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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
ALVYDAS E. ARBAS, D.V.M., : FINAL DECISION AND ORDER
RESPONDENT. : LS0811191VET
 :

[Division of Enforcement Case # 04 VET 007]

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

Alvydas E. Arbas, D.V.M.
4120 Bristol Place
Racine, WI 53405

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 Wisconsin 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. Alvydas E. Arbas, D.V.M., Respondent herein, whose date of birth is July 27, 1953, is duly licensed by the Wisconsin Veterinary Examining Board to practice veterinary medicine in the State of Wisconsin pursuant to license number 3640, which was first granted on May 8, 1991.

2. Respondent's last address reported to the Department of Regulation and Licensing is 4120 Bristol Place, Racine, WI 53405.

3. At all times relevant to this action, Respondent was working as a veterinarian at North Shore Animal Hospital in Racine, Wisconsin.

4. On December 3, 2003, a two-year-old male Pug/Shih Tzu mixed breed dog owned by Dan and Dodie Habighorst was presented to Respondent for evaluation and treatment due to acute onset of vomiting, which included hematemesis, gagging, and distressed attitude. The owners told Respondent that the dog possibly ate something off of the floor prior to the onset of symptoms.

5. There is a dispute between the owners and the Respondent as to the exact information which was provided regarding what was possibly ingested.

6. Upon physical examination, the dog appeared to be in no immediate distress. The oral cavity was checked for the presence of foreign bodies or pathology. A survey abdominal x-ray of the abdomen and thorax was taken and a bloodwork panel was done. Respondent did not take an x-ray of the dog's neck.

7. The radiograph did not include the complete upper digestive tract.

8. Based on physical findings, radiographic and laboratory results, Respondent gave a tentative diagnosis of gastritis. The treatment plan included antibiotics and hydration. Respondent also administered oral barium for relief of any stomach irritation and for potential diagnostic purposes. The dog was then monitored in the intensive care section of the hospital over the course of the afternoon and evening. After 7:00 p.m. on December 3, 2002, Respondent had no further involvement with the patient or client. The care of the dog was transferred to another staff veterinarian and the dog was kept overnight for observation. Further care of the dog was not possible because the owners took the dog home the next morning against medical advice.

9. On December 5, 2003 the owners noticed lump in dog's neck and contacted staff at the North Shore Animal Hospital who recommended owners take dog to another provider.

10. The secondary treating veterinarian aspirated the lump and referred the owners to the Green Bay Road Animal Emergency Clinic.

11. On December 14, 2003, the owners took the dog to the emergency clinic and advised the veterinarian on duty that the dog had been observed with a needle. Radiographs of the dog's upper body and head revealed a needle which was then surgically removed.

12. Respondent failed to take appropriate radiographs of the entire digestive tract for purposes of assisting in the diagnosis of the presenting condition.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. sec. 453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. sec. 227.44(5).

2. Respondent's conduct, as set forth above, is a violation of Wis. Admin. Code sec. VE 7.06(1) and he is therefore subject to discipline pursuant to Wis. Stat. sec. 453.07(1)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that:

1. The license of Alvydas E. Arbas, D.V.M., to practice veterinary medicine in the State of Wisconsin shall be limited to require that, within nine (9) months of the date of this Order, Respondent shall obtain a total of four (4) hours of continuing education in the diagnosis of intestinal foreign bodies, including the use of radiology. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

2. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Wisconsin Veterinary Examining Board, or its designee, prior to commencement of the program(s).

3. Within thirty (30) days following completion of the courses identified in paragraph 1 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required course(s).

4. All costs of the educational program(s) shall be Respondent's responsibility.

5. Upon successful completion of the educational program(s) and payment of the costs set forth below, Respondent's license to practice veterinary medicine shall be restored to unlimited status.

IT IS FURTHER ORDERED that:

6. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of seventeen hundred forty (\$ 1740.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

7. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#3640) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer DVM
A Member of the Board

11/19/08
Date