

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**



In the Matter of  
Kenneth Lee Greiner, D.V.M.  
License No. C3967

**STIPULATION AND ORDER**

**STIPULATION**

Kenneth Lee Greiner, 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 Minn. Stat. Ch. 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. On March 25, 2015, Licensee met with the Complaint Review Committee. The Committee was composed of Board members Ronald Swiggum, D.V.M., and David Richter. Julia Wilson, D.V.M., Executive Director of the Board, was also present. Jennifer C. Middleton, Assistant Attorney General, appeared on behalf of the Committee. Licensee was represented by Michael Salchert, Esq., Sjoborg & Tebelius, Woodbury, MN.

### **III.**

#### **FACTS**

4. 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. Licensee was licensed to practice veterinary medicine in the State of Minnesota on June 29, 1967. Licensee owns a mixed animal veterinary practice in Elbow Lake, Minnesota.

b. On February 18, 2014, Licensee entered into an Agreement for Corrective Action ("2014 Agreement") with the Board of Veterinary Medicine.

c. The 2014 Agreement required that Licensee identify and attend within three months of the Agreement a minimum of three hours of continuing education courses pertaining to equine prepurchase examinations, physical examinations, and legal aspects of equine medical records. These courses required preapproval of the Committee. To date, Licensee has not fulfilled this requirement.

d. The 2014 Agreement required Licensee to spend a minimum of six hours observing two prepurchase examinations for performance horses that are conducted by a veterinarian who is a diplomate of the American College of Veterinary Surgeons within six months of the date of this Agreement. To date, Licensee has not fulfilled this requirement.

d. On January 22 and February 2, 2015, Licensee submitted records of two prepurchase examinations for Board Review. Licensee's radiographs and records failed to meet minimum standards for interpretation, technique, labeling, and radiation safety.

e. On December 12, 2014, Licensee shipped two prescription medications for use in Penney, a 10-year-old Rocky Mountain mare, owned by K.S. and M.S., without having a valid veterinarian-client-patient relationship.

f. On December 15, 2014, Licensee admitted Penney to his clinic for evaluation and treatment of lameness in the left hind and left front limbs.

g. On December 15, 2014, Licensee diagnosed a prolapse of soft tissue at the coronary band of the left front foot, presumably due to an abscess, as the cause of lameness. No signs of infection were present, and Licensee did not take Penney's temperature. No lameness was observed in the left hind foot.

h. On December 15, 2014, Licensee initiated intravenous antibiotic therapy with oxytetracycline and sulfadimethoxine, and a large, immunosuppressive dose of dexamethasone, a corticosteroid. Licensee was unaware of the risks of oxytetracycline administration in the horse. Corticosteroids are contraindicated in the treatment of a hoof abscess.

i. On December 15, 2014, Licensee treated the left front foot and both hind feet with a medicated boot, although lameness and abnormalities were only observed in the left front foot.

j. On December 16, 2014, Licensee engaged in the following:

1) Licensee diagnosed anemia on a complete blood count performed on Penney's blood but did not determine a cause. Licensee subsequently administered 25 liters of intravenous fluids, despite the anemia.

2) Licensee observed Penney had diarrhea but failed to investigate any common cause of the diarrhea beyond parasitism. Licensee continued intravenous antibiotics and corticosteroid treatment.

3) Licensee diagnosed parasitism based on fecal examination and proceeded to administer an anthelmintic, ivermectin, to Penney. Licensee's ivermectin protocol exceeded the manufacturer's label dose and frequency.

4) Licensee tested Penney for three infectious agents that were not plausible sources of Penney's anemia or diarrhea.

k. From December 17 through December 19, 2015, Licensee continued large volume intravenous fluids and corticosteroid and antibiotic therapy without recording any response to treatment.

l. Licensee failed to make any medical record entries on December 20 and 21, 2015, despite Penney's illness and hospitalization under his supervision.

m. On December 22, 2015, Licensee discharged Penney after administering azithromycin, an antibiotic not labeled for use in the horse, as a single intramuscular dose without a medical reason for its administration.

n. Although Licensee completed a veterinary medical recordkeeping course on March 25, 2014, Licensee's medical record failed to record a medical history; complete physical examination including vital signs on admission or during hospitalization; estimated weight, radiographic findings; differential or tentative diagnoses; concentrations of medications administered; and cost estimate updates to the owners.

#### **IV.**

#### **LAWS**

5. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minn. Stat. § 156.081, subds. 2(11) and (12); Minn. R. 9100.0700, subps. 1(A), (B), (C), and (Q), and Minn. R. 9100.0800, subps. 1, 2(A) and 4(A), 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:

6. The 2014 Agreement for Corrective Action is **RESCINDED**.

7. The Board hereby **SUSPENDS** Licensee's license to practice veterinary medicine. The suspension is **STAYED** so long as Licensee complies with the following **CONDITIONS**:

a. Absent the exception provided in paragraph 7.a.2. below, Licensee will refrain from performing equine prepurchase examinations until all the following requirements are fulfilled and Licensee petitions, and is granted, an unencumbered license to practice veterinary medicine by the Board.

1) Within three months of the date of this Order, Licensee will identify a minimum of three hours of education courses pertaining to equine prepurchase examinations, physical examinations, and legal aspects of equine medical records. Licensee will submit the following information to the Review Committee for preapproval: the name of the meeting(s), course(s), date(s), and speaker(s). Approved education courses for this purpose must be completed within six months of their approval. These three hours will not apply to the continuing education requirements for Licensee's next license renewal.

2) Within three months of the date of this Order, Licensee will spend a minimum of six hours observing two prepurchase examinations for performance horses that are conducted by a veterinarian who is a diplomate of the American College of Veterinary Surgeons. Alternatively, Licensee may engage a diplomate of the American College of Veterinary Surgeons to supervise Licensee's prepurchase examinations for two performance horses. The

diplomat must agree, in writing, to mentor Licensee throughout the prepurchase examination. The written agreement between Licensee and the diplomat must be sent to the Review Committee prior to either the arranged observation(s) of the diplomat's prepurchase examinations or the mentoring of Licensee's prepurchase examinations. If Licensee chooses to observe a diplomat's prepurchase examinations, the licensee will review the format of the diplomat's medical record that is created. If the diplomat observes Licensee's prepurchase examinations, Licensee will review the resulting medical records with the diplomat. Licensee will discuss the images that are obtained for assessment of soundness and conformation during the examinations with the diplomat.

b. Within forty-five days from the date of this Order, Licensee must complete all ten components of the Veterinary Medical Records Online Course offered by Iowa State University, and submit the certificate of completion to the Board. The credits from this course may not be applied to Licensee's license renewal requirements. Within 3 months following completion of the Veterinary Medical Records Online Course, Licensee will provide the Committee with five medical records for review from one or two days of the Committee's choosing. These records must be approved by the Committee.

c. Within six months from the date of this Order, Licensee must submit to the Committee evidence of completion of all continuing education as described below. This continuing education must be interactive and preapproved by the Committee. In order to obtain preapproval, Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor. These hours of continuing education may not be applied to the requirements for license renewal. Licensee must complete 18 hours of interactive continuing education on the topics of: equine parasitology (3 hours); responsible use of antibiotics in horses (3 hours); positioning techniques for equine limb radiography (3 hours);

veterinary radiation safety (4 hours); equine internal medicine, including anemia, diarrhea, infectious diseases, and immune mediated disease (4 hours); and treatment of equine hoof abscesses (1 hour).

8. Upon completing the requirements set forth in paragraph 7, Licensee may petition for an unconditional license. 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.

9. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to discuss his petition. The Committee will make a recommendation to the full Board which will make a decision as discussed below.

10. Upon hearing Licensee's petition, the Board may deny Licensee's petition for reinstatement, reinstate Licensee's license with conditions and/or limitations imposed on his license, or reinstate Licensee's license as unencumbered.

11. In the event Licensee resides or practices outside the State of Minnesota, Licensee must promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, or conditioned license in Minnesota unless Licensee demonstrates that practice in another state conforms completely with Licensee's Minnesota license to practice veterinary medicine.

## **VI.**

### **CONSEQUENCES FOR NONCOMPLIANCE**

12. *Hearing Before the Board.* If the Committee determines that Licensee has violated any term or condition of this Stipulation and Order, the Committee may schedule a

hearing before the Board and serve on Licensee a notice which lifts the stay of the suspension on Licensee's license, sets forth the allegations against Licensee, and provides Licensee notice of the date, time, and place of the hearing before the Board. The procedures set forth in paragraph 13 below shall apply to the hearing.

13. *Hearing Procedures.* The following procedures shall apply:

a. *Response to Allegations in Notice.* At least seven days before the hearing, Licensee shall submit a written response to the allegations set forth in the notice. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. *Hearing Before Board.* The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph 13.c. below to determine whether the allegations are true and, if so, whether to take additional disciplinary action against Licensee, which may include any of the forms of disciplinary action set forth in Minnesota Statutes section 156.127.

c. *Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge.* At the hearing before the Board, the Committee and Licensee may present affidavits made on personal knowledge or authenticated documents and may present argument based on such evidence in support of their positions. The record before the Board shall be limited to such affidavits, documents, and this Stipulation and Order. The Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 14 days before the hearing. Licensee shall file with the Board all evidence he intends to present at the hearing and shall serve a copy on the Committee at least seven days before the hearing. The Committee must prove by a preponderance of the evidence that Licensee has violated this Stipulation and Order. The Board shall issue a final order within 30 days of the hearing. Licensee waives a hearing before an administrative law judge and waives discovery,



cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

d. *Costs.* If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and documents, Board staff time, travel costs and expenses, and Board members' per diem reimbursements, travel costs, and expenses.

14. *Statutory Procedures.* 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 as a result of compliance 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.

  
KENNETH LEE GREINER, DVM  
Licensee C-3967

Dated: 4/27/15

  
RONALD SWIGGUM, DVM  
Committee Member

Dated: 5-16-2015

#### 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 \_\_\_\_ day of

May 18, 2015 2015.

MINNESOTA BOARD  
OF VETERINARY MEDICINE

  
JULIA H. WILSON, D.V.M.  
Executive Director