

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Donald J. Hagen, D.V.M.
License No. 08179

STIPULATION AND ORDER

Donald J. Hagen, 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 Minnesota Statutes chapter 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. The Board's Complaint Review Committee ("Committee") was composed of Board members Christopher Powers, D.V.M., professional member, and David Richter, public member. On October 3, 2019, Licensee met with the Committee to discuss the allegations in the Notice of Conference dated September 23, 2019. Licensee appeared without an attorney. Tiffany Sedillos, Assistant Attorney General, represented the Committee. Julia Wilson, Executive Director of the Board, was also present.

4. This Committee met again with Licensee on September 10, 2020 to discuss the allegations in the Notice of Conference dated August 5, 2020. Licensee appeared without an attorney. Kathleen Ghreichi, Assistant Attorney General, represented the Committee. Julia Wilson, Executive Director of the Board, was also present. The Committee is now represented by Rebecca Huting, Assistant Attorney General.

III.

FACTS

5. On December 17, 2019, the Board adopted a Stipulation and Order (“2019 Order”) suspending Licensee’s license but staying the suspension so long as Licensee complied with certain conditions. The 2019 Order was based upon the following facts:

A. On June 12, 1979, Licensee was licensed to practice veterinary medicine in Minnesota.

B. Licensee is the sole owner of a veterinary clinic (“Clinic”) located in Plummer, Minnesota.

C. On August 15, 2019, Licensee’s Clinic and mobile veterinary vehicle were inspected by representatives of the Board.

D. Multiple deficiencies were identified outside and throughout the Clinic, and mobile vehicle. The deficiencies included the following:

1. There were many decomposing, malodorous, animal carcasses found alongside and behind the Clinic.

2. Trash was scattered in multiple areas around the Clinic including open pesticide, fuel, anthelmintic containers and appliances.

3. There were a calf and a goat in a pen behind the Clinic that lacked adequate shelter, along with other discarded items. Licensee indicated that the calf had been at the Clinic since January 1, 2019, when its feet froze. The feet then became deformed.

4. A chest freezer alongside the front of the Clinic contained an uncovered dog carcass that had been there for several weeks, along with multiple other carcasses that were in bags. Licensee indicated that his means of cremation had been broken and unusable for a period of time and that the carcasses in the freezer were waiting to be cremated.

5. A pervasive smell of urine was found in the Clinic.

6. The Clinic contained expired medications, vaccines, and products in the lobby, treatment areas, break room, storage rooms and mobile veterinary vehicle.

7. The Clinic was not clean; dirty areas included the floors, shelves, equipment, medications and the mobile veterinary vehicle.

8. Licensee autoclaved single-use syringes with attached needles, some uncapped.

9. Vaccines and sterile products had injection needles left in the stoppers.

10. The Clinic refrigerators were dirty and contained both medications and food for human consumption.

11. The Clinic had deficient or absent labels on medications, some of which had been prescribed to humans, and some of which were prescribed to animals with unused portions returned.

12. A bottle of the tranquilizer, detomidine, found in the Clinic was labeled with the name of a non-veterinarian who would administer the drug to horses to illegally float their teeth for profit.

13. In the surgery room, there were partially filled intravenous fluid bags with fluid administration lines contaminated with blood, some fluid bags had cut-off corners, and one bag contained a bug.

14. Licensee's controlled substances log did not list the patients to whom drugs were administered or information about the specific medication used. No evidence of any inventory review was present.

15. The Clinic's area kennel area included pet carriers housing cats stacked on top of each other, there were also cardboard boxes stacked on top of the carriers.

16. A dirty, overflowing cat litter box in the Clinic was being utilized by two roaming cats.

17. There were surgical instruments and suture soaking in disinfectant in an open pan along with open suture packets to be used for surgeries at a later date which was observed on a non-surgery day at the Clinic. A second pan was found with dental tools soaking in disinfectant. The pan was dirty and rusty and had a dead fly in it.

18. There was an uncapped needle on a syringe in a drawer of the mobile veterinary vehicle.

19. There were overflowing trash receptacles, boxes, and bags throughout the Clinic and mobile veterinary vehicle.

20. Licensee's Clinic lacked the capacity to provide supplemental oxygen during anesthesia for major surgical procedures.

21. The medical records that were reviewed lacked the name, breed, gender and age of the animal, a clinical history, examination findings, tentative diagnosis, and details of treatment such as dosage and strength of medications, surgery reports, evidence of anesthetic monitoring or adequate perioperative pain management.

6. Before Licensee completed all requirements of the 2019 Order, the Board received a new complaint. The Board's investigation revealed the following facts:

A. On or about May 15, 2020, Licensee pulled a bull he owned out of a mud puddle on his farm using chains around the bull's hindlegs and a tractor. Licensee dragged the bull to a place on the lawn next to his house. The location was visible from the road.

B. Licensee amputated the lateral claw of the bull's left hind leg as treatment for severe infection in that digit on the same day.

C. The bull was unable to stand after the extraction and surgery.

D. Licensee treated the bull with an injectable antibiotic and injectable flunixin, a non-steroidal anti-inflammatory medication, and provided the bull with hay and water.

E. Licensee did not determine a medical reason for the bull's inability to stand up.

F. Licensee's bull sustained marked decubital ulcers and limb swelling were attributable to the bull's prolonged recumbency.

G. Licensee acknowledges that the bull had a grave prognosis for recovery based on the animal's inability to stand after the claw amputation.

H. Licensee euthanized the bull with a small handgun nine days after extracting the bull from the mud and performing amputation surgery. The caliber of the gun and bullet did not meet the minimum standard for humane euthanasia of cattle.

I. Licensee's poor management and delay of the bull's euthanasia caused prolonged pain and additional injury to the bull.

IV.

LAWS

7. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minnesota Statutes sections 156.081, subdivision 2 (6), (11) and (12); 156.18, subdivision 1(b) and subdivision 2; Minnesota Rules 9100.0200; 9100.0300; 9100.0700, subpart 1(A), (B), (C), (I), and (L); and 9100.0800 subparts 1; 2 (A), (C); 3; 4; and 6 (D); and are sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

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

8. The 2020 Order issued to Licensee on November 30, 2020, is hereby **RESCINDED** and shall have no future force or effect.

9. The Board hereby **REPRIMANDS** Licensee and **SUSPENDS** Licensee's license to practice veterinary medicine. The suspension is **STAYED** so long as Licensee complies with and completes all of the following **LIMITATIONS** and **CONDITIONS**:

A. Within one month from the effective date of this Order, Licensee must submit documentation to the Board of all his veterinary continuing education for the most recent license renewal period, March 1, 2016, to February 28, 2018. This requirement is completed.

B. Licensee will restrict his practice of veterinary medicine to large animals.

C. Licensee must take and pass the Companion Animal Species-Specific Examination provided by the International Council for Veterinary Assessment. This requirement is completed.

D. Within three months from the date of this Order, Licensee shall submit to the Committee evidence of completion of at least four (4) credit hours of continuing education on the topic of veterinary medical records. For purposes of this requirement, the Committee preapproves the "Veterinary Medical Records Online Course", offered by Drip Technology. The credits from this continuing education may not be applied to the requirements for Licensee's next license renewal. This requirement is completed.

E. Within six (6) months from the effective date of this Order, Licensee shall submit to the Committee evidence of completion of twelve (12) hours of interactive continuing education which must be preapproved by the Committee. This continuing education may be obtained by interactive discussion of the specified topic with persons with acknowledged expertise in this subject matter. The credits from this continuing education may not be applied to the requirements for Licensee's next license renewal. The interactive continuing education must be on the following topics:

1. At least one (1) credit hour on the topic of carcass composting and disposal. This requirement is completed.
2. At least two (2) credit hours on the topic of record keeping of controlled substances;
3. At least two (2) hours on the topic of disposal of medical waste.
4. At least four (4) hours on the topics of differential diagnosis of down cattle, management of non-ambulatory large animals, bovine pain recognition and humane euthanasia. This requirement is completed.

F. Within three (3) months following the completion of the required continuing education listed above in paragraphs F.1-4, Licensee must submit his appointment

schedule from the preceding three (3) months to the Committee. The Committee will select four (4) large animal patient appointments for which Licensee must submit the complete medical records. These records will be for two (2) large animal patients with medical issues and two (2) euthanized large animal patients. These records must meet the approval of the Committee.

G. For three (3) subsequent quarters, Licensee will submit his appointment schedule at the conclusion of the quarter. The Committee will select four (4) large animal patients for whom the medical records must be submitted for review by the Committee. These records must meet the approval of the Committee.

10. In addition to the requirements of this Stipulation, Licensee shall comply with all laws or rules of the Board.

11. Upon satisfactory completion of the requirements set forth in paragraph 7, Licensee may petition the Board for an unconditional license. Licensee may be required to meet with the Committee at the Committee's discretion, to discuss his petition. 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 he is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine. The Board will have discretion to decide whether to grant Licensee's petition for an unconditional license; continue the conditions imposed upon Licensee's license by this Stipulation and Consent Order; or impose additional conditions and limitations upon Licensee's license.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

12. It is Licensee's responsibility to ensure all 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 documentation on or before the due date is a violation of this Stipulation and Order.

Noncompliance with Requirements for Stayed Suspension

13. If the Committee has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 7 above, the Committee may remove the stay of the suspension pursuant to the procedures outlined in paragraph 11 below, with the following additions and exceptions:

A. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 10 below or until the complaint is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

B. The Committee shall schedule the hearing pursuant to paragraph 10 below to be held within 60 days of service of the Order of Removal.

Noncompliance or Violation with Stipulation and Order

14. If Licensee fails to comply with or violates this Stipulation and Order or it is determined Licensee has further violated Minnesota Statutes chapter 156 or Minnesota Rules chapter 9100, 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 ten days prior to 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 seven 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 the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through the procedures of Minnesota Statutes Section 214.103, subdivision 6.

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. 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, at any time while this order is in effect.

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, including additional conditions or limitations on Licensee's practice, suspension, or revocation of 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

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. 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.

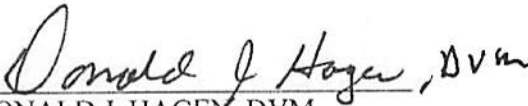
DATA PRACTICES NOTICES

22. 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.

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

COMMITTEE:


DONALD J. HAGEN, DVM
Licensee

Dated: 4-30-22


CHRISTOPHER POWERS, DVM
Committee Member

Dated: 5/11/2022

ORDER

Upon consideration of the Stipulation, the Board hereby **REPRIMANDS** and **SUSPENDS** Licensee's license to practice veterinary medicine. The Board **STAYS** the suspension so long as Licensee complies with the requirements outlined in the Stipulation and adopts all of the terms described above on this 11th day of May, 2022.

MINNESOTA BOARD
OF VETERINARY MEDICINE


JULIA H. WILSON, DVM.
Executive Director