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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
: LSo8o8o64VET
: :
JOSEPH S. JUNG, D.V.M., :
RESPONDENT. :

Division of Enforcement Case 06 VET 042

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

Joseph S. Jung, D.V.M.
161 N. Rolling Meadows Drive
Fond du Lac, WI 54937

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

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. Joseph S. Jung, D.V.M., ("Respondent") was born on May 12, 1947, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 1563, first granted on June 18, 1976.
2. Respondent's latest address on record with the Veterinary Examining Board is 161 N. Rolling Meadows Drive, Fond du Lac, Wisconsin 54937.
3. On August 24, 2006, Jody Roffers brought her dog, a papillon named Shasta, to Respondent for evaluation and treatment of bleeding from the vagina.
4. Ms. Roffers had found Shasta in her outdoor enclosure, and believed that Shasta may have miscarried a pregnancy.
5. Ms. Roffers left Shasta at Respondent's clinic.
6. Later on the afternoon of August 24, 2006, Respondent's office called Ms. Roffers, informed her that Shasta had indeed lost her litter, and that Ms. Roffers should return to Respondent's clinic to take Shasta home.

7. When Ms. Roffers arrived at Respondent's clinic, Respondent dispensed Zeniquin, an antibiotic, with instructions to give one tablet each morning for ten days.
8. Respondent discharged Shasta to Ms. Roffer's care, despite indications that Shasta was continuing to bleed.
9. Respondent told Ms. Roffers that Shasta was very anemic, but he did not explain that the antibiotic would not control the anemia or Shasta's continued bleeding.
10. Shasta continued to bleed.
11. On the morning of August 25, 2006, Ms. Roffers called Respondent's clinic and reported that Shasta was not improved from the day before, and she was told to return Shasta to Respondent's clinic.
12. Respondent advised Ms. Roffers, when she had returned Shasta to his clinic, that there were two options for treatment: continue with the antibiotic, or hysterectomy.
13. Respondent informed Ms. Roffers that Shasta had a 90% chance of survival with a hysterectomy, and Ms. Roffers chose that option.
14. Respondent told Ms. Roffers that he would call when the surgery had been completed.
15. Approximately one and one-half hours later, Ms. Roffers called Respondent's clinic to see how Shasta was doing.
16. Respondent's receptionist transferred the call to Respondent, who repeated that he had told Ms. Roffers that he would call her when the surgery had been completed. Respondent's tone was such that Ms. Roffers felt compelled to apologize for her call, believing that her call had angered Respondent.
17. Approximately 1:30 p.m., Respondent's staff telephoned Ms. Roffers and told her that the surgery had been successful, and that Shasta needed rest and that Ms. Roffers should continue the antibiotic the next morning. Respondent's staff further informed Ms. Roffer that she needed to pick up Shasta between 2:30 and 3:00 p.m.
18. Ms. Roffer went to Respondent's clinic about 2:40 p.m.
19. When she arrived at Respondent's clinic, Shasta, very groggy, was brought to her.
20. Ms. Roffers asked Respondent if Shasta was groggy from the anesthesia; Respondent told her no.
21. Respondent did not offer Ms. Roffers any alternative to immediately taking Shasta home with her, nor did he provide Ms. Roffers any post-operative pain relief for Shasta.
22. Ms. Roffers left Respondent's clinic with Shasta at about 3:00 p.m.
23. Shasta died at about 5:00 p.m.
24. Ms. Roffers filed a complaint against Respondent with the Veterinary Examining Board.
25. During the investigation of Ms. Roffer's complaint, Respondent provided the Division of Enforcement with a copy of records he asserts were made at the time he was treating Shasta.
26. Respondent's records of his examination, assessment, and treatment of Shasta are insufficient to comply with Wis. Admin. Code § VE 7.03, in that they lack data to support Respondent's diagnoses, and they lack data sufficient to justify treatment decisions or demonstrate that Respondent understood and applied principles of veterinary science, or that he provided Ms. Roffers with appropriate information about treatment options.
27. Respondent was disciplined by the Veterinary Examining Board on August 23, 2006, in case

28. Respondent told the Division of Enforcement that his veterinary assistant monitored the anesthesia during the surgery Respondent performed on August 25, 2006.

CONCLUSIONS OF LAW

1. The Veterinary Examining Board has jurisdiction in this matter pursuant to Wis. Stat. § 453.07.
2. Respondent's conduct in delegating the monitoring of anesthesia to an unlicensed veterinary assistant is a violation of Wis. Admin. Code § VE 7.02(4), and constitutes unprofessional conduct under Wis. Admin. Code § VE 7.06(4).
3. Respondent's evaluation and treatment of Shasta on August 24 and 25, 2006, is conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles and skills, and is unprofessional conduct within the meaning of Wis. Admin. Code § VE 7.06(1).
4. Respondent's records of his treatment of Shasta on August 24 and 25, 2006, do not comply with the minimal requirements of Wis. Admin. Code § VE 7.03.

ORDER

Now, therefore, it is ORDERED that

1. JOSEPH S. JUNG, D.V.M., be and hereby is REPRIMANDED.

IT IS FURTHER ORDERED that

2. The license previously granted to Joseph S. Jung, D.V.M., is LIMITED by the conditions that, within 180 days from the date of this Order,
 - (a) Respondent shall complete six hours of continuing education in the topic of anesthetic protocols for the critical patient, including pre-operative diagnostic and therapeutic preparation for anesthesia, and intra-operative and post-operative monitoring and therapeutics, and
 - (b) Respondent shall complete two hours of continuing education in veterinary records and patient care documentation.
3. The Board or its designee must approve all continuing education programs prior to Respondent enrolling in a continuing education program. Respondent shall send a Certificate of Completion for each continuing education program to the Department Monitor upon successful completion of each continuing education program. For purposes of this Order, the Board's designee is

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

4. Respondent shall, within 180 days from the date of this Order, pay costs of this proceeding in the amount of Two Thousand (\$2,000.00) 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

5. 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 the Respondent's license (#1563) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer
A Member of the Board

8/6/08
Date