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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

DORIS E. DURST, D.V.M., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0805141VET

[Division of Enforcement Case # 06 VET 004]

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

Doris E. Durst, D.V.M.
16780 County Highway X
Chippewa Falls, WI 54729

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

The parties in this matter 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. Doris E. Durst, D.V.M., (“Respondent”) was born on February 27, 1959, and is licensed to practice veterinary medicine and surgery in the state of Wisconsin pursuant to license number 50-2759. This license was first granted on July 10, 1985.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 16780 County Highway X, Chippewa Falls, Wisconsin 54729.
3. At all times relevant to this proceeding, Respondent was working as a veterinarian at Lake Wissota Animal Hospital, Chippewa Falls, Wisconsin.
4. On Friday, January 13, 2006, Sasha, an eight year old Malamute/Labrador spayed female dog was brought to Respondent for a dental cleaning, a nail trim, and boarding for the weekend.

5. Sasha's owner, Doug Olson, was informed that the dental cleaning would include the use of a general anesthetic, but he was not told that Respondent would extract any teeth Respondent determined should be extracted.

6. Mr. Olson gave Respondent both his land-line and cell phone telephone numbers at the time he left Sasha in her care.

7. Mr. Olson signed a pre-printed informed consent form that said

The nature and purpose of these procedures and associated risks have been explained to me. I understand that unpredictable complications may arise and I consent to the administration of anesthetics and any emergency treatment as is necessary to insure my pet's health.

8. Respondent weighed Sasha before beginning the dental procedure on the morning of January 13, 2006, but Respondent did not make any note of performing any other pre-operative physical examination.

9. Respondent administered ampicillin, induced anesthesia with xylazine and ketamine, and maintained anesthesia with isoflurane.

10. Respondent extracted four teeth during the dental cleaning.

11. Respondent made no observations of Sasha's condition following the procedure, nor did she or any of her staff make any notes regarding Sasha's condition during the procedure on January 13, 2006, or at any time until Sunday, January 15, 2006.

12. Respondent did not administer any medication to Sasha for pain following the extraction of the four teeth.

13. Respondent's staff called Respondent to the clinic on the morning of Sunday, January 15, 2006, because Sasha had vomited in her cage and was weak and depressed.

14. Respondent suspected that Sasha was dehydrated, and administered lactated Ringer's solution, IV, and administered metoclopramide subcutaneously for treatment of nausea.

15. At 10:00 a.m. on Sunday, January 15, 2006, Respondent performed the weekend's first physical examination of Sasha, recording a temperature of 104.3° F., pulse at 150, respirations at 80, and noting that Sasha's mucous membranes were dark pink, and that her capillary refill time was four seconds.

16. Neither Respondent nor any of her staff made any note of any observations of Sasha between 10:00 a.m. and 5:00 p.m. on Sunday, January 15, 2006.

17. At 5:00 p.m., Sunday, January 15, 2006, Respondent performed a second cursory physical examination of Sasha, noting a temperature of 102.3° F., pulse at 160, respirations at 80, and noted that Sasha's mucous membranes were "slightly cyanotic." Respondent assessed Sasha's overall condition to be unchanged from the cursory examination of that morning.

18. At 10:00 p.m., Sunday, January 15, 2006, Respondent noted that she had taken Sasha outside; that Sasha had urinated, and had a small formed bowel movement. Respondent noted that Sasha had received 2300 cc of lactated Ringer's solution IV, and 700 cc lactated Ringer's solution subcutaneously.

19. Respondent assessed that Sasha had not shown clinical improvement from the treatment Respondent stated she had provided, and that Sasha was still weak and depressed.

20. Respondent made no attempt at any time during the period Friday, January 13, 2006, through Sunday, January 15, 2006, to contact Mr. Olson.

21. Respondent made no attempt at any time Sunday, January 15, 2006, to determine why Sasha was weak and depressed.

22. At approximately 10:00 p.m. Sunday, January 15, 2006, having determined that the administration of IV and subcutaneous fluids had not resulted in any improvement in Sasha's condition, Respondent abandoned Sasha without further evaluation, treatment, or support.

23. Sasha died sometime before Respondent returned to the clinic on Monday, January 16, 2006.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §453.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's failure to provide any medication for pain to Sasha following the extraction of four teeth was unprofessional conduct within the meaning of Wis. Admin. Code § VE 7.06(1).

3. Respondent's failure to perform and document a pre-procedure physical examination of Sasha was unprofessional conduct within the meaning of Wis. Admin. Code §§ VE 7.06(1) and VE 7.03.

4. Respondent's failure to provide and document post-procedure observation of Sasha until she had fully recovered from the general anesthesia on January 13, 2006, was unprofessional conduct within the meaning of Wis. Admin. Code §§ VE 7.06(1) and VE 7.03.

5. Respondent's failure on the afternoon of Sunday, January 15, 2006, to diagnose the cause of Sasha's debilitated condition, plan and implement an intervention to protect Sasha's health, evaluate the effects of that intervention, and revise her plan and interventions as necessary to preserve Sasha's health was unprofessional conduct within the meaning of § VE 7.06(1).

6. Respondent's decision not to inform Mr. Olson of Shasta's declining condition and options for evaluation and treatment of Shasta's condition on Sunday, January 15, 2006, was unprofessional conduct within the meaning of Wis. Admin. Code § VE 7.06(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Doris E. Durst, D.V.M., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license previously issued to Respondent is LIMITED by the condition that she shall, within 180 days from the date of this Order, obtain four hours of continuing veterinary medical education in each of the following four topics: establishment and maintenance of the veterinary client patient relationship, including keeping clients informed of the condition of their animals and the options for treatment of those conditions; record keeping for veterinary medical practice; pre- and post-operative patient assessment; and, interventions for deteriorations in post-operative patient condition.

a. Respondent shall be responsible for locating courses to fulfill the required continuing education order.

b. Respondent shall obtain Board approval for any course she intends to take in compliance with this order,

before she takes the course. The Board may reject any course, and may accept a course for less than the number of hours for which Respondent seeks approval. Respondent is responsible for all costs associated with the compliance with this order. No part of the continuing education required by this order may be applied to the continuing education required for renewal of the Respondent's credential or to any other continuing education requirement imposed on Respondent by the Board.

- c. All requests for approval of courses for compliance with this Order shall be addressed 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

- d. Respondent shall submit satisfactory evidence of completion of the continuing education within thirty days of completing the continuing education. Certificates of completion of the continuing education shall be sent to

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3. Within six months of the completion of the continuing education required by this Order, Respondent shall provide the Board with her records of the next five surgical cases she performs following her completion of all of the continuing education required by this Order. The Board or its designee will review those records to evaluate Respondent's practice and compliance with the standards of the profession following her completion of the education required by this Order. Respondent shall clearly describe the indications for each procedure performed, and shall not perform any procedure that is not requested by the owner and clearly justified by the animal's condition.

4. Respondent shall, within 180 days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Five Hundred Ninety-three (\$1,593.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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5. 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 (#2759) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of

this Order.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer
A Member of the Board

5/14/08
Date