

# 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 THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

CHRIST V. MUELLER, D.V.M., :  
RESPONDENT. :

FINAL DECISION AND ORDER  
LS # 0509012VET

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[Division of Enforcement Case # 02VET036]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Christ V. Mueller, D.V.M.  
M311 Ash Street  
Marshfield, WI 54449

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

Veterinary Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint was filed in this matter on September 9, 2005. The parties in this matter, Christ V. Mueller, D.V.M., personally and through his attorney, Mark S. Stern, and Pamela M. Stach, attorney for the Division of Enforcement, agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Veterinary Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Christ V. Mueller, D.V.M., Respondent herein, (DOB 9/8/42) is duly licensed to practice veterinary medicine in the state of Wisconsin under license # 1058. This license was first granted prior to 1/1/65.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is M311 Ash Street, Marshfield, WI 54449.
3. At all times relevant to this action, Respondent was working as a veterinarian in Marshfield, Wisconsin.
4. At all times relevant hereto, Respondent provided medical care and treatment for a nine year old male

Dalmatian owned by Mr. and Mrs. Harvey Weinfurter in 2002.

5. On June 10, 2002, Mrs. Weinfurter presented the dog at Respondent's clinic with a history of fever, diarrhea, lethargy and sore ears.

6. Respondent examined the dog; dispensed medication for the treatment of diarrhea, cleaned the dog's ears and performed a microscopic examination of the dog's stool which was negative. Respondent advised the owner to clean the dog's ears with a water/bleach mixture compounded at 1 drop of bleach per gallon of water.

7. The medication for treatment of diarrhea was dispensed in a bottle labeled "anti-diarrhea tablets... take one tablet a day," and Respondent's name.

8. Respondent has identified 3 undated pages in his medical records as the record of this clinic visit.

9. On June 12, 2002, the dog was returned to Respondent's clinic because of a failure to improve and the presence of blood in the dog's stool.

10. No diagnostic tests were performed by Respondent on this visit and the owner was advised that the blood in the stool was caused by the dog straining to defecate.

11. Respondent has no records for this visit.

12. Respondent dispensed no medication at this visit and provided no treatment.

13. In the last week of June, 2002, Mr. Weinfurter and his son returned with the dog to Respondent's clinic due to ongoing symptoms of diarrhea and lethargy.

14. Respondent has no records of this visit.

15. Respondent provided no medication or discharge instructions.

16. On July 7, 2002, Mr. and Mrs. Weinfurter presented at the clinic of Roger Krogstad, D.V.M., as an emergency for evaluation.

17. Dr. Krogstad examined the dog, performed diagnostic tests and diagnosed bilateral otitis, prostatitis, colitis, perianal edema and testicular neoplasia.

18. Respondent's conduct in providing care and treatment to the Weinfurter dog evidenced a lack of knowledge or the ability to apply professional principles and skills in the following manner:

a. Respondent failed to provide appropriate treatment for the dog's otitis.

b. Respondent failed to properly label the anti-diarrheal medication dispensed on June 10th.

c. Respondent failed to perform an adequate evaluation, including diagnostic testing, of the dog's condition on the June 12<sup>th</sup> visit.

d. Respondent failed to provide appropriate treatment for the complaints of diarrhea and blood in the stool at the June 12<sup>th</sup> visit.

e. Respondent failed to perform an adequate evaluation of the dog's ongoing symptoms, including diagnostic testing, at the late June visit.

f. Respondent failed to provide adequate treatment of the dog's condition at the late June office visit.

g. Respondent failed to maintain medical records for the June 12<sup>th</sup> and late June

office visits.

19. Respondent's patient records with regard to the Weinfurter dog do not meet the requirements of Wis. Adm. Code § VE 7.03.

20. Respondent has previously been disciplined by the State of Wisconsin Veterinary Examining Board.

### CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 453.04, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct as set forth in paragraph 18 of the Findings of Fact constitutes a violation of Wis. Stat. § 453.07 (f) and Wis. Admin. Code § VE 7.06 (1).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is accepted.

IT IS FURTHER ORDERED THAT the license of Christ V .Mueller, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby LIMITED on the following terms and conditions:

1. Respondent shall permanently restrict his practice to provide veterinary medical care and treatment to canines and felines only.

2. Respondent shall, no later than February 1, 2007, participate in and successfully complete the recordkeeping course offered through the University of Wisconsin School of Veterinary Medicine.

3. Respondent shall, no later than March 1, 2007, participate in and successfully complete a course in appropriate animal restraint techniques to be provided by the University of Wisconsin School of Veterinary Medicine or another facility acceptable to the Board.

4. Respondent shall be responsible for locating the course/s required under this Order, for providing adequate course descriptions to the Department Monitor and for obtaining pre-approval of the course/s from the Board prior to commencement of the programs. 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 it is offered.

5. Within 30 days after the course/s identified in paragraph two and three above are concluded, Respondent shall file with the Board certifications from the sponsoring organization of his attendance at the required course/s.

6. All costs of the educational program/s shall be the responsibility of Respondent.

7. Respondent shall participate in a monitoring program with the following components:

A. Commencing on December 1, 2006 and concluding no later than June 1, 2007, Respondent shall participate in a monitoring program under the direction of Diane Scott, D.V.M., or another veterinarian preapproved by the Board. This program shall involve a review of Dr. Mueller's practice to determine if such practice meets the minimum standards of the veterinary profession.

B. Respondent shall, no later than February 1, 2007, successfully complete a test to be provided and evaluated by the monitoring veterinarian on the evaluation, diagnosis, (including appropriate testing,) and treatment of canines and felines. The examination shall be written or oral at

the discretion of the Monitor and consist of no more than 30 questions. The results of the examination shall be reported to the Board. In the event Dr. Mueller does not correctly answer at least 22 of those questions the Board may, without further hearing, prescribe any additional terms or conditions, including additional education and testing, which the Board feels necessary for protection of the public and Dr. Mueller's animal patients.

C. The monitoring veterinarian shall observe Respondent's practice in his clinic for an eight hour period on three separate occasions. The monitor shall determine if the clinical examinations, diagnostics, diagnoses made, treatment recommendations considered and provided to the clients, and the treatments rendered are appropriate for the presenting condition of the animal patients.

D. In the event the monitoring veterinarian observes any component of Respondent's practice which he/she believes is not appropriate for the evaluation and treatment of the animal/s' presenting condition/s, the monitor shall so advise Dr. Mueller and the Veterinary Examining Board in writing. Such report shall identify the specific deviations from the standard of care which were noted by the Monitor.

E. If the Monitor identifies specific areas where Respondent's practice does not meet the minimum standards of veterinary practice Respondent shall arrange with the monitor to attend the monitor's clinic to observe the monitor's practice for a period of not less than three 8 hour days. During such observation the Monitor shall advise Respondent in the appropriate performance of the clinical practice identified in paragraph C above. The observation period shall be completed within thirty (30) days of the date upon which the Monitoring Veterinarian notifies Respondent of the deficiencies.

F. If the Monitor identifies specific areas where Respondent's practice does not meet the minimum standards of veterinary practice, Dr. Mueller shall obtain 10 hours of continuing education in each area identified as deficient by the Monitoring Veterinarian. It will be the responsibility of the Respondent to locate such education and submit course descriptions to the Board for preapproval prior to participating in the educational courses. Evidence of completion of such education shall be provided to the Department Monitor within 10 days of completion of the programs. All such reeducation shall be completed within six months of the date Respondent is notified of any deficiencies.

G. The Monitor shall, during the period of monitoring review 10 medical records created by Respondent following his completion of the recordkeeping course identified in paragraph 2 above. Respondent shall make any recommended changes or additions to his records as are necessary to meet the requirements of Wis. Admin. Code § VE 7.03. The Monitor shall review a minimum of five (5) additional records within thirty days to determine if Respondent is in compliance.

H. The Board may, in its discretion and in addition to any other action permitted under this Order, take additional disciplinary action against Respondent as it deems appropriate, if he fails to successfully complete the examination set forth in paragraph B above or a report of deficiencies is filed under paragraph D above when the Board believes such action is necessary for the protection of Respondent's animal patients.

I. All costs of the monitoring program, any testing and reeducation required under the provisions of paragraphs A through H above shall be the sole responsibility of Respondent. All bills submitted to Respondent shall be paid to the submitting party no later than 30 days after mailing.

IS FURTHER ORDERED that:

8. Respondent shall, within six months from the date of this Order, pay costs of this proceeding in the amount of four thousand one hundred and thirty nine dollars (\$4139) payable to the Wisconsin Department of Regulation and Licensing.

9. Submission of all required documentation and payment of costs shall be  
mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

10. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (#1058) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

11. This Order is effective on the date of its signing.

State of Wisconsin  
Veterinary Examining Board

By: Robert Spencer  
A Member of the Board

10/25/06  
Date