

# 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

TIMOTHY J. ENGEL, D.V.M.  
RESPONDENT.

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:  
FINAL DECISION AND ORDER  
:  
LS0608234VET  
:  
:  
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(DOE FILE # 03 VET 008)

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

Timothy J. Engel, DVM  
815 Davis STE 1  
PO Box 518  
Hammond, WI 54015

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

PROCEDURAL HISTORY

The parties in this matter, Timothy J. Engel, 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. Timothy J. Engel, DVM, (D/O/B 11-24-54) is currently licensed to practice veterinary medicine in the State of Wisconsin under license #2369 which was first granted on June 16, 1982.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 815 Davis St., STE 1, PO Box 518, Hammond, WI 54015.
3. At all times relevant to this action, Respondent was licensed to practice and did practice veterinary medicine in Wisconsin.
4. A formal investigation entitled 03 Vet 008 is pending before the Wisconsin Veterinary Examining Board.
5. On August 21, 2002, Respondent drew blood for Johne's Disease testing from a group of 12 cattle being considered for purchase.
6. On August 22, 2003, Respondent received documentation from the Veterinary Diagnostic Laboratory at the University of Minnesota that seven of the twelve cattle were positive for Johne's Disease on the ELISA test.
7. Respondent states that the blood from the positive cattle was retested with AGID as a confirmatory test and were then reported as negative.
8. Respondent did not perform a fecal culture to confirm the positive Johne's Disease result.
9. Respondent is aware that a fecal culture is the only reliable confirmatory test of a positive ELISA result.
10. Respondent advised the buyer of the cattle and the individual transporting the cattle that the cattle had tested negative for Johne's Disease.

11. The cattle were received by the buyer on September 6 and 7, 2002 with no written documentation of the test results.
12. The buyer had the cattle retested by Anderson Veterinary Clinic on September 9, 2002. Seven of the cattle tested positive for Johne's Disease.
13. The buyer returned the positive cattle to the seller with the agreement that he would receive seven different cattle in exchange.
14. On November 1, 2002, the transporter of the cattle brought a vial of blood to Respondent for testing for Johne's Disease. The transporter represented that the blood was from one of the exchange cattle, cow #122.
15. Respondent had the blood tested on November 7, 2002. The test revealed a positive result for Johne's Disease for that blood sample.
16. Respondent did not report any of the positive test results to the State Animal Health Department as required under the provisions of Wis. Admin. Code sec. ACTP 10.03.
17. Respondent did not draw the blood for cow #122 as required under the provisions of Wis. Admin Code sec. ATCP 10.21 (6) and therefore could not certify the Johne's Disease status of this animal.
18. Respondent's medical records of these events do not contain the information required under the provisions of Wis. Admin. Code sec. VE 7.03.
19. Respondent has cooperated throughout this investigation and, in order to resolve this matter, has voluntarily agreed to entry of this Order.

#### 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 herein constitutes a violation of Wis. Stat. sec. 453.07 (1) (b) and Wis. Admin. Code sec. VE 7.06 (4) in that Respondent did not comply with the provisions of Wis. Admin Code sec. ATCP 10.21 (6) by failing to personally draw the blood sample from cow #122, and Respondent failed to comply with the provisions of Wis. Admin. Code sec. ATCP 10.03 in that he did not report the positive Johne's Disease test results obtained on August 21, 2002 to the State Animal Health Department as required.
3. Respondent's veterinary medical records with regard to these events fail to meet the requirements of Wis. Admin. Code sec. 7.03 and are therefore in violation of Wis. Admin. Code sec. VE 7.15.

#### ORDER

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

IT IS FURTHER ORDERED, that Timothy J. Engel, D.V.M. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Timothy J. Engel, D.V.M. shall comply with all provisions of Wis. Admin. Code sec. ATCP 10.21 as it relates to the testing of cattle for Johne's Disease.

IT IS FURTHER ORDERED that the license of Timothy J. Engel, D.V.M. is hereby LIMITED on the following terms and conditions:

1. Within six months of the effective date of this Order, Dr. Engel shall obtain two credits of continuing education in Johne's Disease testing requirements including appropriate confirmatory testing of positive results and the legal requirements for testing and reporting of positive results.
2. Within six months of the effective date of this Order, Dr. Engel shall participate in and successfully complete the record keeping course offered by the University of Wisconsin School of Veterinary Medicine or a similar course approved by the Veterinary Examining Board.
3. Courses conducted via the internet or by other electronic means of communication or courses

conducted by correspondence or through a home study program may be considered if, in the opinion of the Board or its delegate, the courses are adequate to meet the ordered reeducation. The courses may not be used in satisfaction of the biennial continuing education requirement for continued licensure.

4. Dr. Engel 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 Wisconsin Veterinary Examining Board prior to commencement of the programs.

5. Within 30 days after the course/s identified in paragraph one above are concluded, Dr. Engel shall file with the Wisconsin Veterinary Examining Board certifications from the sponsoring organization of his attendance at the required course/s.

6. All costs of the educational programs shall be the responsibility of the Dr. Engel.

7. Within six months following completion of the recordkeeping course, Dr. Engel shall permit a representative of the Board to randomly select 5 records created by Dr. Engel following completion of the course. Those files shall be copied and reviewed by the Board or its delegate to ensure compliance with the requirements of Wis. Admin. Code sec. VE 7.03.

8. 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

IT IS FURTHER ORDERED that Dr. Engel shall pay costs in this matter of One Thousand Nine Hundred Forty Seven dollars (\$1947.00) within six (6) months of the effective date of this Order.

IT IS FURTHER ORDERED, that the pending investigation 03 VET 008 is hereby closed.

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 (#2369) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 23<sup>rd</sup> day of August, 2006.

WISCONSIN VETERINARY EXAMINING BOARD

Larry D. Mahr DVM  
A Member of the Board