

# 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	:	FINAL DECISION AND ORDER
JAMES E. VAN OVER, D.V.M.	:	
RESPONDENT.	:	LS0608239VET
	:	

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(DOE FILE # 02 VET 024)

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

James E. Van Over, DVM  
8304 S. 50<sup>th</sup> ST  
Bellevue, NE. 68157

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, James E. Van Over, 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. James E. Van Over, DVM, (D/O/B 8/08/63) is currently licensed to practice veterinary medicine in the State of Wisconsin under license #4350 which was first granted on June 9, 1995.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 8304 S. 50<sup>th</sup> ST., Bellevue, NE 68157.
3. A formal investigation entitled 02 Vet 024 is pending before the Wisconsin Veterinary Examining Board.
4. At all times relevant to this action, Respondent was licensed to practice veterinary medicine in the State of Illinois.
5. At all times relevant to this action, Respondent was working as a veterinarian in Unity, Wisconsin and providing veterinary services to dairy farms in both Wisconsin and Illinois.
6. In November 2001, Respondent provided veterinary services to a dairy farm in Elmwood, Illinois. Part of those services included the diagnosis and treatment of mastitis in severely distressed dairy cattle maintained on that farm.
7. Respondent determined that many of the cattle were too ill to return to milk production after treatment. Drying off of the animals resulted in their death and Respondent therefore separated those animals but continued milking and provided treatment to the cattle to maintain them until they could be shipped for slaughter.
8. Respondent administered intravenous therapy and intramammary sulfamethoxazole (SMZ) treatments and ampicillin injections to the animals intended for slaughter.
9. Respondent's labeling of the drugs noted milk and meat withholding times.
10. SMZ is not indicated for use in lactating cattle pursuant to 21 CFR 530.41(a) (9).
11. Respondent's labeling did not include specific directions for use or dosage as required under 21 CFR 530.12.

12. Respondent's records consisted primarily of billing records and did not include the following information required under 21 CFR 530:

- drug name and active ingredient
- condition treatment
- species of the treated animals
- dosage administered
- duration of treatment
- number of animals treated
- recommended withholding times

13. On July 25, 2002, The United States Department of Health and Human Services, Food and Drug Administration (FDA) issued a warning letter to Respondent regarding the violations noted above and copied the Wisconsin Department of Regulation and Licensing.

14. On August 7, 2002, Respondent provided a letter to the FDA indicating that he no longer used SMZ for treatment of dairy cattle and modified his labeling and recordkeeping practices to bring them into conformity with the requirements of 21 CFR 530.

15. 21 CFR 530 is a federal regulation substantially related to the practice of veterinary medicine.

15. Respondent is currently located in Nebraska and is not actively practicing veterinary medicine in the State of Wisconsin.

16. 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. 21 CFR 530 is a federal regulation substantially related to the practice of veterinary medicine.

3. Respondent's conduct as set forth herein is a violation of a law or regulation substantially related to the practice of veterinary medicine and as such is a violation of Wis. Admin. Code § VE 7.06 (4).

#### ORDER

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

IT IS FURTHER ORDERED that James E. Van Over, D.V.M. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that in the event James E. Van Over, D.V.M. determines at any time in the future to resume the active practice of veterinary medicine in the State of Wisconsin, he shall comply with the following:

1. Respondent shall notify the Wisconsin Veterinary Examining Board of his intention to resume practice in the State of Wisconsin at least 60 days prior to resumption of practice.

2. Respondent shall complete a course in recordkeeping provided by the University of Wisconsin School of Veterinary Medicine or an acceptable equivalent suggested by Respondent prior to such resumption of practice. The recordkeeping course must be preapproved by the Veterinary Examining Board or its delegee and evidence of successful completion of the course shall be provided to the Board prior to resumption of practice. The course may not be used in satisfaction of the biennial continuing education requirement for continued licensure. All costs of the educational programs shall be the responsibility of the Respondent.

IT IS FURTHER ORDERED THAT 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. Van Over shall pay costs in this matter of Two Thousand Two hundred and eighty four dollars (\$2284.00) within one hundred eighty (180) days of the effective date of this Order.

IT IS FURTHER ORDERED, that the pending investigation 02 VET 024 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 (#4350) 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