BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Cari M. Van Zweden, D.V.M.
License No. 07414

STIPULATION AND ORDER

STIPULATION

Cari M. Van Zweden, 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 Minn. Stat. Ch. 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

3. This matter came before the Complaint Review Committee. The Committee was composed of Board members Julie Dahlke, D.V.M., and Mary Olson, D.V.M. Rebecca Huting, Assistant Attorney General, represented the Committee. Licensee is represented by Rebecca A. Brommel of Dorsey & Whitney LLP. The Committee determined this matter could be resolved with a Stipulation and Order sent to Licensee via mail.
III.

FACTS

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

   a. Licensee was licensed to practice veterinary medicine in the State of Minnesota on May 14, 2014.
   
   b. Licensee was licensed to practice veterinary medicine in the State of Iowa at the time of the allegations as set forth below:

       1) Licensee repeatedly allowed Sioux Center Veterinary Clinic (“Clinic”) staff, who were not licensed veterinarians, to perform services that qualify as the practice of veterinary medicine, and no veterinarian was present to directly supervise the provision of such services.
       
       2) Licensee delegated tasks to staff that included but were not limited to performing surgeries, administering vaccinations and/or antibiotics, and assessing or diagnosing animal injuries or conditions primarily on livestock but also included a companion animal in at least one instance.
       
       c. On March 25, 2021, the Iowa Board of Veterinary Medicine accepted a proposed Combined Statement of Charges, Settlement Agreement (“Agreement”) and issued a Final Order against Respondent.
       
       d. The Iowa Board of Veterinary Medicine imposed the following discipline against Licensee:

           1) Licensee was assessed a civil monetary penalty of $10,000.00.
2) Licensee’s license to practice veterinary medicine in Iowa was suspended for a period of three (3) months commencing April 1, 2021,

3) Licensee was ordered to complete specific continuing education courses in Veterinary Law and Ethics and Medical Record Keeping.

4) Licensee will remain on probation for a period of three (3) years from the date the suspension is lifted and is required to submit quarterly reports of compliance to the Iowa Board of Veterinary Medicine during the period of probation.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section II above, if proven at a hearing, would constitute a violation of Minn. Stat. § 156.081, subd. 2 (4), (5) and (12); Minn. Rule 9100.0700 subp. 1 (A) and (I); and Minn Rule 9100.0800, subparts 1 and 4; and provide sufficient grounds for the remedy set forth in Section V. below.

V.

DISCIPLINARY ACTION

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

6. The Board REPRIMANDS Licensee and SUSPENDS Licensee’s license to practice veterinary medicine in Minnesota until the Iowa Board of Veterinary Medicine reinstates her license.

7. The Board requires Licensee to provide proof of payment of a CIVIL PENALTY in the amount of $10,000 paid to the Iowa Board of Veterinary Medicine within thirty (30) days of the date this Order is accepted by the Board.
8. Within three months from the date of this Order, Licensee shall submit to the Committee evidence of completion of the continuing education courses required by the Iowa Agreement. The credits from this continuing education may not be applied to the requirements for Licensee’s next license renewal.

9. The Board understands that Licensee’s Iowa license suspension will end on June 30, 2021 and her license will be reinstated, subject to the probationary requirements, effective July 1, 2021. If the Iowa Board of Veterinary Medicine takes any further action to change the suspension or probation time period, Licensee will notify the Board within seven (7) days of such action.

10. Licensee will notify this Board and provide proof that Licensee’s probation has ended and Licensee’s license status in Iowa is active and unconditional within thirty days of that action.

11. Upon completing the requirements set forth in paragraphs 7 through 10, Licensee may petition for an unconditional license. Licensee’s petition may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine.

12. At the time of Licensee’s petition, Licensee may be required to meet with the Board’s Complaint Review Committee to discuss her petition. The Committee will make a recommendation to the full Board which will make a decision as discussed below.

13. Upon hearing Licensee’s petition, the Board may deny Licensee’s petition for reinstatement, reinstate Licensee’s license with conditions and/or limitations imposed on her license, or reinstate Licensee’s license as unencumbered.
14. In the event Licensee resides or practices outside the States of Minnesota or Iowa, Licensee must promptly notify the Board in writing of the location of her residence and all work sites. Periods of residency or practice outside of Minnesota or Iowa will not be credited toward any period of Licensee’s suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee’s Minnesota license to practice veterinary medicine.

VI. CONSEQUENCES FOR NONCOMPLIANCE

15. It is Licensee's responsibility to ensure all reports and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports and documentation on or before their due date is a violation of this Stipulation and Order.

16. 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.

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 against 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. Similarly, nothing herein shall limit the Committee’s right to attempt to resolve an alleged violation of this Stipulation and Order through the procedures of Minnesota Statutes section
214.103, subdivision 6, or to initiate a contested case proceeding under Minnesota Statutes chapter 14 based on an alleged violation of this Stipulation and Order.

VII.

ADDITIONAL INFORMATION

17. 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.

18. 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.

19. 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.

20. Licensee shall be responsible for all costs incurred in order to comply with this Stipulation and Order.

21. 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.
22. 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.

23. 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

24. 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.

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

CARI M. VAN ZWEDEN, DVM
Licensee
Dated: 7/14/21

JULIE DAHLKE, DVM
Committee Member
Dated: 9/10/21
ORDER

Upon consideration of the Stipulation, the Board accepts the REPRIMAND of Licensee and SUSPENSION of Licensee’s license and adopts all of the terms described above effective this 10th day of September, 2021.

MINNESOTA BOARD
OF VETERINARY MEDICINE

[Signature]

JULIA H. WILSON, DVM
Executive Director