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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JEFFREY MILLS, D.V.M., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0702161VET

[Division of Enforcement Case # 03 VET 059]

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

Jeffrey Mills, D.V.M.
14285 72nd Avenue
Merrill, WI 54452

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 February 16, 2007. The parties in this matter, Jeffrey Mills, D.V.M., personally and through his attorney, Christopher M. Toner, Ruder Ware L.L.S.C., 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. Jeffrey Mills, D.V.M., Respondent herein, whose date of birth is May 11, 1958, is currently licensed to practice veterinary medicine in the State of Wisconsin pursuant to license number 4537 which was first granted on June 19, 1996.
2. Respondent's last known address reported to the Department of Regulation and Licensing is 14285 72nd Avenue, Merrill, WI 54452.
3. At all times relevant hereto, Respondent practiced as a veterinarian in Merrill, Wisconsin.

4. On April 25, 2003, Robyn Schumacher presented her ten year old female Labrador Retriever to Respondent for an annual examination and vaccinations.

5. As part of his findings upon examination, Respondent noted oral conditions requiring dental procedures which were performed on May 3, 2003.

6. At the time of the April 25th clinic visit, the Schumacher dog weighed 93.7 lbs.

7. Prior to the dental procedures on May 3, Respondent performed a complete physical examination and, according to Respondent, blood work performed on that date prior to the dental procedures was consistent with previous blood chemistries.

8. Between May 30, 2003 and August 19, 2003, Ms. Schumacher had numerous contacts and clinic appointments with Respondent indicating that her dog had ongoing problems of vomiting, diarrhea and inappetence with occasional but transitory improvement.

9. The Respondent's records for the time period between May 30, 2003 and August 19, 2003 indicate that the dog's weight declined from 93.7 lbs to 75.7lbs.

10. Between May 30, 2003 and August 19, 2003, Respondent did not perform a physical examination or any diagnostic tests on the Schumacher dog, with the exception of a food allergy panel on August 19, 2003.

11. Respondent believed that the dog's ongoing condition as set forth above was the result of gastrointestinal disturbances, and based on that diagnosis did not perform any physical examination of the dog or further diagnostics. Respondent did provide various treatments based on his diagnosis.

12. By September 2, 2003, the Schumacher dog had ceased eating, was vomiting and continued to experience diarrhea and the owner elected to have the dog evaluated by Gina Grman, D.V.M. when she was unable to reach the Respondent.

13. On September 5, 2003, Dr. Grman performed a physician examination and noted a very large abdominal mass. Radiographs showed a very large abdominal mass the margins of which were not easily identified because of poor detail likely due to abdominal effusion. Dr. Grman referred to the Schumacher dog to the Fox Valley Animal Center that evening for further evaluation by ultrasound.

14. Examination at the Fox Valley Referral Center on the evening of September 5, revealed a large abdominal mass that was sensitive to palpation. Further diagnostics led to differential diagnoses of a large abdominal mass, marked muscle wasting, anorexia, diarrhea, polydipsia, leucopenia, hypoalbuminemia, and abdominal effusion. Options for treatment and prognosis were discussed with Ms. Schumacher and she elected to euthanize the dog on September 6, 2003.

15. Between May 30, 2003 and August 19, 2003, Respondent failed to adequately evaluate the Schumacher dog upon the various clinic presentations by failing to perform a physical examination of the dog and additional diagnostics, when he knew, or should have known that the dog's condition on each of those dates, including continued inappetence, vomiting, diarrhea and weight loss, required such evaluation.

16. Respondent disputes the allegations contained in the formal complaint and believes that he has legitimate responses to those allegations, but in the interest of resolving this matter, agrees to entry of this Order. Specifically, Schumacher owned two dogs who presented with identical symptoms of vomiting, diarrhea and inappetence. As a result of these symptoms, the Respondent recommended a new diet for both dogs and ultimately an allergy panel for the dog who is the subject of this matter. The allergy panel revealed that the Schumacher dog was allergic to some of the food it was regularly eating which could have resulted in weight loss.

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 15 of the Findings of Fact constitutes a violation of Wis. Stat. § 453.07 (1) (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 Jeffery Mills, D.V.M. is hereby REPRIMANDED by the Board.

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

1. Respondent shall, no later than November 30, 2007, participate in and successfully complete eight (8) hours of education in oncology with an emphasis on the diagnosis of abdominal cancerous conditions with presenting symptoms of vomiting and diarrhea and appropriate diagnostics including physical examinations.

2. 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. The course work may not be used in completion of the statutorily required biennial continuing education. If Respondent has completed course work within nine months prior to the effective date of this Order which he believes may satisfy this requirement, he may submit course descriptions to the Board for its consideration in meeting this requirement.

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

IT IS FURTHER ORDERED that:

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of eight hundred eighty two (\$882.00) dollars payable to the Wisconsin Department of Regulation and Licensing.

5. 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

6. Upon successful completion of the requirements of the LIMITED license, payment of full costs, and review by the Board liaison for monitoring, the license of Jeffrey Mills to practice veterinary medicine shall be restored to full status without further action by the Board.

7. 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 (#4537) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

State of Wisconsin
Veterinary Examining Board

By: Joan Wywialowski
A Member of the Board

5/9/07
Date