

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Morgan J. Hennessey, D.V.M.
License No. 00707

STIPULATION AND ORDER

STIPULATION

Morgan J. Hennessey, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

B. 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

A. The Complaint Review Committee that negotiated this Stipulation with Licensee is composed of Joanne Schulman, D.V.M., Board President, Mike Murphy, D.V.M., Board Member, and John King, D.V.M., Executive Director of the Board. Susan E. Damon, Assistant Attorney General, represented the Complaint Review Committee in this matter. Licensee was

advised of his right to be represented by legal counsel and knowingly and voluntarily waived that right.

III.

FACTS

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

1. Licensee was initially licensed to practice veterinary medicine in Minnesota on February 2, 2007.

2. Licensee was issued a license to practice veterinary medicine in Vermont on June 8, 2006.

3. On August 9, 2007, the Vermont Veterinary Board issued a Stipulation and Consent Order reprimanding Licensee for unprofessional conduct. A copy of the Stipulation and Consent Order is attached hereto as Exhibit A.

IV.

LAWS

A. Licensee acknowledges that the Stipulation and Consent Order of the Vermont Veterinary Board constitutes adverse action related to licensure in another jurisdiction in violation of Minn. Stat. § 156.081, subd. 2(5), and authorizes the Board to take the disciplinary action described in section V below.

V.

REMEDY

A. Licensee is hereby reprimanded.

VI.

ADDITIONAL INFORMATION

A. 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.

B. 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.

C. 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.

D. Licensee was advised of his right to be represented by counsel in this matter and knowingly and voluntarily waived that right.

E. 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 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 if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph VI.F.

F. 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.

G. 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 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.

VII.

DATA PRACTICES NOTICES

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4.

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


MORGAN J. HENNESSEY, D.V.M.
Licensee

Dated: 1/16, 2008.

ORDER

Upon consideration of the Stipulation and all the files, records and proceedings herein, the terms of the Stipulation are approved and adopted, and the recommended remedy set forth in the Stipulation is hereby issued as an Order of this Board effective this 31 day of January, 2008.

MINNESOTA BOARD
OF VETERINARY MEDICINE


JOHN KING, D.V.M.
Executive Director

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VETERINARY BOARD**

IN RE: MORGAN J. HENNESSEY, D.V.M.) Docket No. VE07-0207
License No. 052-0001664)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian, and the Respondent, Morgan J. Hennessey, D.V.M., who stipulate and agree as follows:

Board Authority

- 1) The Vermont State Veterinary Board (the "Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct, to license and renew licensees, pursuant to 3 V.S.A. §§ 129, 129a and 814; 26 V.S.A., Chapter 44 and the Rules of the Board of the Vermont State Veterinary Board (the "Rules") and of the Office of Professional Regulation ("OPR Rules").
- 2) Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
- 3) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice. 3 V.S.A. § 129a(b).

Statement of Facts

- A) Morgan J. Hennessey (the "Respondent") is licensed as a Veterinarian, holding license number 052-0001664, issued by the State of Vermont on or about June 8, 2006.
- B) On or about November 2, 2006 the following information was reported to the Respondent by E.I at approximately 10:30 PM.: that a blue tick coon hound (the "Dog") was suffering from a number of symptoms. Prior to this, the Respondent's answering service had received a description of the Dog exhibiting the following symptoms, from V.I. at approximately 10:24 PM: "very sick, vomiting". The Respondent did not adequately inquire about other symptoms that the Dog was exhibiting.
- C) When the Respondent received the above information at approximately 10:30 PM on

Exhibit A

November 2, 2006, he indicated to E.I. that E.I. could bring in the Dog then, but there would be a \$70.00 charge. The Respondent did not clearly advise E.I. that based on the reported symptoms, it was possible that the Dog would not live to the morning.

- D) The Respondent was called again by V.I. three more ^{SL} times at approximately 5:42 AM, 5:53 AM and 6:20 AM on November 3, 2006. The following symptoms were reported to the answering service: at 5:42 AM "dog is still very sick, vomiting, having trouble breathing"; at 5:53 AM "dog is still very sick, vomiting, having trouble breathing"; at 6:20 AM "dog is too sick for them to wait for the office to open, needs to bring her in now."
- E) After speaking with E.I., at approximately 10:30 PM, the Respondent spoke with V.I. at approximately 5:57 AM and E.I. at 6:23 AM. After the 6:23 AM call, arrangements were made for the Respondent to meet V.I. and the Dog at the Derby Pond Animal Hospital (the "Hospital") located in Derby, Vermont.
- F) After meeting V.I. and the Dog at the Hospital, the Respondent first inserted a tube down the Dog's throat to provide relief and when that did not work attempted the same procedure using a smaller diameter tube. That second attempt did not work either and the Dog died during this general time period.
- G) The Respondent's Vermont license is currently inactive and he is enrolled in the Center for Animal Health and Food Safety at the University of Minnesota and working as a Veterinary Public Health Resident within that program.

Understandings

- H) This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above the Parties reach a full and final agreement pursuant to this Stipulation and that the Board may impose the Consent Order set forth below.
- I) Respondent understands that the Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion of the same, it shall be void in its entirety.
- J) Respondent has reviewed the Stipulation and Consent Order, agrees that it sets out the entire agreement of the parties, and is freely and voluntarily entered into.
- K) Respondent waives any notification period and agrees to have this document reviewed by the Board during its next meeting. Respondent specifically waives any claim that presentation of this stipulation to the Board would prejudice his right to a

fair and impartial hearing should the Board reject this stipulation.

- L) Respondent voluntarily waives his right to a contested hearing before the Board.
- M) Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this stipulation.
- N) The Respondent has had the opportunity to consult with able and competent counsel in respect to this matter.
- O) Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

Charges

By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has engaged in unprofessional conduct by violating the Vermont Statutes and Rules of the Board, as enumerated above in paragraphs 2-3 above.

Order

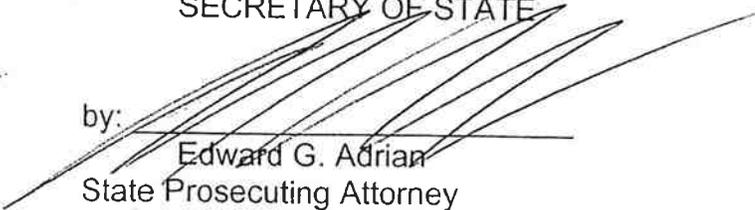
Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

- I) Respondent's actions described in paragraphs A through F above are grounds for discipline pursuant to 3 V.S.A. § 129a(a)(3) and 3 V.S.A. § 129a(b).
- II) The Respondent's license to practice veterinary is hereby **REPRIMANDED**.
- III) This Stipulation and Consent Order shall remain part of Respondent's licensing file and may be used in any further disciplinary proceeding.
- IV) This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/12/07

by: 

Edward G. Adrian
State Prosecuting Attorney
MORGAN J. HENNESSEY, D.V.M.
RESPONDENT

Dated: 7/3/07

by: Morgan J. Hennessey
Morgan J. Hennessey

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 7/9/07

by: J. Scott Cameron
J. Scott Cameron, Esq.

APPROVED AND SO ORDERED:

VERMONT VETERINARY BOARD

Dated: 8/9/07

by: Mark Bass
Chairperson

Dated entered: 8/10/07

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