BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Gilbert Mouser, D.V.M.
License No.14201

AGREEMENT FOR
CORRECTIVE ACTION

This Agreement is entered into by and between Gilbert Mouser, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review Committee") based on Minnesota Statutes section 214.103, subdivision 6(a)(2).

Licensee and the Complaint Review Committee agree to the following:

FACTS

1. While Licensee was employed as a veterinarian at a Turtle River Equine in Tenstrike, Minnesota, the following occurred:

   a. On February 2 and April 7, 2015, Licensee prescribed compounded omeprazole to "Spirit," a horse, despite FDA-approved omeprazole products being available and labeled for use in horses. Licensee did not record the prescriptions Spirit's medical record.

   b. On March 17, 2015, and January 6, 2017, Licensee prescribed compounded omeprazole to "Shaggy," a horse, despite FDA-approved omeprazole products being available and labeled for use in horses. Licensee did not record the prescriptions Shaggy's medical record.

   c. On May 28, 2015, Licensee prescribed compounded omeprazole to "Runner," a horse, despite FDA-approved omeprazole products being available and labeled for use in horses. Licensee did not record the prescriptions Runner's medical record.
d. On or about June 10, 2015, Licensee dispensed Previcox (firocoxib) for “Easy,” an 11-year-old Paint gelding, despite an FDA-approved firocoxib product, Equioxx, being available and labeled for use in horses.

e. On or about July 6, 2015, Licensee examined an animal but did not record the name of the animal or species.

f. On or about September 5, 2015, Licensee dispensed a bottle of OSPHOS (bisphosphonate solution), an FDA-approved medication, without identification of the intended patient.

g. On May 17, 2017, Licensee submitted invoices for 10 horses in response to the request by the Board of Veterinary Medicine for complete medical records. Licensee’s records lacked required components for medical records for the majority of the horses and most patient interactions. Information captured by Licensee in audio recordings was not included and has not been transcribed. Omissions on multiple entries included:

1) medical history;
2) name, age, sex and breed of the horse;
3) physical examination findings;
4) tentative diagnosis;
5) laboratory results;
6) indication for the prescribed compounded medication;
7) copies of radiographs;
8) treatment plan; and
9) records of prescriptions to pharmacies.
2. On November 30, 2017, Licensee met with the Complaint Review Committee, composed of Ron Swiggum, D.V.M., Board member and David Richter, Board member, to discuss allegations regarding Licensee's practice of veterinary medicine contained in a Notice of Conference dated August 21, 2017. Jennifer Middleton, Assistant Attorney General, represented the Complaint Review Committee at the conference. Dr. Julia Wilson, executive director of the Board, also attended. Licensee was represented by Robert Kuderer, Esq. Licensee and the Complaint Review Committee have agreed to enter into an Agreement for Corrective Action to address the concerns identified above.

**CORRECTIVE ACTION**

3. Based on the available information, Licensee and the Committee agree that the conduct above violates Minnesota Statutes section 156.081, subdivision 2(11); section 156.18, subdivisions 3 and 4; and Minnesota Rules 9100.0800 subparts 1 and 4. Licensee and the Committee have agreed to enter into this Agreement for Corrective Action as follows:

   a. 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, 2015 to February 28, 2017.

   b. Within three months from the date of this Agreement, Licensee shall submit to the Committee evidence of completion of at least 6 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 James F. Wilson, D.V.M., J.D., through Iowa State University. The credits from this continuing education may not be applied to the requirements for Licensee’s next license renewal.
c. Within six months from the date of this Agreement, Licensee will submit to the Committee evidence of completion of a least two hours of interactive continuing education on the topic of compounding of veterinary drugs, including best practices and requirements for prescriptions and medication labels. For purposes of this requirement, the Committee preapproves training by the Minnesota Board of Pharmacy. The training must be customized based on the facts of this Order. Any other proposed continuing education for this purpose must be preapproved by the Committee. The credits from this continuing education may not be applied to the requirements for Licensee’s next license renewal.

d. Following completion of the continuing education requirements above, Licensee will be contacted by a representative of the Committee to provide Licensee’s appointment schedule for the preceding month. Licensee will provide five (5) medical records from patients chosen from that schedule by the Committee’s representative. Two of the records will be for routine appointments and three will be for sick patients. The medical records must meet the approval of the Committee.

OTHER INFORMATION

4. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 1. The Committee shall be the sole judge of satisfactory completion. The Committee may reopen this complaint if it receives newly discovered information that was not available to the Committee during the initial investigation, or if the Committee receives a new complaint that indicates a pattern of behavior or conduct.

5. If Licensee fails to complete the corrective action satisfactorily, the Committee may, at its discretion, reopen the investigation and proceed according to Minnesota Statutes
chapter 156 (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14. Licensee agrees that failure to complete the corrective action satisfactorily is failure to cooperate under Minnesota Statutes section 156.123 and may subject Licensee to disciplinary action by the Board.

6. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter, and has elected to be represented by Robert Kuderer, Esq.

7. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receiving such information, the Committee may, at its discretion, proceed according to Minnesota Statutes chapter 156 (the Board's Practice Act) and Minnesota Statutes chapters 214 and 14.

8. This agreement is not disciplinary action. See Minnesota Statutes section 214.103, subdivision 6. However, this agreement is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5.
9. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

GILBERT MOUSER, D.V.M.  
Licensee  
Dated: 2/12/18

JULIA WILSON  
Executive Director  
Dated: 2/20/18