BEFORE THE MINNESOTA

BOARD OF VETERINARY MEDICINE

COMPLAINT REVIEW COMMITTEE

In the Matter of
Daniel P. Hartsell, D.V.M.
License No. 00382

AGREEMENT FOR CORRECTIVE ACTION

This Agreement for Corrective Action ("Agreement") is entered into by and between Daniel P. Hartsell, D.V.M. ("Licensee"), and the Complaint Review Committee ("Review Committee") of the Minnesota Board of Veterinary Medicine ("Board") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a)(2). This Agreement does not constitute formal disciplinary action. Licensee and the Review Committee hereby concur that this Agreement shall be based on the following:

FACTS

This Agreement is based upon the following facts:

1. On June 12, 1982, Licensee became licensed as a veterinarian in Minnesota.

2. Licensee conducts a veterinary practice in Alexandria, Minnesota.

3. The Board received a complaint alleging that Licensee failed to properly care for a 13-week-old female Black and Tan Coonhound/Bloodhound named "Benelli" owned by B.D. The Review Committee conducted an investigation into the complaint, which included review of medical records for the animal and correspondence with the Licensee and the Complainant.

4. On June 19, 2013, Licensee met with the Review Committee, composed of John Lawrence, D.V.M., Board member, and Michelle Vaughn, D.V.M., Board member, to discuss allegations made in a Notice of Conference dated May 31, 2013. Greg Schaefer, Assistant Attorney General, represented the Review Committee at the conference, and Scott Ballou, Esq.,

represented Licensee. Julia Wilson, D.V.M., Executive Director of the Board, also attended the conference.

5. After sedating Benelli to perform a more complete physical examination and radiographs, Benelli was then anesthetized for splinting of a right tibial mid-shaft fracture. Licensee discharged Benelli into the owner's care before the dog was completely recovered from the anesthetic. The dog died shortly thereafter.

6. Although Licensee discussed the risks of sedation and anesthesia with the owner, he did not have the owner acknowledge his understanding of the risks in writing by having the owner sign an informed consent form.

7. Although Licensee and the veterinary technician under Licensee's supervision monitored the vital signs and parameters to monitor the dog's condition or depth of anesthesia during the anesthetic episode, they did not record those vital signs and parameters.

CORRECTIVE ACTION

8. The Review Committee views Licensee's conduct as inappropriate under Minn. R. 9100.0700, subp. 1.C. (creating unnecessary danger to a patient's life, health, or safety), and Minn. R. 9100.0800, subps. 1 (general standard of practice), 4 (record keeping), and 9 (informed consent). Based on the foregoing information, Licensee and the Review Committee hereby agree to the following corrective action:

a. Within three (3) months of the date of this Agreement, Licensee shall submit to the Board for preapproval the name of a Diplomat of the American College of Veterinary Anesthesiologists who is willing to provide one-on-one in-person continuing education to Licensee for a minimum of four (4) hours. The session(s) with Licensee will include the following topics:

represented Licensee. Julia Wilson, D.V.M., Executive Director of the Board, also attended the conference.

5. After sedating Benelli to perform a more complete physical examination and radiographs, Benelli was then anesthetized for splinting of a right tibial mid-shaft fracture. Licensee discharged Benelli into the owner's care before the dog was completely recovered from the anesthetic.

6. Although Licensee discussed the risks of sedation and anesthesia with the owner, he did not have the owner acknowledge his understanding of the risks in writing by having the owner sign an informed consent form.

7. Although Licensee and the veterinary technician under Licensee's supervision monitored the vital signs and parameters to monitor the dog's condition or depth of anesthesia during the anesthetic episode, they did not record those vital signs and parameters.

CORRECTIVE ACTION

8. The Review Committee views Licensee's conduct as inappropriate under Minn. R. 9100.0700, subp. 1.C. (creating unnecessary danger to a patient's life, health, or safety), and Minn. R. 9100.0800, subps. 1 (general standard of practice), 4 (record keeping), and 9 (informed consent). Based on the foregoing information, Licensee and the Review Committee hereby agree to the following corrective action:

a. Within three (3) months of the date of this Agreement, Licensee shall submit to the Board for preapproval the name of a Diplomat of the American College of Veterinary Anesthesiologists who is willing to provide one-on-one in-person continuing education to Licensee for a minimum of four (4) hours. The session(s) with Licensee will include the following topics:

1) Review and assessment of the protocols generated for Licensee's use;

2) Review of the veterinary drugs appropriate for pain management, sedation, and anesthesia in companion animals; and

3) Postanesthetic monitoring and criteria that must be met prior to discharge or termination of observation by Licensee or trained staff under Licensee's supervision.

b. Following the sessions with the approved veterinary anesthesiologist, Licensee will develop the following protocols for the anesthesiologist's review:

1) Drug selection and monitoring plan for minor procedures such as laceration repair and wound care;

2) Drug selection and monitoring plan for elective surgeries such as ovariohysterectomy and castration; and

3) Drug selection and monitoring plan for gastrointestinal surgery, such as a gastric dilatation/volvulus.

c. Within six (6) months of the date of this Agreement and following the sessions with the veterinary anesthesiologist, Licensee shall submit to the Review Committee for review and approval the three protocols, along with a sample anesthetic record from a surgical case.

d. Within six (6) months of the date of this Agreement, the anesthesiologist will submit a letter to the Board indicating his or her approval of Licensee's understanding of current anesthesia practices for companion animals, written anesthesia protocols, and an anesthesia monitoring record.

OTHER INFORMATION

9. Upon Licensee's satisfactory completion of the corrective action referred to above, the Review Committee agrees to dismiss the complaint(s) concerning the matters referred to in paragraph 4. above. Licensee agrees that the Review Committee shall be the sole judge of satisfactory completion. License understands that if, after dismissal, the Review Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Review Committee may reopen the dismissed complaints.

10. If Licensee fails to complete the corrective action satisfactorily or if the Review Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Review Committee may, in its discretion, reopen the investigation and proceed according to Minnesota Statutes chapters 14, 156, and 214. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minnesota Statutes section 156.123 and may subject Licensee to disciplinary action by the Board.

11. Licensee shall be responsible for all costs incurred as a result of compliance with this Agreement.

12. The effective date of this Agreement shall be the date it is executed by the Review Committee. The Agreement shall remain in effect until the Review Committee dismisses the complaint.

13. Licensee understands this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges this Agreement and the dismissal letter issued upon successful completion of the corrective action are classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5.

14. Licensee hereby acknowledges he has read and understands this Agreement and has voluntarily entered into it. This Agreement contains the entire agreement between the Review Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

Dated: 9/3/13

DANIEL P. HARTSELL, D.V.M.
Licensee

Dated: 9/4/13

JULIA H. WILSON, D.V.M.
Executive Director
For the Complaint Review Committee