

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE
COMPLAINT REVIEW COMMITTEE**

In the Matter of
Benjamin J. Sweers, D.V.M.
License No. 03501

**AGREEMENT FOR
CORRECTIVE ACTION**

This Agreement is entered into by and between Benjamin J. Sweers, D.V.M. (“Licensee”) and the Complaint Review Committee (“Committee”) of the Minnesota Board of Veterinary Medicine (“Board”), pursuant to the authority of Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Committee hereby concur that this Agreement shall be based on the following:

A. FACTS

1. On June 6, 2012, the Board received a report regarding Licensee’s competency of veterinary care, professional conduct, standard of care, and supervision and delegation of veterinary tasks to unlicensed employees. The Committee conducted an investigation, which included a conference with Licensee.

2. On February 6, 2013, Licensee met with the Committee, composed of John Lawrence, DVM, Board member, and Michelle Vaughn, DVM, Board member, to discuss the allegations. Benjamin R. Garbe, Assistant Attorney General, represented the Committee at the conference. John King, DVM Executive Director of the Board also attended the conference. Licensee was represented by C. John Jossart from Jossart Law Office, LLC. Licensee and the Committee have agreed to enter into this Agreement for Corrective Action to address the following concerns:

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a. Licensee's medical records were incomplete. For example, Licensee's documentation failed to include physical examination findings, diagnostic tests that were performed, a tentative diagnosis, laboratory findings, or the rationale for treatments and medications that were prescribed.

b. Licensee's professional and ethical conduct. Licensee shaved euthanized animals without the owner's consent and donated / sold the hair for use in allergy testing and hyposensitization treatment in humans.

B. CORRECTIVE ACTION

Based on the available information, Licensee and the Committee agree to the following corrective actions:

1. Within three months of the date of this Agreement, Licensee shall submit to the Board evidence of completion of at least ten (10) hours of continuing education on the topics of veterinary medical records, veterinary law, and professional ethics. Licensee shall submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive pre-approval from the Committee of classes that Licensee takes in fulfillment of this requirement. For purposes of this requirement, the Committee will approve the "*Online Veterinary Law and Ethics Course*" offered by James F. Wilson, D.V.M., J.D. These hours will not count toward the 40 hours of continuing education required for the March 1, 2013 through February 28, 2015 licensure period.

2. Within 30 days of the date of this Agreement, Licensee shall submit to the Committee the dates, number of hours and titles of all continuing education courses taken by Licensee in the two-year period preceding his last license renewal.

3. Licensee shall comply with the Minnesota Veterinary Practice Act, Minnesota Statutes section 156.001 to 156.20, as well as Minnesota Rules sections 9100.0100 to 9100.1000. In particular, Licensee shall review and comply with the medical recordkeeping requirements of Minnesota Rule 9100.0800, subpart 4. These records may be maintained on hard copy or by use of a computer software program.

4. At any time while this Agreement is in effect, Licensee shall permit the Committee or the Committee's designee to perform on-site inspections of Licensee's records to assess Licensee's compliance with this Agreement. The inspections shall take place during regular business hours when Licensee is on the premises and may occur with or without notice to Licensee. Licensee shall permit the Committee or the Committee's designee to review and copy client records in connection with an inspection. In lieu of entry and inspection, the Committee or Committee's designee may forward a written request to Licensee to provide the Committee or Committee's designee with copies of medical records by mail.

C. OTHER INFORMATION

1. Upon Licensee's satisfactory completion of the corrective action referred to above, the Committee agrees to dismiss the complaint(s) concerning the matters referred to in paragraph A.1 above. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands that if, after dismissal, the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may reopen the dismissed complaints.

2. If Licensee fails to complete the corrective action satisfactorily or if the Committee receives additional complaints alleging conduct similar to that referred to in the facts above, the Committee may, in its discretion, reopen the investigation and proceed according to

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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.

3. The effective date of this Agreement shall be the date it is executed by the Committee. The Agreement shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, in its discretion, proceed according to Minnesota Statutes chapters 14, 156, and 214.

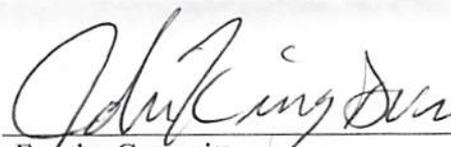
4. Licensee understands this Agreement does not constitute disciplinary action. Licensee further understands and acknowledges this Agreement and the dismissal letter issued upon successful completion of the corrective action are classified as public data pursuant to Minnesota Statutes section 13.41,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

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

6. Licensee hereby acknowledges he has read and understands this Agreement and has agreed to enter 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.


BENJAMIN J. SWEERS, D.V.M.
Licensee

Dated: March 7, 2013


For the Committee

Dated: March 14, 2013

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