

# 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  
MARK R. NELSON, D.V.M., :  
RESPONDENT. : LS0808066VET  
 :

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[Division of Enforcement Case # 05 VET 038]

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

Mark R. Nelson, D.V.M.  
P.O. Box 460  
Centuria, WI 54824

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. Mark R. Nelson, D.V.M., Respondent herein, whose date of birth is January 11, 1948, is duly licensed by the Wisconsin Veterinary Examining Board to practice veterinary medicine in the State of Wisconsin pursuant to license number 1248, which was first granted on June 16, 1972.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 460, Centuria, WI 54824.
3. At all times relevant to this action, Respondent was the owner of and practiced veterinary medicine at Interstate Veterinary Hospital, LTD in Centuria, Wisconsin.
4. In June, 2005, Jamie Kirkpatrick, a May 2005 graduate of Iowa State University School of Veterinary Medicine, was employed by Respondent at the Interstate Veterinary Hospital in Centuria, Wisconsin.
5. Ms. Kirkpatrick was not a licensed veterinarian in the State of Wisconsin at the time of her employment in June 2005.
6. As part of her duties, Ms. Kirkpatrick performed routine surgeries under the supervision of and/or delegation by Respondent.

7. Respondent was aware that Ms. Kirkpatrick was not licensed in the State of Wisconsin during the time he was supervising her veterinary activities in June 2005.

8. Respondent believed that Ms. Kirkpatrick, as a graduate veterinarian, could perform surgical procedures if under the supervision of a licensed veterinarian.

9. The performance of surgical procedures in the State of Wisconsin is restricted to veterinarians licensed to practice veterinary medicine in this State pursuant to Wis. Admin Code § VE 7.02(1).

#### 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 §§ VE 7.02 (1) and 7.06 (4) and he is therefore subject to discipline pursuant to Wis. Stat. §§ 453.07(1) (b) and (2) (a).

#### ORDER

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

IT IS FURTHER ORDERED that:

1. Respondent, Mark R. Nelson, D.V.M., is REPRIMANDED for the above conduct.

2. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of four hundred and fifty (\$450.00) 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

3. In the event that Respondent fails to pay costs as ordered, Respondent's license (#1248) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. 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