

**BEFORE THE MINNESOTA  
BOARD OF VETERINARY MEDICINE**



In the Matter of  
Kenneth Paul Kirchgessner, D.V.M.  
License No. 01374

**AGREEMENT FOR  
CORRECTIVE ACTION**

This Agreement for Corrective Action (“Agreement”) is entered into by and between Kenneth Paul Kirchgessner, D.V.M (“Licensee”) and the Complaint Review Committee (“Committee”) of the Minnesota Board of Veterinary Medicine (“Board”) pursuant to the authority of Minn. Stats. § 156.127, subd. 2 and § 214.103, subd. 6(a). Licensee and the Committee hereby concur that this Agreement shall be based on the following:

**FACTS**

1. On June 10, 1974, Licensee became licensed as a veterinarian in Minnesota.
2. At all times relevant to these allegations, Licensee practiced veterinary medicine at Gehrman Animal Hospital in Minnetonka, Minnesota
3. On April 8, 2013 and March 11, 2014, Licensee performed surgical procedures to remove masses on the tail of Higgins, an 8-year-old, Maine Coon Cat owned by S.B.
4. Licensee failed to communicate to S.B. the options and value regarding standard diagnostic tests for characterization of the tissue type of the removed masses. The masses were not initially sent for diagnostic testing. Masses removed at the time of the second surgery were identified as malignant neoplasia, yet Higgins was not immediately referred to a veterinary oncologist.
5. Licensee did not provide postoperative pain medications to Higgins.

6. Licensee's medical record for Higgins failed to meet minimum standards, because it lacked documentation of complete physical examinations, differential diagnoses, a dental chart, anesthetic monitoring, and client communications.

7 On September 4, 2014, Licensee met with the Committee, composed of Barbara Fischley, D.V.M., Board member, and Mary Olson, D.V.M., Board member, to discuss allegations made in a Notice of Conference dated July 22, 2014. Robert Kuderer represented Licensee. Jennifer Middleton, Assistant Attorney General, represented the Committee at the conference. Julia Wilson, D.V.M., Executive Director of the Board, also attended the conference.

4. Pursuant to Minn. R. 9100.0800, subp. 1 (General Standard of Practice) and subp. 4 (Recordkeeping); Licensee and the Committee have agreed to enter into this Agreement for Corrective Action.

#### **CORRECTIVE ACTION**

Based on the available information and discussion at the conference, Licensee and Committee agree that the conduct above violates Minn. R. 9100.0800, subps. 1 (general standard of practice), and subp. 4 (recordkeeping). Licensee and the Committee have agreed to enter into this Agreement for Corrective Action as follows:

5. Within one month from the date of this Agreement, Licensee must submit documentation of all of his veterinary continuing education from the most recent license renewal period, March 1, 2012 to February 28, 2014.

6. Within three months of the date of this Agreement, Licensee shall submit to the Review Committee evidence of completion of at least 1.75 hours of continuing education on the topic of veterinary medical records. Licensee shall submit written documentation, such as

measurable learning objectives and qualifications of the instructor, in order to receive preapproval from the Review Committee of classes Licensee takes in fulfillment of this requirement. For purposes of this requirement, the Review Committee will approve Section 7 of the “*Online Veterinary Law and Ethics Course*” offered by James F. Wilson, D.V.M., J.D., through Iowa State University.

7. Within six months of the date of this Agreement, Licensee must complete the continuing education specified below in an interactive learning format. Courses must be preapproved by the Complaint Review Committee. These credit hours may not be counted towards the Licensee’s next license renewal.

- a. Four hours of veterinary oncology, including skin neoplasia.
- b. Two hours of companion animal diagnostic cytology focused on technique and interpretation. This requirement may be met by individual tutoring with a board certified veterinary clinical pathologist or a continuing education program.
- c. Two hours on pain management for post-operative and post-dental intervention procedures.

8. Following completion of the required pain management continuing education, Licensee must submit his protocol for pain management for use in his veterinary practice for review and approval by the Committee.

#### **OTHER INFORMATION**

9. Licensee has been advised by Review Committee representatives that Licensee may choose to be represented by legal counsel in this matter.

10. Upon Licensee's satisfactory completion of the corrective action referred to above, the Review Committee agrees to dismiss the complaint concerning the matters referred to in the facts above. Licensee agrees that the Review Committee shall be the sole judge of satisfactory completion. Licensee 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.

11. 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 Minn. Stat. chs. 14, 156, and 214. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 156.123 and may subject Licensee to disciplinary action by the Board.

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

13. 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 unless the Review Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Review Committee may, in its discretion, proceed according to Minn. Stat. chs. 14, 156, and 214.

14. 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 Minn. Stat. § 13.41, subd. 5.

15. Licensee hereby acknowledges that 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: 9/14/14

Kenneth Paul Kirchgessner D.V.M.

KENNETH PAUL KIRCHGESSNER, D.V.M.  
LICENSEE

Dated: 9/15/14

J. Wilson

JULIA WILSON, D.V.M.  
EXECUTIVE DIRECTOR  
FOR THE COMPLAINT REVIEW  
COMMITTEE