

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE VETERINARY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	LS0404282VET
GURGYAN S. VIRK, B.V.S.	:	
RESPONDENT	:	

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Division of Enforcement Case File Nos. 00 VET 032

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Gurgyan S. Virk, B.V.S.  
9813 W. Oklahoma Ave.  
Milwaukee, WI 53227

Veterinary Examining Board  
PO Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation, subject to the approval of the 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. Gurgyan S. Virk, B.V.S., (D.O.B. 05/01/1935) is duly licensed in the state of Wisconsin to practice veterinary medicine (license # 4468). This license was first granted on April 17, 1996.
2. Respondent’s latest address on file with the Department of Regulation and Licensing is 9813 W. Oklahoma Ave, Milwaukee, WI 53227.
3. On or about June 21, 2000, Respondent put a cat under general anesthesia for the purpose of grooming the cat.
4. The cat was five years old and weighed 10 pounds. Records indicate that Respondent gave the cat “1 ml of Ketalar”. The cat’s respiration ceased 10 minutes into the general anesthesia. Respondent states that he attempted to revive the cat with compressions, mouth to mouth resuscitation, and an injection of Dopamine-V, but his efforts were unsuccessful.
5. The owner of the cat in question claims that she did not know that the cat was to be put under general anesthesia and did not give her consent for anesthesia. Respondent concedes that no written consent for anesthesia was obtained but claims that the owner gave verbal consent.
6. Subsequent investigation of the incident revealed that Respondent’s clinic was not equipped with endotracheal tube and oxygen.
7. A minimally competent veterinarian who puts animals under general anesthesia would have available endotracheal tube and oxygen for the purpose of resuscitating animals who, for example, have complications with anesthesia or who have anaphylaxis.

reactions to injections.

8. When questioned, Respondent failed to recognize that resuscitation can require the use of endotracheal tubes and oxygen and stated that oxygen and endotracheal tubes are only necessary if a veterinarian is using gas anesthesia.

9. During this investigation, Respondent was asked how he monitors animals who are under anesthesia. Respondent stated only that he pulls the animal's tongue out of its mouth and monitors the tongue for a blue coloration, and he watches the cat for respirations.

10. Monitoring an animal's tongue color during anesthesia is below minimum standards of competency because by the time the animal's tongue turns blue it is already seriously oxygen deprived. Adequate monitoring of an animal under anesthesia would include frequent checks of heart rate, pulse, respiration and color.

11. Respondent failed to chart his pre-anesthetic exam of the cat at issue in the complaint.

12. When questioned about his pre-anesthetic exam of the cat, Dr. Virk stated that he looked in the cat's eyes and the cat to see if it was warm.

13. A minimally competent veterinarian doing a pre-anesthetic exam would check the animal's temperature, pulse, respiration, and listen to its heart and lungs.

14. When questioned about his failure to chart the pre-anesthetic exam, Respondent explained that he only charts procedures for which he bills.

15. Respondent's practice of charting only procedures for which he bills is below minimum standards of competency.

16. During the pendency of this investigation, it was discovered that Respondent does not have any x-ray equipment in his practice.

17. A minimally competent veterinarian who sees cats would have x-ray equipment at his or her clinic. X-ray equipment is needed, for example, for use in diagnosing feline asthma and for use during surgical emergencies.

18. In or about May of 2002, an investigator for Complainant presented at the Respondent's clinic and asked him to conduct a biannual inventory of controlled substances. Respondent had no such inventory as his records were destroyed by a former partner approximately five months prior, and he saw no need for a new inventory.

19. In or about May of 2002, an investigator for Complainant presented at the Respondent's clinic and asked to see the controlled substances log. Respondent's controlled substances log was incomplete in that it did not include orders for Ketaset. Respondent stated that he did not keep track of the use of Ketaset except in individual patient records. Ketaset is a controlled substance.

20. In or about January of 2004, an investigator for Complainant again presented at the Respondent's clinic and asked to see his controlled substances log. At that time, Respondent's controlled substances records appeared to be in order.

21. Respondent consents to issuance of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

1. The Veterinary Examining Board has jurisdiction to act in this matter, pursuant to sec. 453.07, Wis. Stats.

2. The Board is authorized pursuant to sec. 227.44(5), Wis. Stats. to enter into the attached Stipulation and Order and impose the following terms and conditions.

3. Respondent's conduct described above falls below the standards of a minimally competent veterinarian and constitutes

grounds for action within the meaning of sections 453.07(2)(a) and 453.07(1)(f), Wis. Stats. and Wis. Adm. Code sections VE 7.06(1), VE 7.06(1), and VE 7.06(15).

4. Respondent's conduct described in paragraph 20 above constitutes grounds for action within the meaning of section 453.07(2), Wis. Stats. and Wis. Adm. Code sections VE 7.06(10).

5. Respondent's conduct described in paragraphs 18-19 above constitutes grounds for action within the meaning of sections 453.07(2)(a) and 453.07(1)(b), Wis. Stats. and 21 USC 827.

## **ORDER**

THEREFORE, IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The license of Gurgyan S. Virk (license # 4468) to practice veterinary medicine in the State of Wisconsin is SUSPENDED for an INDEFINITE period. The suspension is hereby STAYED, conditioned upon compliance with the conditions and limitations outlined below

3. The license of Gurgyan S. Virk (license # 4468) to practice veterinary medicine in the State of Wisconsin is LIMITED pursuant to Wis. Stat. § 453.07, as follows.

a) Within three months of the date of this Order, Respondent shall provide documentation sufficient to satisfy the Board that he has obtained and is maintaining the following supplies and equipment and any ancillary equipment and training necessary for the use of the following supplies and equipment: endotracheal tubes and oxygen.

b) Within six months of the date of this Order, Respondent shall provide documentation sufficient to satisfy the Board that he has obtained and is maintaining the following supplies and equipment and any ancillary equipment and training necessary for the use of the following supplies and equipment: equipment for taking and developing x-rays.

c) Within three months of the date of this Order, Respondent shall provide documentation sufficient to satisfy the Board that he has successfully completed approved educational programs of not less than 10 hours each, in each of the following areas: anesthesia (including but not limited to the use of endotracheal tubes and oxygen in anesthesia), complications of anesthesia, care of the critical care patient, and basic radiology, and not less than 5 hours each in controlled substance law and controlled substance record keeping. The educational programs shall be developed and conducted by a veterinarian approved by the board. The educational programs shall consist of approved readings and personal instruction requiring Respondent to meet with the veterinarian conducting the program to discuss the results of the reading. At the conclusion of the program, the veterinarian conducting the program shall examine Respondent's knowledge of the subject areas listed above and shall certify to the Board that the Respondent understands the assigned readings. The names(s) of the veterinarian(s) conducting the educational programs and a description of the programs, and a summary of the required readings, shall be submitted to the Veterinary Examining Board, or its designee, for pre-approval prior to the commencement of the program. The veterinarian(s) conducting the educational program shall have no business or social relationship with Respondent. All costs of the program shall be the responsibility of Respondent.

d) Within three months of the date of this Order, Respondent shall provide documentation sufficient to satisfy the Board that he has successfully completed the record keeping course currently conducted by the University of Wisconsin School of Veterinary Medicine.

e) Within three months of the date of this Order, Respondent, at his own expense, shall have undergone and passed an assessment of his overall veterinary skills, consisting of an examination by the National Board of Veterinary Medical Examiners, called the Species Specific Examination – Companion Animals. Respondent need only answer questions relating to cats and dogs. The National Board of Veterinary Medical Examiners shall score only those questions relating to cats and shall report that score to the Board. Respondent must answer at least 65% of those questions correctly in order to pass the test. Arrangements for the test should be made by contacting the Exam Center of the Department of Regulation and Licensing. Respondent may

the test if necessary.

f) Respondent shall limit his practice to the practice of feline veterinary medicine. Within three months of the date of this Order, Respondent shall ensure that all advertising, signage, and other representations regarding his practice clearly state that Respondent treats only cats.

4. Respondent shall permit the Board or its designee to conduct a random audit of Respondent's records at least once during the year following the entry of this Order, for the purpose of determining compliance with applicable laws, and for purposes of assessing Respondent's practice.

5. Any evidence required by this order shall be mailed, faxed or delivered to:

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

6. Respondent shall bear all costs incurred as a result of satisfying this Order.

7. Respondent shall pay costs in the sum of \$2,122.99 to the Department of Regulation and Licensing. Respondent may pay those costs in installments in the following manner: the first installment of \$707.66 will be due three months from the date this Order is signed; a second installment of \$707.66 will be due six months from the date this Order is signed; and a third installment of \$707.67 will be due nine months from the date this Order is signed.

8. This Order shall become effective upon the date of its signing.

9. Upon compliance with each and every term of this Order, Respondent may petition the Board to lift the suspension and reinstate his license, with the limitation that he continue to practice only feline veterinary medicine.

#### VETERINARY EXAMINING BOARD

By:	Diane Scott	4-28-04
	A Member of the Board	Date