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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ONLYN RAY MURPHY, D.V.M.	:	LS0209181VET
RESPONDENT	:	

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

Onlyn Ray Murphy, D.V.M.
PO Box 8
Bristol, Wi 53104

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

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

The parties in this matter, Onlyn Ray Murphy, D.V.M., Respondent, personally and by his attorney, Joseph M. Wirth and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Veterinary Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Onlyn Ray Murphy, D.V.M., Respondent herein, of P O Box 8, Bristol, Wisconsin 53104, whose date of birth is May 9, 1938, is currently licensed to practice veterinary medicine in the State of Wisconsin under license number 3325 which was granted on February 8, 1989.

2. There is a formal investigation of Onlyn Ray Murphy, D.V.M. pending before the Wisconsin Veterinary Examining Board which involves the following investigative files: 94 Vet 3, 97 Vet 14, 97 Vet 020, and 98 Vet 14.

3. The investigation involves allegations of failure to perform adequate postoperative assessments and failure to provide necessary treatment, failure to provide appropriate wound therapy, prescription of excessive drug therapy, failure to perform adequate physical examinations and undertake appropriate diagnostic measures to reach a correct diagnosis of a patient's medical condition, and failure to maintain patient records in accordance with the requirements of Wis. Adm. Code sec. VE 7.03.

4. Respondent is currently attempting to sell his veterinary clinic and practice.

5. Respondent has cooperated during the course of the investigation, has participated in joint meetings with complainant's attorney and the case advisor and has voluntarily agreed to retire as of December 31, 2002.

6. Respondent agrees that he will not practice veterinary medicine in the State of Wisconsin after December 31, 2002 and will not renew his license to practice veterinary medicine in the State of Wisconsin.

CONCLUSIONS OF LAW

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

2. The 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 is hereby accepted.

IT IS FURTHER ORDERED that Onlyn Ray Murphy, D.V.M. shall not engage in the practice of veterinary medicine under his current license after December 31, 2002 and shall not renew his license to practice veterinary medicine in the State of Wisconsin at any time in the future.

IT IS FURTHER ORDERED that Onlyn Ray Murphy, D.V.M. shall not practice or attempt to practice veterinary medicine in the State of Wisconsin when not licensed.

IT IS FURTHER ORDERED that between the date of signing of this Order and December 31, 2002, the license of Onlyn Ray Murphy D.V.M. to practice veterinary medicine in the State of Wisconsin shall be limited on the following terms and conditions effective on the date of the signing of this Order:

1. Dr. Murphy shall advise his clients of his retirement as of December 31, 2002 in a timely manner in order to allow those clients to arrange for other veterinary care. In the alternative, Dr. Murphy shall, with the agreement of his clients, arrange for the orderly transfer of his patients to other veterinarians by December 31, 2002.

2. Dr. Murphy shall immediately refer all patients requiring any surgical procedure.

3. Dr. Murphy shall, as of the date of this Order, implement a record keeping system which accurately reflects the care and treatment Dr. Murphy provided the animal. Dr. Murphy shall prepare a separate patient record for each individual animal and his patient records shall reflect the presenting condition, medical history, breed, age, weight and sex of each animal, examination results, testing performed and its results, any differential diagnoses, treatment provided, all laboratory work and radiographs, any owner consents in writing for the examination, tests and treatment provided, and all other patient record requirements reflected in Wis. Adm. Code sec. VE 7.03. A copy of the treatment record form to be utilized shall be provided to the Veterinary Examining Board through the Department Monitor for approval within ten (10) days of the date of this Order.

4. An audit of Dr. Murphy's patients records shall be conducted by the Board or its designee at least once between October 1 and December 31, 2002. Ten records shall be randomly selected and reviewed by the Board or its designee for compliance with paragraph 3 of this Order and the provisions of Wis. Adm. Code sec. VE7.03. In addition, the reviewer shall determine if the medical history, clinical findings and test results support the diagnosis and recommended and/or implemented treatment.

5. Failure to comply with the provisions of this Order and the provisions of Wis. Adm. Code sec. VE7.03. shall result in the immediate suspension of Dr. Murphy's license to practice veterinary medicine.

IT IS FURTHER ORDERED that in the event Onlyn R. Murphy, D.V.M. wishes to resume the practice of veterinary medicine in the State of Wisconsin at some future date, he shall appear before the Veterinary Examining Board to request the right to reapply for licensure and to satisfy the Board as to his competence to resume the practice of veterinary medicine. Evidence of such competence may include, but not be limited to, any testing, evaluation, assessment or retraining the Board deems appropriate. The Board shall review the allegations and evidence contained in the investigative files which are the basis of this investigation prior to determining whether to allow relicensure by Onlyn Ray Murphy, D.V.M. and, if so, under what conditions.

IT IS FURTHER ORDERED that in the event that the Veterinary Examining Board denies the request of Onlyn Ray Murphy, D.V.M. for relicensure, or allows a limited license only, such denial or limitation shall not constitute a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a).

IT IS FURTHER ORDERED that Onlyn Ray Murphy D.V.M. shall pay costs in this matter of \$400.

IT IS FURTHER ORDERED that investigative files 94 Vet 3, 97 Vet 14, 97 Vet 020, and 98 Vet 14 are hereby closed without further proceedings.

IT IS FURTHER ORDERED that this Order is effective upon signing.

Dated this 18th day of September, 2002.

STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

By: Diane Scott
A Member of the Board