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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
SCOTT F. HARMAN, D.V.M., :
RESPONDENT. : LS0510261 VET

Division of Enforcement Case # 03 VET 050

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Scott F. Harman, D.V.M.
Gentle Healer Pet Clinic
706 Market St.
Watertown, WI 53094

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Veterinary Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Veterinary Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Scott F. Harman, (DOB 09/24/1954) is duly licensed as a veterinarian in the State of Wisconsin (license # 3684). This license was first granted on 08/14/1991.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 706 Market Street, Watertown, Wisconsin.
3. At all times relevant to this action, Respondent was working as a relief veterinarian at Veterinary Clinics Berlin-Ripon in Wisconsin.
4. Patient Babes, a 9 year old, 115 pound, male Labrador retriever, was seen at the clinic on July 11, 2003 by another veterinarian for a tarsal wound lesion on his hock.

5. On July 16, 2003, Respondent saw patient Babes for a wound recheck. Although records indicate that the wound was purulent on July 11, 2004 and that the leg was “no better” on July 16, 2003, Respondent did not take the dog’s temperature.

6. Respondent felt that the tarsal wound was minor and did not treat it further. Instead, Respondent diagnosed Babes with an unrelated ruptured anterior cruciate ligament on the left hind leg.

7. Respondent scheduled surgery for the next day and prescribed Rimadyl, 225 mg to be given that evening and 225 mg. to be given the next morning.

8. Respondent did not give Babes any antibiotics before or after surgery. His records do not indicate the anesthetic given.

9. There is no indication in the records of any post-surgical evaluation by Respondent or any other veterinarian.

10. Babes’ owner picked him up the day following surgery. Babes’ leg was very swollen. Dr. Harman prescribed Rimadyl, 250 mg per day for 10 days. The drug insert for Rimadyl recommends 1 mg per pound twice daily. Respondent exceeded this recommendation. He did not document why he did so and states that he does not now recall.

11. Babes’ owner took him to another veterinarian about four days after surgery because the swelling had not reduced. That veterinarian noted that the leg that was operated on was swollen to twice the normal size, and the dog’s temperature was 104.5. There was a quarter-sized area of dead skin at the lower end of the incision and it was draining pus.

12. The subsequent treating veterinarian noted that the surgical site was apparently poorly prepped. The hair had been clipped 2 inches on each side of the incision, but there were two tufts of ½ inch long hair in the wound. Several hairs were ¼ inch long along the incision margin, and several hairs were entrapped in the wound sutures. There were some ½ inch hairs under the skin sutures.

13. Cultures were taken, all with heavy bacteria growth. A culture from the wound grew unidentified gram negative bacteria. A culture from the subcutaneous tissue grew proteus bacteria. A culture from the joint grew staph.

14. The subsequent treating veterinarian noted that the joint repair appeared unstable. Anterior drawer movement was noted. The two nylon joint stabilizers were very loose.

15. Because of the dog’s size, extracapsular surgery was contraindicated.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 453.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-15 above constitutes a violation of Wisconsin Administrative Code § VE 7.06(1) and Wis. Stat. § 453.07(1)(f).

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. Respondent is REPRIMANDED.

3. The license of Scott F. Harman, D.V.M., to practice veterinary medicine in the State of Wisconsin is

LIMITED as follows:

- (a) As of the date of this Order, Respondent may not perform intraarticular surgeries with the following exceptions: he may remove neonatal puppy dew claws, declaw cats, and remove digit tumors.
- (b) If Respondent wishes to request a modification of the limitation prohibiting intraarticular surgeries in the future, he may do so, but such request will not be considered by the Board without completion of the following conditions:
 - (1) Respondent must complete a course of education under the tutelage of a board certified veterinary surgeon experienced in cruciate repair surgeries, who is approved in advance by the Board. This board certified veterinary surgeon (the "instructor") must educate the Respondent regarding the appropriate performance of cruciate surgery, as well as in proper pre- and post- surgical examination and care techniques. Respondent must directly observe at least two cruciate surgeries with the instructor over a two day period, then must perform at least two cruciate surgeries with the instructor's direct supervision. The instructor must be willing to certify to the Board that Respondent understands and is capable of independently performing cruciate surgeries. The instructor shall have no business or social relationship with the Respondent. Respondent is responsible for all costs associated with this educational program.
- (c) The decision whether to grant a request for modification of the limitation shall be in the sole discretion of the Board. If Respondent believes that the Board's refusal to modify or end a limitation imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Within six months of the date of this Order, Respondent must complete pre-approved courses of EDUCATION in: (1) aseptic techniques relating to surgery; (2) Pre and post operation examination; and (3) pharmacology and pain management.

Respondent shall be responsible for locating courses satisfactory to the Wisconsin Veterinary Examining Board or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Veterinary Examining Board prior to taking the courses. Respondent shall provide a description of the course content to the Department Monitor prior to commencement of the program. The Board may reject in whole or in part any educational opportunity which is nominated by Respondent when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Respondent nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. Within 60 days after the courses are concluded, Respondent will file with the Wisconsin Veterinary Examining Board certifications from the sponsoring organization or letters from the participating veterinarian confirming his attendance at the required courses and his personal written affidavit that he has attended each course in its entirety.

In the event that Respondent is unable to locate an appropriate educational opportunity, the educational programs alternatively may be developed and conducted by a qualified veterinarian (the "instructor"). The educational programs shall consist of approved readings and personal instruction requiring Respondent to meet with the instructor to discuss the results of the reading. At the conclusion of each program, the instructor shall examine Respondent's knowledge of the subject area and shall certify to the Board that the Respondent understands the assigned readings. The names of the instructor(s) and a description of the program, and a summary of the required readings shall be submitted to the Veterinary Examining Board, or its designee, for pre-approval prior to the commencement of the program. The instructor shall have no business or social relationship with Respondent. Respondent shall be responsible for all of the costs of the educational programs.

5. Within six months of the date of this Order Respondent shall participate in and satisfactorily complete a course in the maintenance of appropriate veterinary records, which is offered through the University of Wisconsin School of Veterinary Medicine.

6. All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board be filed with the Department Monitor at the address below.

IT IS FURTHER ORDERED that:

7. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the

amount of One Thousand, Seven Hundred (\$1,700.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (#3684) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order is effective on the date of its signing.

Wisconsin Veterinary Examining Board

By: Larry D. Mahr, DVM
A Member of the Board

10/26/05
Date