cat was brought to Licensee's clinic with a compound fracture of the distal femur. Licensee explained that the ideal treatment would be pinning, which would require a referral to another veterinary facility. Licensee also explained that euthanasia was an option. Finally, Licensee stated that casting was an option, but was a less-than-ideal mode of treatment. The client declined a referral for pinning or euthanasia but agreed to casting. Licensee's medical record contains no reference to the treatment options that were presented to or declined by the client.

b. In November 1997, Licensee performed a white blood cell count on a dog that presented with a history of anorexia. Licensee failed to record the results of the white blood cell count.

5. On at least one occasion, Licensee weighed a dog by first putting the front half of the dog on an ordinary bathroom scale and next placing the back half of the dog on the scale.

IV.

LAWS

A. Licensee acknowledges that the facts and conduct described in section III above would, if proven at a hearing, constitute violations of Minn. Stat. § 156.081, subd. 2(11) and (12), Minn. R. 9100.0700, subp. 1.A, and Minn. R. 9100.0800, subps. 1 and 4.A, and agrees to the disciplinary action set forth below.

V.

DISCIPLINARY ACTION

A. Conditional Licensure. Licensee's license to practice veterinary medicine in the State of Minnesota is placed in conditional status until such time as the Board may by further order grant Licensee an unconditional license. During the period of conditional licensure, Licensee shall comply with each of the following terms, conditions and requirements:

1. Practice Restriction. Licensee's veterinary practice is restricted to well-animal house-call care. For purposes of this Order, well-animal house-call care includes routine health maintenance appointments such as puppy checks, vaccinations and wormings that take place on the client's premises. For purposes of this Order, well-animal house-call care does not include surgery, emergency medicine or the diagnosis or treatment of sick animals, and Licensee shall refer all animals requiring such care to other veterinarians.

2. Companion Animal Disciplinary Examination. No later than two years from the date of this Order, Licensee shall take and pass the Companion Animal Disciplinary Examination sponsored by the National Board Examination Committee for Veterinary Medicine ("NBEC"). The minimum passing score of the Companion Animal Disciplinary Examination is the NBEC's recommended criterion-referenced passing point. Licensee shall be allowed one re-examination only if she fails to pass the Companion Animal Disciplinary Examination on the first attempt. Licensee is responsible for all costs associated with examination and for all costs of any necessary re-examination. If the Companion Animal Disciplinary Examination becomes unavailable during the two-year time period referenced herein, the Complaint Review Committee may substitute a similar examination that Licensee must take and pass to fulfill the requirements of this paragraph.

3. Record Keeping Requirements/Instruction.

a. Licensee shall comply with the record keeping requirements set forth in Minn. R. 9100.0800, subp. 4.

b. No later than one year from the date of this Order, Licensee shall complete a minimum of four hours of Board-approved continuing education in record keeping. In the event that no such continuing education course is available in Minnesota within one year from the date of this Order, Licensee shall instead complete four hours of one-on-one instruction

in record keeping taught by an instructor approved in advance by the Complaint Review Committee.

4. Senior Rotations. Before Licensee may petition the Board for an unconditional license under part VII herein, Licensee shall complete one two-week senior rotation in anesthesia, one two-week senior rotation in surgery and one two-week senior rotation in internal medicine at the University of Minnesota College of Veterinary Medicine. The rotations must be pre-approved by the Complaint Review Committee. Licensee shall cause the instructor to submit to the Board proof of Licensee's completion of each rotation no later than 14 days after completion. Licensee is responsible for all costs associated with completion of the rotations.

5. Clinic Inspection, Re-Inspection/Approval. Before Licensee may petition the Board for an unconditional license under part VII herein, Licensee shall authorize a member or designee of the Board to perform an inspection of Licensee's veterinary clinic, including the mobile home Licensee is remodeling to use as a clinic and any other structure, equipment or animal housing facilities Licensee intends to use in connection with the practice of veterinary medicine. The Board member/designee shall determine whether the clinic meets minimum standards for a veterinary facility. The Board member shall notify Licensee in writing within 14 days of the inspection visit whether the clinic is approved. If the Board member/designee determines that the clinic does not meet minimum standards, the Board member/designee shall, within 14 days of the inspection visit, notify Licensee in writing of the specific deficiencies that must be corrected before approval will be granted. Licensee shall authorize one or more re-inspections as necessary until approval is granted.

VI.

CONSEQUENCES OF A VIOLATION OF THIS STIPULATION AND ORDER

A. Summary Proceeding Before the Board. Subject to the limitations set forth in paragraph VI.C below, if the Complaint Review Committee determines that Licensee has violated any term or condition of this Stipulation and Order, Minn. Stat. ch. 156 or Minn. R. ch. 9100, the Complaint Review Committee may, in its discretion, seek additional discipline against Licensee by the following procedure:

1. Notice of Hearing/Response. The Complaint Review Committee shall schedule a hearing before the Board. At least 30 days before the hearing, the Complaint Review

Committee shall mail Licensee a notice of the violation(s) alleged by the Complaint Review Committee. In addition, the notice shall designate the time and place of the hearing. At least 10 days before the hearing, 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.

2. Hearing Before Board. The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph VI.A.3 below to determine whether to take any additional disciplinary action against Licensee, which may include any of the forms of disciplinary action set forth in Minn. Stat. § 156.127, subd. 1.

3. Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge. At the hearing before the Board, the Complaint Review Committee and Licensee may present affidavits made on personal knowledge, authenticated documents, veterinary medical records and veterinary prescription drug records and may present argument based on such evidence in support of their positions. The record before the Board shall be limited to such affidavits, documents and this Stipulation and Order. The Complaint Review Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 30 days before the hearing. Licensee shall file with the Board all evidence she intends to present at the hearing and shall serve a copy on the Complaint Review Committee at least 10 days before the hearing. The Complaint Review 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. Nothing herein shall be construed as a waiver of Licensee's right of appeal to the Minnesota Court of Appeals from a final order issued under the summary procedures set forth in paragraphs VI.A.1-3.

B. Statutory Procedures. Nothing herein shall limit the Complaint Review Committee's right to attempt to resolve an alleged violation of this Stipulation and Order, Minn. Stat. ch. 156 or Minn. R. ch. 9100 through the procedures of Minn. Stat. § 214.103, subd. 6. Nothing herein shall limit the Complaint Review Committee's right to temporarily suspend Licensee's license under Minn. Stat. § 156.126, to initiate a contested case proceeding under Minn. Stat. ch. 14 or to seek injunctive relief under Minn. Stat. § 214.11 based on an alleged violation of this Stipulation and Order, Minn. Stat. ch. 156 or Minn. R. ch. 9100.

C. Requirement of Conference Before Initiating Summary Proceeding. The Complaint Review Committee is prohibited from initiating a summary proceeding under paragraph VI.A unless it first has mailed Licensee a notice of conference that contains all allegations of violations of this Stipulation and Order that are alleged in the summary proceeding, and has provided Licensee an opportunity to respond in writing to the allegations and to appear at a conference with the Complaint Review Committee to discuss and to attempt to resolve the allegations. The Complaint Review Committee is not prohibited from initiating a summary proceeding if Licensee fails to respond in writing to the allegations or fails to appear at the conference after a notice of conference has been mailed to Licensee at Licensee's last known address on file with the Board.

VII.

PETITION FOR UNCONDITIONAL LICENSE

A. Petition for Unconditional Licensure. Licensee may petition the Board for an unconditional license at any regularly scheduled Board meeting following Licensee's compliance with all requirements set forth in paragraphs V.A.2, V.A.3.b, V.A.4 and approval of Licensee's clinic by a Board member/designee in accordance with paragraph V.A.5. Any petition shall be in writing and shall include an affidavit from Licensee stating whether she has complied with all of the terms and conditions set forth in part V above and may include any other information that Licensee deems relevant to the Board's consideration of her petition.

B. Meeting with the Complaint Review Committee. At the time Licensee submits a petition for an unconditional license in accordance with paragraph VII.A above, the Complaint Review Committee may, in its discretion, schedule a meeting with Licensee to discuss her petition. Licensee shall provide any additional information or documentation that the Complaint Review Committee reasonably deems necessary to the Board's consideration of Licensee's petition.

C. Information Submitted to the Board by the Complaint Review Committee. The Complaint Review Committee may submit any information to the Board that it deems relevant to the Board's consideration of Licensee's petition.

D. Grant of Petition. The Board shall grant a petition submitted in accordance with the above paragraphs if it determines that the preponderance of all information received indicates that Licensee:

1. Has fully complied with this Order;
2. Has provided wholly truthful information in her reinstatement petition and has otherwise complied with all reinstatement requirements; and
3. Can be expected to practice veterinary medicine with reasonable skill and safety to patients without conditions on her license.

E. Consequences of Denial of Petition. In the event the Board denies a petition for unconditional licensure submitted by Licensee, Licensee shall not again petition the Board for a period of six months from the date of the denial.

VIII.

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

C. 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.

D. Licensee was advised of her right to be represented by counsel in this matter and knowingly and voluntarily waived that right.

E. 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 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 if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph VIII.F.

F. 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.

G. 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 omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the facts and circumstances set forth in this document.

IX.

DATA PRACTICES NOTICE

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4.

X.

ADDITIONAL INFORMATION

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

Sandra N.M. Nelson, DVM
SANDRA N.M. NELSON, D.V.M.
Licensee

Dated: 6/16, 2000.

ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved, adopted and hereby issued as an Order of this Board effective this 9 day of August, 2000.

MINNESOTA BOARD

OF VETERINARY MEDICINE

Roland C. Olson
ROLAND C. OLSON
Executive Director

