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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
JACQUES R. THEBERT, D.V.M., : FINAL DECISION AND ORDER
RESPONDENT. : LS0905134VET

[Division of Enforcement Case #05 VET 040]

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

Jacques R. Thebert, D.V.M.
Franklin Veterinary Clinic
9755 W. Saint Martins Road
Franklin, WI 53132

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. Jacques R. Thebert, D.V.M., ("Respondent") was born on October 26, 1958, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 2915-50. This license was first granted on July 9, 1986.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 9755 W. St. Martins Road, Franklin, Wisconsin 53132.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at Franklin, Wisconsin.

4. On July 19, 2005, its owners took Kait, a six month old female golden retriever to Respondent, for evaluation of left front lameness after hard exercise.

5. Respondent diagnosed growing pains, and recommended glucosamine and chondroitin if the lameness did not improve.

6. On August 1, 2005, the owner called Respondent and reported continued lameness, and requested an appointment for evaluation and radiographs. Respondent and his records state that he recommended radiographs, but the owner states that Respondent cancelled the appointment and said that radiographs were not needed.

7. When the Division of Enforcement requested Respondent's records for Kait, staff at his clinic were unable to locate the records, or any evidence that Respondent had ever provided services of any kind to the patient, under the name of the patient or the names of the owners. The investigator for the Division was present in the clinic, and heard Respondent's staff make a telephone call to Respondent, in an unsuccessful attempt to locate Respondent's records.

8. The owner reports that on August 16, 2005, Respondent examined Kait and had radiographs taken of her front legs. Respondent believes that he saw Kait and had radiographs taken on August 15, 2005; the radiographs, however, bear the date August 16, 2005.

9. The owner reports that Respondent recommended surgery for osteochondrosis, a disturbance of bone formation, but did not discuss or offer other options.

10. The owner reports that she picked up the radiographs at Respondent's clinic on August 23, 2005, and took them for a second opinion at another veterinary clinic. When she and the reviewing veterinarian looked at the films, they noted that the films were marked for a patient named "Bailey." The owner returned to Respondent's clinic, and was told that the films were mislabeled, but were actually the films of Kait's front legs. The owner further noted that one film identified the image as L for Left, but handwritten over that identification was R for Right.

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. The conduct described in paragraphs 4-10, above, constitutes a violation of Wis. Stat. § 453.07(1) and Wis. Adm. Code § 7.03(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Jacques R. Thebert, D.V.M., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Jacques R. Thebert, D.V.M., to practice veterinary medicine in the state of Wisconsin is hereby LIMITED by the condition that **within four months of the date of this Order**:

- a. He complete continuing veterinary medicine education in the topic veterinary medical documentation and record keeping (2 hours).
- b. Respondent shall be responsible for locating courses to fulfill the required continuing education order.
- c. Respondent shall obtain Board approval for any course he intends to take in compliance with this order, before he 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.
- d. 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

- e. 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. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand One Hundred (\$1100.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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4. 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 (#2915-50) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer D.V.M.
A Member of the Board

5/13/09
Date