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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

TIMOTHY J. SCHMIDT, D.V.M., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0409293VET

Division of Enforcement
01 VET 021

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

Timothy J. Schmidt, D.V.M.
3425 Leo Lane
Racine, WI 53406

Wisconsin Veterinary Examining Board
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter 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. Respondent Timothy J. Schmidt, D.V.M., of 3425 Leo Lane, Racine, Wisconsin, 53406, whose date of birth is October 26, 1970 is licensed and currently registered to practice veterinary medicine in the State of Wisconsin under license # which was granted on May 21, 1999.

2. At all relevant times, Respondent worked as a veterinarian at For Pets' Sake Veterinary Clinic Inc. ("For Pets' Sake") in Sturtevant, Wisconsin.

3. In or about September of 2000, Annie, a lab-collie mix, began to be seen at For Pets' Sake. Annie was previously diagnosed with Addison's disease, and was taking Florinef to treat the disease. Although Annie was primarily seeing another veterinarian, Respondent was aware of Annie's disease.

4. Respondent saw Annie on September 28, 2000, at the request of the other veterinarian, to draw blood for a CBC and blood chemistry analysis. Upon reviewing the results of the tests, the other veterinarian increased Annie's Florinef and started on Prednisone as well.

5. On February 8, 2001, Annie's owner called and asked that Annie be seen immediately, as she could not walk and was not eating. Respondent was the only veterinarian on duty. When Annie arrived, she was walking. During the examination Annie's owner stated that she had not eaten for 7 days. However, rectal exam showed formed stool in the rectum, and when Annie was offered food she readily ate it. Annie's owner also said that Annie had abdominal pain, because the family cat had jumped three days before. Respondent did not see evidence of severe abdominal pain, although the abdominal wall was painful upon firm palpitation.

6. Respondent suggested radiographs and ultrasound to diagnose Annie's abdominal pain. The owner refused.

7. Respondent prescribed Rimadyl for Annie's abdominal pain. The manufacturer of Rimadyl specifically warns that R should not be taken concurrently with Prednisone, which Annie was taking. If Rimadyl is prescribed concurrently with Prednis manufacturer warns that the animal should be closely monitored.

8. Respondent claims that due to the low dose of Prednisone that Annie was on, he felt safe giving her Rimadyl. How sent the dog home with its owner, and did not instruct the owner to monitor Annie closely nor did he explain what problems mig arise for which the owner should monitor her.

9. Although Respondent did not see symptoms of an Addisonian crisis on February 8, 2001, he did draw blood for a and blood chemistry analysis to monitor Annie's Addison's disease. At the time, For Pet's Sake did not have blood testing equ and had to send the blood to a lab. Blood test results took approximately 24 hours.

10. Annie died later that night. The blood work confirmed that she was indeed in Addisonian crisis when she was seen day at For Pets' Sake.

11. For Pets' Sake has recently been purchased by the Respondent, and Respondent has purchased equipment to run tests in-house.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. Sec. 453.07(2).
2. The Wisconsin Veterinary Examining Board has the authority to resolve this proceeding by Stipulation without an evide hearing pursuant to Wis. Stats. Sec. 227.44(5).
3. Respondent's conduct of prescribing Rimadyl when Annie was taking Predinsone, without carefully monitoring for drug interactions, was below minimal standards and constituted unprofessional conduct pursuant to Wis. Adm. Code sec. VE 7.06(is actionable pursuant to Wis. Stat. § 453.07(2) and Wis. Adm. Code sec. VE 7.07.

ORDER

THEREFORE, IT IS ORDERED:

1. The Stipulation of the parties is approved.
2. Respondent shall, within six months of the date of this order, participate and satisfactorily complete at least eight hours of continuing EDUCATION in pharmacology, specifically including drug interactions specific to Rimadyl and Prednisone.

Respondent shall be responsible for locating courses satisfactory to the Wisconsin Veterinary Examining Board or its designee and for obtaining the required pre-approval of the courses from the Wisconsin Veterinary Examining Board prior to taking the courses. Respondent shall provide a description of the course content to the Department Monitor prior to commencement of the program. The Board may reject in whole or in part any educational opportunity which is nominated by Respondent when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Respondent nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. If the Board approves an educational opportunity in fulfillment of less than the entire purpose for which Respondent nominates it, Respondent may either accept the Board's limited approval, or forego the opportunity entirely and select another course.

In the event that Respondent is unable to locate an appropriate educational opportunity, the educational programs alternatively may be developed and conducted by a qualified veterinarian. 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 each program, the veterinarian conducting the program shall examine Respondent's knowledge of the subject area and shall certify to the Board that the Respondent understands the assigned readings. The names of the veterinarian(s) conducting the educational program and a description of the program, 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 conducting the educational program shall have no business or social relationship with Respondent.

3. Respondent shall be responsible for all of the costs of attending the educational programs.
4. Within 60 days after the courses are concluded, Respondent shall file with the Wisconsin Veterinary Examining Board certifications from the sponsoring organization or letters from the participating veterinarian confirming his attendance at the required courses and his personal written affidavit that he has attended each course in its entirety.
5. All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board be filed with:

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

All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board be deemed filed with the Veterinary Examining Board upon receipt by the Department Monitor.

6. Respondent shall pay COSTS in the amount of One Thousand Fifty dollars (\$1050.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to: Department Monitor, Division of Enforcement, Dept. of Regulation & Licensing, P. O. Box 8935, Madison, WI 53708-8935
7. Respondent will appear before the Wisconsin Veterinary Examining Board, if an appearance is requested by the Board at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order.

Dated at Madison, Wisconsin, this 29th day of September, 2004.

WISCONSIN VETERINARY EXAMINING BOARD

Larry Mahr
A Member of the Board