BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Kathy Seifert, D.V.M.
License No. 03204

STIPULATION AND ORDER

STIPULATION

Kathy Seifert, 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 February 8, 2017 Licensee met with the Complaint Review Committee
("Committee"). The Committee was composed of Board members, Ron 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 not represented.
III.

FACTS

4. The parties agree this Stipulation and Order is based upon the following facts:
   a. At all times relevant to these allegations, Licensee was a veterinarian at True Potential Energetics in Evansville, Minnesota.
   b. Licensee provided professional advice and suggested differential diagnoses for Zoren, an 11-year-old Friesian Appaloosa cross gelding owned by T.A. without physically examining Zoren. Licensee provided such advice for Zoren beginning January 21, 2016, until shortly before his euthanasia on September 8, 2016.
   c. Licensee represented herself as providing veterinary advice and treatment to Zoren from a distance utilizing analysis and manipulation of Zoren’s electrical fields to restore homeostasis.
   d. Licensee told T.A. that Zoren informed Licensee that he did not want to be hospitalized while Zoren was undergoing treatment at a veterinary hospital. Zoren was subsequently brought home.
   e. Licensee told T.A. that Zoren informed Licensee that he was not ready to be euthanized when the veterinarian who physically examined Zoren highly recommended that course of action on humane grounds. At the time, Zoren exhibited signs of facial paralysis, a rapidly growing large mass on the right side of his face, inability to eat effectively, pain, significant weight loss, and depression. A post mortem examination yielded a diagnoses of anaplastic sarcoma with widespread metastases.
   f. Licensee’s medical records were incomplete, lacking signalment, physical examination findings, and tentative diagnoses.
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), and (C); and 9100.0800 subps. 1 and 4; 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:

A. Voluntary Surrender

6. The Board hereby accepts the VOLUNTARY SURRENDER of Licensee's license to practice veterinary medicine in the State of Minnesota. Licensee must not engage in any act which constitutes the practice of veterinary medicine as defined in Minnesota Statutes section 156.12 and must not imply by words or conduct that Licensee is authorized to practice veterinary medicine.

B. Reinstatement

7. Licensee may petition for reinstatement of her license after 12 months from the date of this Order and when Licensee is able to demonstrate by a preponderance of the evidence that Licensee is capable of practicing veterinary medicine in a fit and competent manner. At the time of Licensee's petition, Licensee may be required to meet with the Board's Complaint Review Committee to discuss her petition.
VI.

CONSEQUENCES FOR NONCOMPLIANCE

8. If the Committee determines that the Licensee has failed 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, a stayed suspension, 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 214.077 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.

g. 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.

VII.

ADDITIONAL INFORMATION

9. 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.

10. 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.

11. 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.

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

13. 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 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.
14. 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.

15. 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

16. 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.

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

KATHY SEIFERT
Licensee
Dated: 3-10-17

RON SWIGERT, D.V.M.
Committee Member
Dated: 4/5/17
ORDER

Upon consideration of the Stipulation, the Board accepts the VOLUNTARY SURRENDER of Licensee's license and adopts all of the terms described above effective this 5th day of April, 2017.

MINNESOTA BOARD OF VETERINARY MEDICINE

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