

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Shirley L. Kittleson, D.V.M.  
License Number: 11979

**AGREEMENT FOR  
CORRECTIVE ACTION**

This Agreement for Corrective Action (“Agreement”) is entered into by and between Shirley L. Kittleson, D.V.M. (“Licensee”), and the Complaint Review Committee (“Committee”) of the Minnesota Board of Veterinary Medicine (“Board”) pursuant to the authority of Minn. Stat. §§ 156.127, subd. 2, and 214.103, subd. 6(a) (2013). Licensee and the Committee hereby concur that this Agreement shall be based on the following:

**FACTS**

1. Licensee was licensed to practice veterinary medicine in the State of Minnesota on January 21, 1980.
2. Licensee conducts a predominately small animal/equine veterinary practice in Sherburn, Minnesota.
3. On April 11, 2013, Licensee examined and treated a one-and-a-half-year-old male Labrador Retriever (“Beau”). The dog was presented for diagnosis and treatment after being hit by a car.
4. Licensee diagnosed Beau with a pelvic fracture based solely on physical examination. Licensee administered pain medication to Beau, hobbled his hind legs, and hospitalized Beau for four days. Analgesics were administered during hospitalization.
5. Licensee discharged Beau without analgesics and before he could stand or walk without assistance.

6. Following failure to improve and development of decubital ulcers, Beau was evaluated by another veterinarian, who performed a series of tests that failed to reveal a pelvic fracture, but discovered a narrow intervertebral space suggesting a neurological cause of Beau's inability to stand or sense the position of his hind limbs. Subsequent referral to a veterinary neurologist yielded a diagnosis of spinal cord injury. The veterinary neurologist's opinion was that the delay in care would likely result in a poorer outcome.

7. The Committee determined that Licensee:

a. Failed to identify the cause of Beau's weakness and inability to stand and failed to complete a standard complete neurologic evaluation.

b. Failed to use appropriate diagnostic techniques to confirm a diagnosis of a pelvic fracture or any other differential diagnoses.

c. Failed to provide pain management for Beau following discharge that met current standards of care.

d. Failed to provide written instructions to Beau's owner in the care of a recumbent animal and the likely consequences of prolonged recumbency.

e. Failed to maintain medical records that provided sufficient detail of Licensee's physical examination, differential diagnoses, management, and discharge instructions.

8. On October 10, 2013, the Complaint Review Committee met with Licensee. The Committee was composed of Board members Joanne Schulman, D.V.M., and Barbara Fischley, D.V.M. Julia Wilson, D.V.M., Executive Director of the Board, was also present. Bryan D. Huffman, Assistant Attorney General, appeared on behalf of the Committee. Licensee was present with her attorney, Robert E. Kuderer of Minneapolis, Minnesota.

## CORRECTIVE ACTION

Based on the foregoing information, Licensee and the Committee hereby agree to the following corrective action:

9. Within thirty days of the date of this Agreement, Licensee must 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 her last license renewal.

10. Within three months of the date of this Agreement, Licensee must work with a preapproved, board-certified anesthesiologist for a minimum of three hours to develop standard operating procedures (“SOP”) for her practice regarding anesthesia and pain management and submit the written SOP for the Committee’s review and approval.

11. Within three months from the date of this Agreement, Licensee must submit to the Committee evidence of completion of at least five hours of continuing education. The continuing education must be preapproved by the Committee and include the topics of veterinary medical records, veterinary law, and ethics. In order to obtain preapproval, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor. For purposes of this requirement, the Committee has preapproved modules 6 and 7 of the “*Online Veterinary Law and Ethics Course*” offered by James F. Wilson, D.V.M., J.D.

12. Within twelve months from the date of this Agreement, Licensee must complete the following continuing education, which shall be approved in advance by the Committee:

- a. Eight hours in small animal fracture diagnosis and management. At least one hour must focus on pelvic fractures;
- b. Four hours in pain control of small animals;
- c. Four hours in small animal anesthesia;

d. Four hours in small animal critical care, including trauma and fluid therapy; and

e. Four hours in small animal neurology, including techniques of performing a neurological examination and management of spinal cord trauma.

13. Within three months of completing the required continuing education, Licensee must submit the following for Committee review and approval:

a. A summary of what she learned regarding pelvic fracture diagnosis and treatment; and pain management and acute trauma. The summary must be typed, 2-3 pages in length, and double-spaced.

b. The protocol Licensee plans to implement in her practice for complete neurological examinations.

c. Medical records of five neurological cases and five acute trauma cases.

#### **OTHER INFORMATION**

14. Licensee has been advised by the Committee representatives that Licensee may choose to be represented by legal counsel in this matter. Licensee is represented by Robert E. Kuderer, Esq., Erickson, Zierke, Kuderer & Madsen, P.A.

15. Upon Licensee's satisfactory completion of the corrective action referred to above, the Committee agrees to dismiss the complaint concerning the matters referred to in paragraph 3 above. Licensee agrees that the Committee will be the sole judge of satisfactory completion. Licensee understands that if, after dismissal, the Committee receives additional credible complaints alleging conduct similar to that referred to in the facts above, the Committee may reopen the dismissed complaints.

16. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional credible complaints alleging conduct similar to that referred to in

the facts above, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. Ch. 14, 156, and 214. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 156.123 and may subject Licensee to disciplinary action by the Board.

17. Licensee is responsible for all costs incurred as a result of compliance with this Agreement.

18. The effective date of this Agreement shall be the date it is executed by the Committee. The Agreement will remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, in its discretion, proceed according to Minn. Stat. Ch. 14, 156, and 214.

19. Licensee understands this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges this Agreement and the dismissal letter issued upon successful completion of the corrective action are classified as public data pursuant to Minn. Stat. § 13.41, subd. 5.

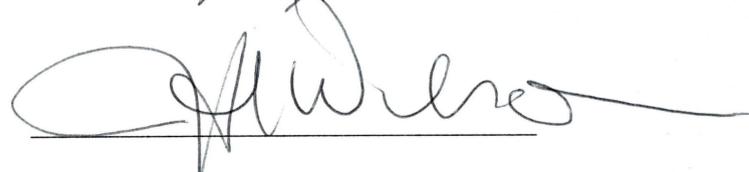
20. Licensee hereby acknowledges she has read and understands this Agreement and has voluntarily entered into it. This Agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

Dated: 11/25/14



SHIRLEY L. KITTLESON, D.V.M.  
Licensee

Dated: 11/25/14



JULIA WILSON, D.V.M.  
Executive Director  
For The Complaint Review Committee