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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
J. MARK BEVERLY,	:	91 VET 34
RESPONDENT.	:	

Parties to this action for the purposes of Wis. Stats., sec. 227.53 are:

J. Mark Beverly, D.V.M.
1054 Hwy C
Grafton, WI 53024

State of Wisconsin
Veterinary Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

A complaint commencing formal disciplinary proceedings was filed by the Division of Enforcement in this matter on March 31, 1995. Thereafter, the parties to this matter, J. Mark Beverly, D.V.M., personally, and through his attorney, Robert J. Dreps, and Pamela M. Stach, Attorney for Complainant, agreed to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Veterinary Examining Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. J. Mark Beverly, Respondent herein, of 1054 Hwy C, Grafton, Wisconsin 53024, whose date of birth is December 12, 1954, is duly licensed to practice veterinary medicine in the State of Wisconsin under License #2348, which was granted on June 16, 1982.
2. Respondent is a solo practitioner who specializes in the practice of equine medicine.

3. At all times relevant hereto, Respondent provided veterinary care and treatment to a four year old quarterhorse mare owned by Jill Rose.

4. On December 6, 1988, at approximately 4:15 p.m., Jill Rose noted an injury to the left rear leg of the mare approximately 3 to 4 inches below the hock.

5. On December 6, 1988, Ms. Rose contacted Joe Scoby, D.V.M., who examined the horse and diagnosed a left rear laceration of the horse's superficial flexor tendon. Dr. Scoby wrapped the leg, administered butazoladin, banamine and Crysticillin and referred Ms. Rose to the Respondent for possible casting of her horse's leg.

6. On December 6, 1988, Ms. Rose transported the mare to Respondent's clinic.

7. In the evening of December 6, 1988, Respondent examined the Rose horse. Respondent diagnosed a laceration with infection present at that time, administered dexamethasone SP, 30 cc. Penicillin IM and cultured the wound. Respondent provided no further treatment that evening.

8. On December 7, 1988, Respondent reexamined the horse and noted a complete separation of the superficial digital flexor tendon approximately 8 cm. distal from the tarsus. Radiographs revealed a possible fracture.

9. On December 7, 1988, Respondent cast the leg with stockinette/protouch cast padding, prox-heavy, fetlock (heavy), coronary band, cast with dynacast from hock to hoof including hoof. The cast was reinforced with 1/2 steel due to weight of the animal and was cast in a slight flex.

10. On December 8, 1988, the Rose horse was discharged to the owner, who removed the animal to a boarding stable.

11. On December 9, 1988, Ms. Rose contacted Respondent and advised him the horse was not walking on the cast, had worn a hole through the toe of the cast and was sore when touched above the cast on the inside of the leg.

12. Respondent provided no medical opinion or recommendation to Ms. Rose on December 9.

13. On or about December 10, 1988, Ms. Rose contacted Respondent and advised Respondent that there was swelling present above the top of the cast. Respondent advised Ms. Rose that he would come to the boarding stable on Monday, December 12, and examine the horse.

14. On December 12, 1988, Respondent examined the Rose horse at the stable and noted a slight swelling above the cast. He administered butazoladin 10 cc., Banamine 10 cc. IV, Penicillin 30 cc. SID and advised the owner to increase the oral Butazoladin to 2 grams BID and keep the stall and cast dry and clean. Respondent provided no further treatment at that time.

15. On December 12, 1988, in the evening, Ms. Rose noted increased swelling above the cast, a yellow discharge from the top of the cast, painful reaction to touch on the inside of the leg above the cast and no weight bearing on the casted leg.

16. On December 13, 1988, Ms. Rose again contacted Respondent and advised him of the conditions set forth in paragraph 14 above.

17. On December 13, 1988, Respondent came to the boarding stable at the request of Ms. Rose and examined the horse. He noted slight swelling and administered Butazoladin 10 cc. and Banamine 10 cc. IV. Respondent provided no further treatment at that time.

18. On December 13, 1988, in the evening, Ms. Rose noted additional swelling, yellow discharge from the top of the cast and a reddish fluid emanating from the back of the leg.

19. On December 14, 1988, Respondent was advised by Ms. Rose of the horse's symptoms and again examined the horse at the boarding stable. Respondent removed approximately 3 inches from the top of the cast and administered Butazoladin, Banamine, Rompun/torbugesic and Penicillin 20 cc. BID. Respondent provided no further treatment at that time.

20. On or about December 17, Ms. Rose contacted Respondent's answering service and left a message indicating there was additional swelling on the leg. Respondent did not return the call to Ms. Rose on that date.

21. On or about December 19, 1988, Respondent examined the Rose horse at the owner's request and noted swelling and discharge above the cast. Respondent removed the case and noted early skin slough around the initial wound. Respondent wrapped the leg and advised the owner that there was a small hole on the outside of the leg. Respondent further advised the owner he would return on December 21 to change the bandage.

22. Respondent did not return to the stable on December 21 to change the bandage.

23. On December 22, 1988, Ms. Rose contacted Respondent's answering machine and left a message advising Respondent that her prescription for Penicillin needed to be refilled. Respondent did not return the call to Ms. Rose on that date.

24. On December 23, Ms. Rose contacted Respondent's answering service and left a message for him to contact her. Respondent did not return the call to Ms. Rose on that date.

25. On December 24, 1988, Ms. Rose left two messages with Respondent's answering service. Ms. Rose received no return calls from Respondent on that date.

26. On December 25, 1988, Ms. Rose noted the horse's bandage appeared wet and odorous. Ms. Rose removed the horse's bandage and noted that the inside of the leg was infected

with a large area of purulent discharge present. The outside of the leg appeared to have a large hole, the area around which was infected.

27. On December 25, 1988, Ms. Rose contacted Mary Hanrahan, D.V.M., and requested her veterinary services for her horse.

28. On December 25, 1988, Ms. Rose contacted Respondent's answering service and left a message stating that she was terminating his services.

29. On December 26, 1988, Respondent examined the Rose horse at the boarding stable without the knowledge or consent of Ms. Rose. Respondent rebandaged the leg at that time.

30. On December 27, 1988, Mary Hanrahan, D.V.M., examined the Rose horse, noted the horse to be very lame, carrying its leg and wearing a very tight pressure bandage. Purulent material was draining from the back of the bandage and the odor was necrotic. Dr. Hanrahan removed the bandage and observed large sores and draining abscesses in the posterior and medial surfaces of the leg. Dr. Hanrahan diagnosed severe infection and recommended referral to the University of Wisconsin School of Veterinary Medicine for further treatment.

31. On December 28, 1988, Ms. Rose transported the mare to the University of Wisconsin School of Veterinary Medicine for further examination and treatment.

32. Upon examination at the School of Veterinary Medicine on December 28, both superficial and deep flexor tendons of the rear left leg were noted to be evident and intact.

33. Respondent's conduct in providing care and treatment to the Rose horse as described herein, failed to meet the minimum standards of acceptable veterinary practice, was grossly negligent and evidenced a lack of knowledge or an inability to apply professional principles or skills in that he failed to provide adequate and timely evaluation and treatment of the Rose horse subsequent to placement of the cast.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction in this matter pursuant to Wis. Stats., Ch. 453.

2. The Wisconsin Veterinary Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. Respondent's conduct as herein described constitutes a violation of Wis. Stats., sec. 453.07(1) and Wis. Admin. Code sec. VE 7.06(1) and (2).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

NOW, THEREFORE, IT IS FURTHER ORDERED that the license of J. Mark Beverly, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby suspended for a period of ten days to commence on January 12, 1996, and terminate on January 21, 1996. Dr. Beverly is ordered to utilize the period of time between the date of this Order and the date of suspension to arrange for orderly transfer of any patients and appropriate medical coverage for his remaining patients during the period of suspension.

NOW, THEREFORE, IT IS FURTHER ORDERED that the license of J. Mark Beverly, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby limited on the following terms and conditions:

1. Respondent shall, within six months of the effective date of this Order, participate in and successfully complete an educational program in the areas of timely response to and treatment of post-casting complication in horses. This course shall be established and conducted through the University of Wisconsin, School of Veterinary Medicine, and shall be pre-approved by the Veterinary Examining Board. The course shall include both home study and clinical components.
2. Upon successful completion of the period of suspension and the educational programs set forth in paragraph 1 above, Respondent shall, at the option of the Board, appear before the Board to discuss his compliance with the terms of this order. If such appearance is required, Respondent shall be notified in writing.
3. Upon evidence of successful completion of the terms of this Order, Respondent's license to practice veterinary medicine in the State of Wisconsin shall be fully reinstated.
4. All costs incurred under paragraphs 1-3 above shall be the sole responsibility of Respondent.
5. Denial by the Veterinary Examining Board of reinstatement of Respondent's license to practice veterinary medicine in the State of Wisconsin due to Respondent's failure to meet the conditions set forth herein shall not constitute a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a).

Dated this 6 of Dec., 1995.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD



Gilbert Lewis, D.V.M.
Chairman

PS:kr
ATY-ELG2187