

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Joseph V. Bisignano, D.V.M.  
License No. 10911

**STIPULATION AND ORDER**

**STIPULATION**

Joseph V. Bisignano, D.V.M (“Licensee”), and the Minnesota Board of Veterinary Medicine Complaint Committee (“Complaint Committee”) agree 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. During the time of the matters referenced here, Licensee held a license from the Board to practice veterinary medicine in the State of Minnesota, was subject to a Stipulation and Order (“2013 Order”) adopted by the Minnesota Board of Veterinary Medicine on September 11, 2013, and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

**II. BACKGROUND**

3. On September 11, 2013, the Board adopted the 2013 Order, suspending Respondent’s license but staying the suspension so long as Respondent complied with the requirements listed in paragraph V.1. of the 2013 Order. Paragraph V.1. of the 2013 Order requires Respondent to successfully participate in the Health Professionals Services Program

("HPSP"). The 2013 Order was based on Respondent's admitted diversion and personal use of pain control opioid medications.

4. The Complaint Committee was represented by Jennifer C. Middleton, Assistant Attorney General. Licensee was represented by Fabian Hoffner, Esq., The Hoffner Firm, 310 4th Avenue South, Suite 5010, Minneapolis, Minnesota 55415.

### III. FACTS

5. 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. On September 11, 2013, the Board adopted the 2013 Order, suspending Respondent's license but staying the suspension so long as Respondent complied with the requirements listed in paragraph V.1. of the 2013 Order. Paragraph 6. of the 2013 Order requires Respondent to successfully participate in the Health Professionals Services Program ("HPSP"). The 2013 Order was based on Respondent's admitted diversion and personal use of pain control opioid medications.

b. On February 6, 2013, the HPSP received Respondent's signed Enrollment form. On February 22, 2013, the HPSP received Respondent's signed Participation Agreement and Monitoring Plan (collectively "Agreement").

1) Paragraph D.4.c. of Respondent's Agreement required that Respondent notify the HPSP by phone within 24 hours when prescribed, refilling, or being administered any controlled or mood altering substance. The Agreement also required that Respondent submit documentation of all prescriptions to the HPSP within three business days

and that Respondent keep a medication log documenting Respondent's use of all controlled or mood altering substances.

2) Paragraph F.1. of Respondent's Agreement required that Respondent abstain from the use of alcohol, controlled substances, and any other mood altering substances unless prescribed by his treatment providers.

3) Paragraph G. of Respondent's Agreement required that Respondent have all toxicology screens be visually witnessed and collected at a pre-approved collection site.

c. On or about January 31, 2013, Respondent completed an intake interview with a case manager at the HPSP. During the intake interview, Respondent disclosed that he began abusing hydrocodone after being prescribed it for a surgery that occurred approximately one and one-half years prior. Respondent disclosed that he obtained hydrocodone for his own personal use by calling in prescriptions for his pet and a client's pet. Respondent stated he took up to 36-40 pills per day.

d. On or about January 22, 2014, Respondent provided a toxicology screen for HPSP; however, Respondent failed to have the screen visually witnessed pursuant to HPSP requirements.

e. On or about January 24, 2014, Respondent provided a toxicology screen for the HPSP, and the results were positive for the presence of Tramadol. At the time of the screen, Respondent did not have a prescription authorizing him to take Tramadol.

f. On or about January 27, 2014, Respondent contacted his HPSP case manager and admitted relapsing with Tramadol. Respondent disclosed that the relapse began approximately six weeks prior.

g. On or about January 27, 2014, Respondent contacted his HPSP case manager and disclosed that he altered a date on a Tramadol prescription that he submitted to the HPSP. Respondent stated that he altered the date in order to make it appear that he had a valid prescription when he had to submit to a recent toxicology screen, despite the fact that Respondent did not have a valid prescription for Tramadol at the time of the toxicology screen.

h. In January 2014, Respondent self-initiated chemical dependency treatment and entered the Healthcare Professionals program at Hazelden-Betty Ford in Center City, Minnesota.

i. On or about April 17, 2014, Respondent was discharged from residential chemical dependency treatment.

j. On or about September 22 and October 17, 2014, Respondent provided toxicology screens for HPSP, and the results were positive for the presence of alcohol.

k. On or about March 31, 2015, Respondent disclosed to his HPSP case manager that he diverted hydromorphone from his employer for his own personal use.

l. On or about April 2, 2015, Respondent was discharged from the HPSP for diverting hydromorphone from his employer.

#### IV. LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 156.081, subdivision 2(3), (6), (11), (12), and Minnesota Rules 9100.0700 subpart 1(A), (J), (K), and (L), and 9100.0800 subpart 2, and justifies the disciplinary action described in section V. below.

## V. DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

7. The Board hereby **RESCINDS** the 2013 Order which shall have no future force or effect.

### A. Suspension

8. The Board **SUSPENDS** Licensee's license to practice veterinary medicine in the State of Minnesota. Licensee shall not engage in any act which constitutes the practice of veterinary medicine as defined in Minnesota Statutes section 156.12 and shall not imply by words or conduct that Licensee is authorized to practice veterinary medicine.

### B. Reinstatement of License

9. Licensee may petition for reinstatement of his license following twenty-four (24) months from the date of this Order. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing veterinary medicine in a fit and competent manner and has been sober and free from mood-altering chemicals during the twenty-four (24) months immediately preceding his petition. At the time of Licensee's petition, Licensee shall meet with a Complaint Committee and comply with, at a minimum, the following:

a. Licensure Requirements. Licensee shall meet all licensure requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, paying requisite fees, and completing any necessary continuing education requirements.

b. Self-Report. Respondent shall submit to the Board a report from Respondent himself. The report shall be submitted at the time Respondent petitions for reinstatement of his license. The report shall provide and address:

1) Respondent's sobriety, including the date Respondent last used mood-altering chemicals and the circumstances surrounding any use while this Order is in effect;

2) Respondent's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Narcotics Anonymous during the twenty-four (24) months preceding the petition; evidence of participation shall include, but need not be limited to, attendance sheets on a form provided by the Board that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) Respondent's physical and mental health status, treatment plan, medications, and compliance with treatment;

4) Respondent's work schedule;

5) Respondent's future plans in veterinary medicine and the steps he has taken to prepare himself to return to the practice veterinary medicine; and

6) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

c. Report From Employer. Respondent shall cause to be submitted to the Board a report from Respondent's employer. The report shall be submitted at the time Respondent petitions for reinstatement of his license. The report shall provide and address:

1) Respondent's ability to perform assigned tasks;

2) Respondent's attendance and reliability;

3) Respondent's ability to handle stress;

4) Respondent's typical work schedule; and

5) Any other information the employer believes would assist the Board in its ultimate review of this matter.

d. Report From Health Care Professional. Respondent shall cause to be submitted to the Board a report from any health care professional whom Respondent consults for physical health, mental health, or chemical dependency treatment while this Order is in effect. The reports shall be submitted at the time Respondent petitions for reinstatement of his license. The report shall provide and address:

a) Verification the health care professional has reviewed this Order and the 2013 Order;

b) Identification of diagnoses and any plans of treatment, including medications, devised for Respondent;

c) Respondent's progress with therapy and compliance with the treatment plan;

d) A statement regarding Respondent's mental health status;

e) A statement regarding Respondent's sobriety;

f) Recommendations for additional treatment, therapy, or monitoring;  
and

g) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

e. Report of Prescribed Mood-Altering Chemicals. Respondent shall cause to be submitted to the Board a report from any and all physicians, dentists, and other authorized health care professionals who have prescribed mood-altering chemicals for Respondent during the period this Order is in effect. Each report is due at the time of petition and shall provide and address:

a) The name, dosage, frequency, and purpose of the mood-altering chemicals for Respondent;

b) Confirmation the physician, dentist, or other health care professional has been informed of Respondent's chemical dependency history; and

c) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

f. Chemical Dependency Evaluation. Within sixty (60) days prior to petitioning, Respondent shall undergo a chemical dependency evaluation performed by a chemical dependency treatment professional. Respondent shall submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff

for purposes of this evaluation. Respondent is responsible for the costs of the evaluation. The results of the evaluation shall be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order and the 2013 Order and any evaluation and/or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation.

g) Compliance With Evaluator's Recommendations. Respondent shall comply promptly with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

h) Random Alcohol and Drug Screens. At any time during the petition process the Board may direct Respondent, without prior notice, to submit to visually witnessed laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. The Board may contact Respondent by telephone, letter, or through personal contact by an agent to direct him to submit to the tests. Respondent shall provide the directed specimen, using a collection site and process approved by the Board, not later than 6:00 p.m. on the day he is contacted by the Board. Respondent shall abstain from substances known to interfere with the toxicology screening process, including but not limited to certain foods, beverages, over-the-counter medications, and other products that contain poppy seeds, hemp seeds, and ethyl alcohol. Examples include but are not limited to nonalcoholic beer or wine; some desserts, salad dressings, soups, and herbal remedies; and hand-sanitizing and mouthwash products. Respondent shall arrange with his employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The specimens shall be handled through legal chain-of-custody methods and tested at a facility approved by the Board. The results of the screens shall be reported directly to the Board. Respondent is responsible for the cost of the screens.

i) Waivers. If requested by the Board at any time during the petition process, Respondent shall complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board. The waivers will allow representatives of the Board to discuss Respondent's case with and to obtain written evaluations and reports and copies of all of Respondent's health, mental health, or chemical dependency records from his physician,

mental health treatment professional/therapist, chemical dependency counselor, or others from whom Respondent has sought or obtained treatment, support, or assistance.

j) Additional Information. Any additional information relevant to Respondent's petition reasonably requested by the Complaint Committee.

10. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue a license to practice veterinary medicine to Licensee;
- b. Issue a license to practice veterinary medicine Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or
- c. Continue the suspension of Licensee's license to practice veterinary medicine upon his failure to meet the burden of proof.

## **VI. CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

11. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

12. If Licensee fails to comply with or violates this Stipulation and Order, the Complaint 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 Complaint Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Committee shall mail Licensee a notice of the violation(s) alleged by the Complaint 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 Complaint 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 Complaint Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint 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. The Complaint 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 before 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 Complaint Committee not to

seek discipline when it first learns of a violation shall not waive the Complaint Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

## **VII. ADDITIONAL INFORMATION**

13. Within ten days of execution of this Stipulation and Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice veterinary medicine or has applied for licensure as a veterinarian.

14. Licensee waives the 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.

15. Licensee waives any 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.

16. 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.

17. Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

18. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware 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 the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

19. 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.

20. 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 admission 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**

21. 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 Stipulation and 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.

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

  
\_\_\_\_\_  
JOSEPH V. BISIGNANO, D.V.M.  
Licensee

Dated: 6/15, 2015

  
\_\_\_\_\_  
BARBARA FISCHLEY, D.V.M.  
Board Member

Dated: 7-15, 2015

**ORDER**

Upon consideration of the Stipulation, the Board **RESCINDS** the 2103 Order, places Licensee's license in a **SUSPENDED** status and adopts all of the terms described above on this 15<sup>th</sup> day of July, 2015.

MINNESOTA BOARD  
OF VETERINARY MEDICINE

  
\_\_\_\_\_  
JULIA WILSON, D.V.M.  
Executive Director