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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF
THE INVESTIGATION OF
GARY BATENHORST, DVM

Licensee LS9906301VET

ORDER ADOPTING STIPULATION

An informal settlement conference was conducted in the above-captioned matter on April 28, 1998. In addition to the board, participants included Dr. Batenhorst, Pamela Stach, attorney for the Division of Enforcement, and Wayne Austin, board counsel.

Following the conference, the parties entered into a stipulated resolution of the matter. Based upon that Stipulation, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that Dr. Batenhorst be, and hereby is, reprimanded.

IT IS FURTHER ORDERED that Dr. Batenhorst shall within a period of three months make whatever changes are necessary to ensure that the medical records maintained by him are in full compliance with sec. VE 7.03, Code. The Division of Enforcement may confirm compliance by a field inspection of the records.

Dated this 30th day of June, 1999.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

by _____

Jean Heyt Thompsom, DVM

Vice Chair

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF
THE INVESTIGATION OF
GARY BATENHORST, DVM

STIPULATION

Gary Batenhorst, DVM (Dr. Batenhorst) and the Veterinary Examining Board (board), having reached agreement on disposition of the informal complaint identified as 94 VET 022, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Batenhorst as a part of the board's Order.
2. This Stipulation and the board's Order shall be placed in Dr. Batenhorst's permanent file, and may be used if there are further complaints against him.
3. Dr. Batenhorst is licensed to practice veterinary medicine in Wisconsin by license # , issued on , and he practices at Berlin Veterinary Clinic, S.C., W1915 County Road F, Berlin, Wisconsin 54923.
4. On March 15, 1994, Dr. Batenhorst made a farm call to perform a castration on Chezen Rezon, a purebred Arabian yearling, owned by Pat Chappa-Hess. Dr. Batenhorst notified Ms. Chappa-Hess that the left testicle was down but that he could find only one-half of the right testicle. He advised waiting a period of six to eight weeks to see if the right testicle dropped. A second appointment was scheduled for May 4, 1994, at Dr. Batenhorst's clinic.
5. On May 4, 1994, the horse was brought to the clinic. Dr. Batenhorst administered a tranquilizer in the right vein, after which the animal was led from the trailer to a grassy area at the back of the clinic. Dr. Batenhorst then administered another tranquilizer to the right vein, causing the horse to drop onto its right side.
6. The webbed harness of a Knowles casting harness was slid over the horse's head and down to the chest with the animal in right lateral recumbency. DR. N.W. Klepinger, who was assisting Dr. Batenhorst, attached the side ropes of the casting harness while Dr. Batenhorst attempted to insert a catheter into the left jugular with the animal's head and neck held in an extended position. When that attempt was unsuccessful, the horse was rolled to left lateral recumbency and an attempt was made to insert a catheter into the right jugular. When that attempt was also unsuccessful, the horse was rolled back to right lateral recumbency, and a catheter was successfully inserted.
7. The colt's legs were pulled to the flexed position with the casting ropes, and the animal was rolled to dorsal recumbency with the head and neck remaining flat on the ground in lateral recumbency. Dr. Batenhorst made an incision in the right groin and attempted to find the right testicle without success. Dr. Klepinger was also unsuccessful in locating the right testicle. Dr. Batenhorst then packed the incision with gauze and closed it with two sutures. After closing the right incision, Dr. Batenhorst removed the left testicle. The horse remained under anesthesia for an additional 30 to 45 minutes. After it revived it was able to walk, and stepped directly into the trailer for transport home.
8. After returning home, it was observed that the horse was unable to pull grass or eat, and that his mouth appeared not to be functioning normally. He was also stretching his neck out and up to the left. The left half of the nose and the neck appeared swollen. Dr. Batenhorst made a farm call that evening and noted that the horse stood with the left side of his face drooping. He administered 3cc's of Banamine I.V. He also administered 20 mgs of Dexamethazone in the left cervical muscle region. Within five to ten minutes, the horse relaxed its neck and stopped the twisting motion of the neck musculature. Before departing, Dr. Batenhorst observed the horse taking a few small bites of hay.
9. The owner alleges that the next morning, the horse was lying down in his stall, stretching his head to the left while lying on his left side. She was able to coax him to his feet and walk him, but she could hear scraping or clicking sounds in the left shoulder area. The animal appeared to be in pain. Dr. Batenhorst was contacted and returned to the farm, and noted that the animal was depressed and the facial area was still distorted. He also noted that there appeared to be gas between the skin and muscles bilaterally over the back area, and that the entire animal was cold to the touch. Auscultation of both sides of the abdomen revealed no intestinal movement. At the request of the owner, the animal was put down.
10. A post-mortem was done and, based upon the combination of swollen muscles, edema, and gas under the skin, Dr. Batenhorst concluded that a Clostridial infection was present which made the colt toxic and lethargic. He also concluded that the facial nerve damage was caused by pressure on the on the motor branches of the facial nerve, which may have been caused by pressure exerted by the halter during the surgical procedure.
11. There is insufficient evidence to establish that the standard of care provided by Dr. Batenhorst in caring for

Ms. Chappa-Hess' horse fell below the standards of professional practice for a veterinarian.

12. The medical records prepared by Dr. Batenhorst for services he provided to the Chappa-Hess horse failed to meet the requirements for records set forth at sec. VE 7.03, Code, in violation of sec. VE 7.06(15), Code.

13. The parties agree that in resolution of this matter, Dr. Batenhorst shall be reprimanded, and that he shall within a period of three months make whatever changes are necessary to ensure that the medical records maintained by him are in full compliance with sec. VE 7.03, Code. The Division of Enforcement may confirm compliance by a field inspection of the records.

Dated this 16th day of May, 1999.

Gary Batenhorst, DVM

Dated this 30th day of , 1999.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

by_____
Jean Heyt Thompsom, DVM
Vice-Chair