

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
VETERINARY EXAMINING BOARD

In the Matter of the Disciplinary
Proceedings Against CAMERON L. EILTS,
D.V.M. and BERNARD A. FRIESEN, D.V.M.,

Respondents.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER

Kristine Raymond, investigator, Division of Consumer Complaints, Department of Regulation and Licensing, filed a complaint with the Veterinary Examining Board (hereinafter Board), against Cameron L. Eilts and Bernard A. Friesen, alleging unprofessional conduct in the practice of veterinary medicine as set forth in sec. 453.07, Stats., and Wis. Adm. Code section VE 3.02(2) and VE 3.02(14). The complaint was served on Respondents and their answer received. Pursuant to due notice, a hearing on the complaint was held on April 19, 1979, before the Veterinary Examining Board and the Board being thereby advised of the facts and law involved, makes the following:

FINDINGS OF FACT

1. Cameron L. Eilts, D.V.M., and Bernard A. Friesen, D.V.M., are veterinarians licensed by the Board and are together engaged in the practice of veterinary medicine under the name Fennimore Veterinary Clinic at Fennimore, Wisconsin.

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2. Barry Hays, D.V.M., began employment as a veterinarian with Drs. Eilts and Friesen of the Fennimore Veterinary Clinic in the Spring of 1978 under a temporary permit issued by the Board. Dr. Hays took the examination necessary for licensure by the Board and was advised in July of 1978 that he had failed the examination. Dr. Hays requested a second temporary permit which request was denied by the Board.

3. After Dr. Hays was advised that he failed the examination in July, 1978, Drs. Eilts and Friesen changed his major duties to working for the Ova Transplant Corporation, a corporation in which the two each had an interest.

4. On November 1, 1978, Kristine Raymond, an investigator for the Department of Regulation and Licensing called the Fennimore Veterinary Clinic, and spoke to the receptionist, and requested an appointment with Dr. Hays to treat, a represented, ear problem on a dog. The receptionist suggested another veterinarian closer to Ms. Raymond's stated residence but did thereafter provide the appointment upon Ms. Raymond's request.

5. On November 2, 1978, Ms. Raymond went to the Fennimore Clinic at the appointed time and presented the dog to Dr. Hays. Dr. Hays examined the dog, cleaned the dog's ears and put medication into the dog's ears and eyes. He further prescribed medication for Ms. Raymond's future use for both the ears and eyes.

6. Dr. Hays on November 2, 1978, engaged in the practice of veterinary medicine without a license. The record indicates no other incidents of such practice by Dr. Hays.

7. Dr. Eilts was present in the clinic and was aware that Dr. Hays was examining and treating the dog. The Pennimore Veterinary Clinic receptionist had not been properly advised as to the work Dr. Hays could do at the Clinic as an unlicensed person.

8. Drs. Eilts and Friesen should have properly advised their receptionist that Dr. Hays could not practice as a veterinarian. Clearly, also, Dr. Eilts was made aware of the illegal practice in time to intercede and prevent it. The record indicates, however, only a single instance of illegal practice in veterinary medicine, that of examination of a dog apparently brought 30 miles for minor eye and ear problems. No other indication of practice by Dr. Hays was alleged or shown.

CONCLUSIONS OF LAW

The Board concludes that:

1. A rule of the Board, Wis. Adm. Code, VE 3.02, provides that:

The following acts constitute unprofessional conduct by a veterinarian and are prohibited:

...

- (2) Fraud, gross negligence or deception in the practice of veterinary medicine

...

- (14) Knowingly having a professional association with, or employing any person to practice veterinary medicine in violation of the Veterinary Practice Act, chapter 453 Wisconsin Statutes or the rules of the veterinary examining board.

2. Drs. Eilts and Friesen are each guilty of violation of Wis. Adm. Code secs. VE 3.02(2) and VE 3.02(14).

3. Section 453.07, Stats., authorizes the Board to limit, suspend or revoke a license or reprimand a licensee for violation of a rule of the Board.

DECISION

It is the decision of the Board that Drs. Eilts and Friesen should be disciplined for violation of Board rules.

ORDER

The Veterinary Examining Board hereby reprimands Cameron L. Eilts, D.V.M., and Bernard A. Friesen, D.V.M., for violation of Wis. Adm. Code sections VE 3.02(2) and VE 3.02(14) and publicly warns each of them not to repeat such an act in the future.

Dated this 18 day of June, 1979.

BY THE BOARD

Robert Steinkraus, D.V.M.
Chairman