

**BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE**

In the Matter of
Kevin M. Voller, DVM
License No. 09988

STIPULATION AND ORDER

STIPULATION

Kevin M. Voller, DVM ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Committee") agree 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 2, 2022 Licensee met virtually with the Committee, composed of Board members Steven Shadwick, DVM, and Michelle Vaughn, DVM. Rebecca Huting, Assistant Attorney General, represented the Committee remotely. Julia Wilson, DVM, Executive Director

of the Board, also was present but recused herself from the complaint discussion. Nicole Vink, State Program Administrator, recorded the conference remotely.

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 Anoka Equine Veterinary Services (“Clinic”), located in Elk River, Minnesota.
 - b. On December 11, 2020, Licensee examined Second Kid Too (“Norman”), an 8-year-old Paint gelding owned by J. H. (“Owner”), for possible lameness.
 - c. Licensee identified mild left stifle effusion, and painful responses to the Churchill hock test bilaterally.
 - d. Licensee injected hyaluronic acid and triamcinolone, a corticosteroid, into Norman’s hocks, but did not record which hock joints. These injections were performed at the request of Norman’s trainer without ascertaining that Norman was actually lame.
 - e. On December 11, 2020, Licensee performed an oral examination and dental float on Norman under tranquilization.
 - f. On March 25, 2021, Licensee administered three vaccinations to Norman.
 - g. On April 9, 2021, Licensee performed a physical examination and soundness assessment on Norman on behalf of a prospective buyer, P. B. (“Buyer”).
 - h. Licensee did not inform the Buyer of the conflict of interest based on Licensee’s prior treatment of Norman and Licensee’s ongoing veterinarian-client-patient relationship with Norman’s Owner.

i. Licensee did not advise the Buyer of the history of hock injections nor advise radiography of those joints to rule out potential boney changes that may have been present at that time. Such findings may have impacted a decision to purchase the horse.

j. Licensee failed to identify any lameness or medical issues which led the Buyer to purchase Norman for use as a sport horse. Norman became lame after the sale. Moderate hindlimb lameness and pain associated with the hock joints were identified.

k. Licensee did not return requests for communication from the Buyer after the sale.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes sections 156.081, subdivisions 2(11) and (12); and Minnesota Rules 9100.0700, subparts 1(A), (B), (C), and (R); and 9100.0800, subparts 1 and 4, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

6. Based on the foregoing facts and violations, the Board takes the following disciplinary action against licensee:

- a. The Board REPRIMANDS Licensee.
- b. Within ninety (90) days, Licensee will pay a penalty of \$1,000.00 to the Board.
- c. Within ninety (90) days, Licensee will complete “Pre-Purchase Examinations: Ethical Dilemmas and Best Practices”, an archived online presentation provided by

the American Association of Equine Practitioners. The credits from this continuing education may not be applied to the requirements for Licensee's next license renewal. Proof of completion must be submitted to the Board.

7. Upon completing the requirements set forth above, 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 the suspension should be lifted.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. In addition to the requirements of this Stipulation, Licensee shall comply with the laws or rules of the Board. Licensee agrees that failure to comply with the Board's laws or rules shall be a violation of this Stipulation and Order. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Order.

Noncompliance or Violation with 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.

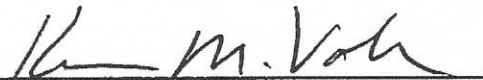
16. This Stipulation and Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related 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.



KEVIN M. VOLLER, DVM
Licensee MA209988
Dated: 2/22/22



MICHELLE VAUGHN, DVM
Committee Member _____
Dated: 3/23/22

ORDER

Upon consideration of the Stipulation, the Board accepts the **STIPULATION AND ORDER** of Licensee's license and adopts all of the terms described above effective this 24th day of March, 2022.

MINNESOTA BOARD
OF VETERINARY MEDICINE

A handwritten signature in dark ink, appearing to read 'Julia H. Wilson', is written over a horizontal line.

JULIA H. WILSON, DVM
Executive Director