

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE VETERINARY EXAMINING BOARD

---

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOHN K. BARNSTORFF, D.V.M.,	:	LS0808061VET
RESPONDENT.	:	

---

[Division of Enforcement Case # 05 VET 006]

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

John K. Barnstorff, D.V.M.  
3643 Glenbrooke Lane  
Green Bay, WI 54301

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 Wisconsin 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. John K. Barnstorff, D.V.M., Respondent herein, whose date of birth is September 6, 1962, is duly licensed by the Wisconsin Veterinary Examining Board to practice veterinary medicine in the State of Wisconsin pursuant to license number 3171, which was first granted on August 11, 1988.

2. Respondent's last address reported to the Department of Regulation and Licensing is 3643 Glenbrooke Lane, Green Bay, WI 54301.

3. At all times relevant to this action, Respondent was working as a veterinarian at the Animal Hospital of DePere in DePere, Wisconsin.

4. On December 15, 2004, a 13-year-old male cat owned by Bradley Heyrman began having trouble breathing while out on his usual walk and continued having difficulty breathing throughout the night.

5. On December 16, 2004, Mr. Heyrman brought his cat to Respondent's clinic for evaluation. Respondent examined the cat and took x-rays. Respondent believed the most likely diagnoses were pneumonia or neoplasia and started the cat on a therapeutic trial of antibiotics.

6. Mr. Heyrman took his cat home and attempted to administer the antibiotics, which proved to be very difficult.

7. At approximately 4:30 p.m. on December 17, 2004, Mr. Heyrman brought his cat back to Respondent's clinic because the cat's condition was worsening. Respondent examined the cat and in his records, noted "labored breathing/open mouth breathing/panting, nervous during PE, O having difficulty giving meds. . . PE-dyspnea seems more pronounced, open mouth breathing. Lungs have more severe crackles than yesterday. Laid on floor in lateral recumbency w/ dyspnea." There was also a subnormal temperature, while it was normal the previous day.

8. Respondent alleges he provided options to the owner of further testing, referral or an antibiotic trial. The owner disputes that these options were given and states that Respondent discussed putting the cat in an oxygen tent but did not explain to him how that would help or Respondent could refer him to a specialist but did not provide a name or make the referral. Mr. Heyrman alleges that Respondent stated that Mr. Heyrman should take the cat home and continue the antibiotic therapy.

9. The Heyrman cat was in critical condition and required immediate intervention, including hospitalization and ongoing monitoring. Antibiotic therapy alone was not a viable option for treatment at this time.

10. Mr. Heyrman took the cat home and by 5:30 p.m., the cat was choking and foaming at the mouth. Mr. Heyrman called Respondent's clinic, which was closed. The answering service directed callers to the Green Bay Animal Emergency Center (GBAEC).

11. Respondent had not provided Mr. Heyrman with option of referral to GBAEC during the office visit.

12. During the trip GBAEC, the Heyrman cat had a seizure and died.

13. Respondent failed to adequately evaluate the condition of the Heyrman cat and appropriately advise the owner of the seriousness of that condition and the viable treatment options.

## CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. sec. 453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. sec. 227.44(5).
2. Respondent's conduct, as set out above, is a violation of Wis. Admin. Code sec. VE 7.06(1) and he is therefore subject to discipline pursuant to Wis. Stat. sec. 453.07(1)(f).

## ORDER

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

IT IS FURTHER ORDERED that:

1. The license of John K. Barnstorff, D.V.M., Respondent, to practice veterinary medicine in the State of Wisconsin shall be limited to require that, within nine (9) months of the date of this Order, Respondent shall obtain a total of four (4) hours of continuing education in the diagnosis and treatment of the causes of lung diseases, with an emphasis on dyspnea. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.
2. Respondent shall be responsible for obtaining 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, or its designee, prior to commencement of the program(s).
3. Within thirty (30) days following completion of the courses identified in paragraph 1 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required course(s).
4. All costs of the educational program(s) shall be the responsibility of Respondent.
5. Upon successful completion of the educational program(s), submission and approval of the records and payment of the costs set forth below, Respondent's license to practice veterinary medicine shall be restored to unlimited status.

IT IS FURTHER ORDERED that:

6. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of eight hundred and two (\$802.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

7. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#3171) 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.

Wisconsin Veterinary Examining Board

By: Robert Spencer  
A Member of the Board

8/6/08  
Date