

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
STATE OF WISCONSIN :

JAY S. BAILEY, D.V.M.
RESPONDENT.

(96 VET 10)

LS980617IVET

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

Jay S. Bailey, D.V.M.
726 Wisconsin Street
Kiel, Wisconsin 53042

Veterinary Examining Board
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter, Jay S. Bailey, D.V.M., Respondent and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Veterinary Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Jay S. Bailey, D.V.M., 726 Wisconsin Street, Kiel, Wisconsin 53042, whose date of birth is March 4, 1958, is currently licensed to practice veterinary medicine in the State of Wisconsin under license number 2740 which was granted on July 10, 1985.

2. A formal investigation entitled 96 VET 10, is pending before the Wisconsin Veterinary Examining Board.

3. The investigation involves allegations of failure to properly evaluate and treat a difficult labor and delivery , including allegations of inappropriate administration of oxytocin and alleged failure to perform a cesarean section in a timely manner, in a female Labrador retriever in 1996.

4. Jay S. Bailey, D.V.M. in order to resolve this matter, has voluntarily agreed to participate in a continuing education program to be provided through the University of Wisconsin School of Veterinary Medicine in the evaluation and treatment of difficult labors and deliveries in canines.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 453.04.

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

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED, that Jay S. Bailey, D.V.M. shall participate in and successfully complete a course in the diagnosis and treatment of difficult labor and deliveries in canines. The course shall include content in the areas of appropriate recognition of complicated pregnancies and deliveries, choices of appropriate treatment modalities, including cesarean sections and the use of oxytocin, and general dystocias in the bitch. The course shall be provided through the University of Wisconsin School of Veterinary Medicine and shall consist of clinical and, if necessary, classroom or home study of not more than forty hours. A description of the course content and parameters shall be submitted to the Veterinary Examining Board, or its designee, for approval prior to commencement of the program.

IT IS FURTHER ORDERED that the educational program shall be completed within one year of the effective date of this order.

IT IS FURTHER ORDERED that Jay S. Bailey, D.V.M. shall permit the person/s conducting the programs to provide written evaluation of his participation in and successful completion of the course.

IT IS FURTHER ORDERED that all costs of the program shall be the responsibility of Jay S. Bailey, D.V.M.

IT IS FURTHER ORDERED, that the pending investigation 96 VET 10, as it relates to Jay S. Bailey, D.V.M., is hereby closed without further proceedings.

Dated at Madison, Wisconsin this 17 day of June, 1998.

WISCONSIN VETERINARY EXAMINING BOARD

Diane Scott, DVM
A Member of the Board

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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : STIPULATION
 JAY S. BAILEY, D.V.M. : 96 VET 10
 RESPONDENT. :

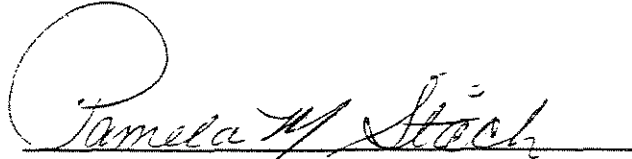
It is hereby stipulated between Jay S. Bailey, D.V.M, Respondent herein, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing as follows:

1. Jay S. Bailey, D.V.M., 726 Wisconsin Street, Kiel, Wisconsin 53042, whose date of birth is March 4, 1958, is currently licensed to practice veterinary medicine in the State of Wisconsin under license number 2740 which was granted on July 10, 1985.
2. A formal investigation entitled 96 Vet 10 is pending before the Wisconsin Veterinary Examining Board.
3. In the interests of resolving the pending investigation, Jay S. Bailey, D.V.M. voluntarily enters into this stipulation and agrees to entry of the attached Final Decision and Order by the Veterinary Examining Board.
4. Jay S. Bailey, D.V.M. understands that by signing this stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him at which time the State has the burden of proving those allegations by a preponderance of the evidence, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and compel their attendance by subpoena, the right to testify, the right to file objections to any proposed decision and to present briefs and oral argument to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
5. Respondent is further aware of his right to seek legal representation prior to signing this stipulation.
6. The parties to this stipulation and the Board Advisor may appear before the Wisconsin Veterinary Examining Board in support of this Stipulation.
7. The Final Decision and Order, if entered by the Veterinary Examining Board shall become effective on the date of signing.
8. The parties waive any costs accrued in this matter by either party.

9. If any term of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Veterinary Examining Board, then no term of the Stipulation of Order will be binding in any manner on any party and the matter will be returned to the Division of Enforcement for further proceedings.

Dated:

June 9, 1998

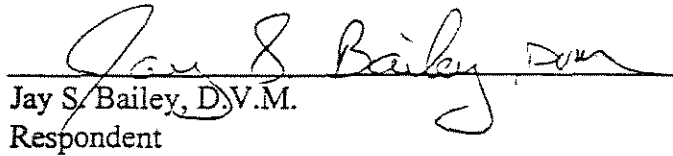


Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, Jay S. Bailey, D.V.M., having read the above Stipulation and attached Final Decision and Order, do hereby freely, voluntarily and knowingly enter into this Stipulation.

Dated:

6-9-98



Jay S. Bailey, D.V.M.
Respondent