

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**

In the Matter of  
Diane R. Hansen, D.V.M.  
License No. 08291

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Veterinary Medicine ("Board") on September 17, 2014, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 10 of the Stipulation and Consent Order ("2013 Consent Order") issued by the Board to Diane R. Hansen, D.V.M. ("Respondent"), on February 26, 2013. At the hearing, the Board Complaint Review Committee presented by affidavit evidence of Respondent's violations of the 2013 Consent Order. Respondent appeared and was represented by Marshall Tanick, Hellmuth & Johnson, Edina, Minnesota. Jennifer C. Middleton, Assistant Attorney General, appeared and presented oral argument on behalf of the Board Complaint Review Committee. Board members Barbara S. Fischley, D.V.M. and Sharon Todoroff, did not participate in deliberations and did not vote in the matter. Hans Anderson, Assistant Attorney General, was present as legal advisor to the Board.

**FINDINGS OF FACT**

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes chapter 156 to license, regulate, and discipline persons who apply for, petition, or hold licenses as veterinarians and is

further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints against veterinarians, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the 2013 Consent Order issued by the Board on February 26, 2013. In paragraph 10 of the 2013 Consent Order, Respondent expressly acknowledged and agreed to several procedures the Complaint Review Committee may use to resolve alleged noncompliance with or violation of the 2013 Consent Order. The 2013 Consent Order remained in full force and effect at the time the conduct described in paragraph 4 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph 10 of the 2013 Consent Order that in the event the Board received evidence Respondent violated the terms of the 2013 Consent Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

4. The Board received information Respondent violated the terms of the 2013 Consent Order and engaged in acts or omissions which would be a violation of Minnesota Statutes section 156.081 as follows:

a. On or about March 29, 2013, the HPSP received Respondent's signed Enrollment form, Participation Agreement, and Monitoring Plan (collectively "Agreement").

b. Paragraph C.1 of Respondent's Agreement required that Respondent inform the HPSP of any changes in work site monitors and employment settings.

c. Paragraph C.3.b.i. of Respondent's Agreement required that upon return to practice, Respondent refrain from administering, handling or having any responsibility for controlled substances.

d. Paragraph C.4. of Respondent's Agreement required that Respondent be monitored by a work site monitor in order to practice veterinary medicine.

e. Paragraph D.3.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.

f. On or about July 11, 2013, Respondent told her HPSP case manager that she needed to have a medical procedure and would be hospitalized from July 16 to July 19, 2013. She stated she would send in copies of her prescriptions and keep a medication log pursuant to her Agreement.

g. On or about September 9, 2013, a review of Respondent's case file revealed she failed to send in copies of her prescriptions, her medical records, and her medication logs stemming from her July 2013 surgery. Respondent stated she was late in getting the HPSP the documentation due to her health status.

h. On or about October 2, 2013, and October 8, 2013, Respondent sent to the HPSP partial medical records, prescriptions, and medication logs regarding her July 2013 surgery.

i. On or about October 29, 2013, Respondent sent to the HPSP her September medication log, a prescription that had been previously submitted incomplete, and a second prescription.

j. On or about January 8, 2014, Respondent provided to the HPSP part of an October medication log and prescriptions dating back to November 2013.

k. On or about January 31, 2014, Respondent's HPSP case manager reviewed Respondent's prescription monitoring program print out and compared it to Respondent's submitted prescriptions. It was discovered that Respondent failed to submit to the HPSP several prescriptions.

l. On or about March 3, 2014, Respondent spoke to her HPSP case manager about returning to practice, and the case manager informed Respondent she would need to provide the HPSP with documentation from her doctor clearing her to return to work in order to be allowed to return to practice.

m. On or about April 15, 2014, Respondent provided documentation to the HPSP from her doctor clearing her to return to work.

n. On or about April 16, 2014, Respondent's HPSP case manager contacted Respondent's veterinary clinic and was informed that the veterinarian acting as Respondent's work site monitor had left the practice approximately two weeks prior.

o. On or about April 16, 2014, Respondent disclosed to her HPSP case manager that her work site monitor had left abruptly. Respondent stated she had been working in order to keep the clinic open. Respondent also stated that her veterinary technician had the key to the lock box containing the controlled substances.

p. On or about April 15, 2014, Respondent was discharged from the HPSP for failing to provide the HPSP with the required medical records documentation, failing to inform the HPSP that her work-site monitor left the practice, working without the approval of the HPSP, and working alone in her practice with unsupervised access to controlled substances.

q. Respondent failed to meet the February 28, 2014, deadline to fulfill the continuing education requirements for renewal of her license at the end of 2011-2013 license period. Respondent had been granted two extensions of said deadline.

5. On May 13, 2014, Respondent was served with a Notice of Removal of Stay of Suspension, Imposition of Suspension, and Hearing (“Notice”) and on May 19, 2014, Respondent was served with an Order of Removal of Stay of Suspension, both by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent she was required to submit a response to the allegations in the Notice within ten days after the Notice was mailed.

6. The Complaint Review Committee schedule a conference with Respondent on June 26, 2014. Respondent attended the conference.

7. The Board Review Panel had probable cause to remove the stay of suspension.

## **CONCLUSIONS**

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 156.081 subdivision 2(12), 214.10, and 214.103.

2. The Complaint Review Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraph 10 of the 2013 Consent Order.

3. The Complaint Review Committee has the burden of establishing the statutory violations charged by a preponderance of the evidence.

4. The Complaint Review Committee has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 156.081, subdivision 2(12).

5. As a result of the violations set forth above and pursuant to the terms of the 2013 Consent Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice veterinary medicine.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2013 Consent Order issued to Respondent on February 26, 2013, is hereby **RESCINDED** and shall have no future force or effect.

2. IT IS FURTHER ORDERED that the license of Respondent as a veterinarian in the State of Minnesota is **SUSPENDED** immediately for an indefinite period of time. The suspension is **STAYED** so long as Licensee complies with the following requirements.

a. Within thirty days after this Order is adopted by the Board, Licensee must complete at least eight hours of interactive continuing education to count toward her 2011-2013 license renewal period. Licensee must provide evidence of completion of the interactive continuing education credits to the Board.

b. By December 31, 2014, Licensee must complete at least an additional 29 hours of continuing education to count toward her 2011-2013 license renewal period. Licensee must provide evidence of completion of the continuing education credits to the Board.

c. Within 30 days after Order is adopted by the Board, Licensee shall sign a contract with a broker to facilitate the sale of her veterinary practice. Licensee must make a good faith effort to sell her veterinary practice by December 31, 2014, subject to extension as approved by the Committee. When requesting an extension, Licensee must submit evidence of her good faith attempt to sell her veterinary practice.

d. Licensee shall be monitored by a workplace monitor and may only practice veterinary medicine when another licensed veterinarian is present on the premises. Licensee must provide her workplace monitor a copy of this Stipulation and Order. Licensee must also supply the name and credentials of her workplace monitor for preapproval by the Committee.

e. Licensee shall contact the HPSP at (651) 643-2120 to initiate enrollment in the program within 14 days of the date of this Order.

f. Licensee shall enter into a Participation Agreement with the HPSP for monitoring of Licensee's chemical dependency within 60 days of the date of this Order. Licensee must comply with all terms of the Participation Agreement. At a minimum, the Participation Agreement must include the following terms:

- 1) The Participation Agreement shall be effective for a minimum of 24 months.
- 2) Licensee shall completely abstain from any and all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other health care professional who is providing care and treatment to Licensee.

3) Licensee shall not administer, handle, or have responsibility for or access to any controlled substances, as defined by the Minnesota Board of Pharmacy, during the length of the stay of suspension.

4) Licensee shall submit to urine or blood screenings to determine the presence or absence of alcohol or drugs upon the request of the HPSP. Licensee shall be responsible for the cost of the screenings.

3. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148.261, subdivision 1(18), and provide grounds for further disciplinary action.

4. IT IS FURTHER ORDERED that Respondent may petition the Board to have the conditions and limitations removed from her license at such time as she is willing to respond to the Findings of Fact set forth above and following 24 months from the date of this Order. Her license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of veterinary medicine, is successfully participating in a program of chemical dependency rehabilitation, and has been sober and free from mood-altering chemicals during the 24 months immediately preceding her petition. At the time of Respondent's petition, Respondent shall meet with a Complaint Review Committee to review her response to the Findings of Fact and provide documentation of 24 months of uninterrupted sobriety. In petitioning for removal of the suspension, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact contained in the Findings of Fact.

b. Evidence of compliance with the provisions of this Order.

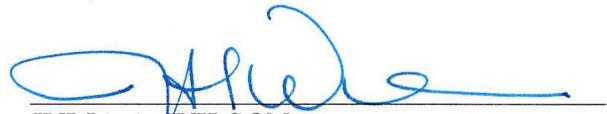
5. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for an unconditional pursuant to paragraph 4 above, take any of the following actions:

a. Grant an unconditional license to Respondent;

c. Continue the limitations and conditions of Respondent's license upon her failure to meet the burden of proof.

Dated: Sept 17, 2014

MINNESOTA BOARD  
OF VETERINARY MEDICINE



JULIA A. WILSON  
Executive Director

