

STATE OF MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Cheryl Scotting
(Unlicensed)

CONSENT CEASE AND DESIST ORDER

TO: Cheryl Scotting (“Respondent”), 654 80th Avenue, Chandler, Minnesota 56122.

Minnesota law prohibits any person from practicing veterinary medicine without having first secured a veterinary license or temporary permit, as provided in Minn. Stat. ch. 156.

The practice of veterinary medicine is defined in Minn. Stat. § 156.12, subd. 1, as follows:

Subdivision 1. **Practice.** The practice of veterinary medicine, as used in this chapter, 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.

Pursuant to the above-referenced statutes, the Minnesota Board of Veterinary Medicine (“Board”), by its Complaint Review Committee (“Committee”), has determined as follows:

1. Respondent is not now and has never been licensed to practice veterinary medicine in the State of Minnesota and is not exempt from the licensure requirements set forth in Minn. Stat. ch. 156.

2. On February 7, 2007, the Board granted a variance to Scott D. Josephson, D.V.M., allowing him to employ unlicensed technicians to take ultrasound images at dairy farms without an onsite veterinarian. The variance was granted with the condition that a veterinarian

must view ultrasound images taken by an unlicensed technician before any determination of pregnancy is made.

3. Respondent works for Dr. Josephson as an ultrasound technician.

4. On May 4, 2010, the Board received a complaint that Respondent was performing bovine reproductive ultrasounds at a dairy farm.

5. Upon further investigation, the Committee determined that Respondent performed reproductive ultrasound examinations, without Dr. Josephson's knowledge or supervision and beyond the scope of duties allowed by the 2007 variance, on one or more occasions.

6. The Committee alleges that the conduct described above constitutes the practice of veterinary medicine and Respondent has engaged in or threatened to engage in the practice of veterinary medicine in Minnesota without a license, in violation of Minn. Stat. § 156.10, and should therefore be ordered to cease and desist from violating this statute.

7. Respondent acknowledges that she has been advised of her rights to a hearing 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 of her right to be represented by legal counsel and has waived that right.

8. Respondent agrees to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2008) and Minn. R. 1400.5900 (2009).

9. Respondent further agrees that if she violates this Consent Cease and Desist Order, the Board is authorized to impose a civil penalty against her of up to \$1000 per violation, which is determined on a per head basis, in addition to any other remedies provided by law. Before imposing such a penalty, the Committee shall provide Respondent with notice of the

alleged violations and shall further provide Respondent 30 days during which she may request a hearing at the Minnesota Office of Administrative Hearings to challenge the allegations.

10. 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 156.15, that Respondent shall cease and desist from engaging in any conduct in the State of Minnesota, for any individual or entity located in the State of Minnesota, that constitutes the practice of veterinary medicine as defined by Minn. Stat. ch. 156, with the exception of authorized activities. Ownership of an animal may not be transferred for the purposes of circumventing this Order or Minn. ch. 156.

IT IS FURTHER ORDERED that if Respondent violates this Consent Cease and Desist Order, the Board shall be authorized to impose a civil penalty of up to \$1000 per violation in addition to any other remedies provided by law.

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: July 13, 2010

BOARD OF VETERINARY MEDICINE

By: John King DVM
JOHN KING, D.V.M.
Executive Director

CONSENT TO ENTRY OF ORDER

The undersigned, Cheryl Scotting, 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; and that she consents to entry of this Consent Cease and Desist Order by the Minnesota 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.



CHERYL SCOTTING
Respondent

Dated: 7-8-10