BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Melissa R. Hensel, D.V.M.,
License No. 09112

STIPULATION AND ORDER

Melissa R. Hensel, DVM ("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

Julia Wilson, Executive Director of the Board, was also present. Kathleen Ghreichi, Assistant Attorney General, appeared on behalf of the Committee.

III.

FACTS

4. The parties agree that this Stipulation and Order is based upon the following facts:
   a. On May 31, 2012, Licensee was licensed to practice veterinary medicine in Minnesota.
   b. On December 6, 2017, the Board sent Licensee a letter requesting a response within 30 days to allegations of incompetence in the practice of veterinary medicine. Licensee failed to respond to the Board’s letter.
   c. On March 9, 2018, Board staff sent Licensee an email requesting that she respond to its December 6, 2017 letter. Licensee replied to Board staff’s email by stating that she had not received the letter but would respond to it upon receipt. On March 9, 2018, Board staff mailed a second letter to Licensee, but Licensee failed to respond.
   d. On April 13 and 20, 2018, Board staff emailed Licensee to inquire as to the status of her response to its March 9, 2018 letter. Licensee failed to respond to either email.
   e. On April 18 and 20, 2018, Board staff called Licensee. On April 18, 2018, Board staff left a voice message requesting an immediate response. Licensee failed to return the April 18, 2018 voice message. On April 20, 2018, Licensee’s voicemail indicated it was full.
   f. On April 20, 2018, Board staff sent Licensee a third letter via certified mail, requesting an immediate response. On May 11, 2018, Licensee signed for that letter, thereby acknowledging receipt of the third letter. Licensee again failed to contact Board staff.
g. On May 18, 2018, the Committee initiated a contested case by serving Licensee with a Notice and Order for Prehearing Conference and Hearing.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minnesota Statutes section 156.081, subdivision 2 (12), (17); Minnesota Statutes section 156.123; and Minnesota Rule 9100.0700, subpart 1(H); 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 Board hereby SUSPENDS Licensee’s license to practice veterinary medicine. The suspension is STAYED so long as Licensee complies with the following CONDITIONS:

a. Within one month from the date of this Order, Licensee must submit documentation of all of her veterinary continuing education from the most recent license renewal period, March 1, 2016 to February 28, 2018.

b. Within 90 days of this Order, Licensee shall pay a civil penalty of $1,500.00 to the Board.

c. Within 90 days from the date of this Order, Licensee shall submit documentation of completion of 6 credits of continuing education on the subject of medical records. For purposes of this requirement, the Committee pre-approves the online “Veterinary
Medical Records Course” provided by Drip Learning Technologies (formerly by Iowa State University). These credits may not be applied to Licensee’s next license renewal.

d. Within three months from the date of this Order, Licensee shall submit documentation of completion of the following modules of the Veterinary Law & Ethics course provided by Drip Learning Technologies: (1) Moral, Ethical and Legal Decision-making; (2) Understanding State Board Licensing Issues and Disciplinary Procedures; and (6) Professional Negligence. These credits may not be applied to Licensee’s next license renewal.

e. Ninety days following the completion of the continuing education, Licensee shall submit Licensee’s appointment schedule from the preceding 90 days. The Committee will identify 6 cases for which Licensee shall submit complete medical records, including imaging files. At least 3 of the records must be from patients that received veterinary care from Licensee’s mobile practice. The medical records must meet the approval of the Committee.

7. Upon completing the requirements set forth in paragraph 6, 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 an unconditional license should be granted.

VI.

CONSEQUENCES FOR NONCOMPLIANCE

8. It is Licensee’s responsibility to ensure all payments and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed. Failure to file payments and documentation on or before their due date is a violation of this Stipulation and Order.
9. If Licensee fails to comply with or violates this Stipulation and Order 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 20 days before 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 ten 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 Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

   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. Unless stated otherwise in 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 Licensee's license is suspended or the suspension is stayed.

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 requirements for the stayed suspension, removal of the stayed suspension, an additional period of 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

10. 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.

11. 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.

12. 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.

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

14. 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.

15. 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.

16. 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

17. 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.

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

[Signature]
MELISSA R. HENSEL, DVM
Licensee
Dated: 8-28-18

[Signature]
MICHELLE VAUGHN, DVM
Committee Member
Dated: 9/26/18
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 27th day of September, 2018.

MINNESOTA BOARD
OF VETERINARY MEDICINE

JULIA H. WILSON, DVM
Executive Director