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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
RICHARD ALAN BARR, D.V.M., : LS0908055VET
RESPONDENT. :

[Division of Enforcement Case #05 VET 014, 08 VET 003]

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

Richard Alan Barr, D.V.M.
12102 Schultz Road
Maribel, WI 54227

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. Richard Alan Barr, D.V.M., (“Respondent”) was born on March 21, 1950, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 50-1637. This license was first granted on June 17, 1977.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 12102 Schultz Road, Maribel, Wisconsin 54227.

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

05 VET 014

4. On December 2, 2004, Respondent was called to examine Simon, a seven year old Friesian stallion, which

had reportedly not eaten or drunk for two days. When Respondent examined Simon about 5:00 p.m. that day, Respondent found that the horse had a snotty nose, swelling under its jaw, and a cold face. Respondent further found dark pink mucus membranes, capillary refill time of more than three seconds, pulmonary edema with areas of free bronchial fluid, and a mild large colon impaction. Respondent diagnosed dehydration, and probable pneumonia with possible congestive heart failure.

5. Respondent drew blood for laboratory analysis, and administered 1 gm. Cefazolin as a precautionary antibiotic for lung congestion and 500 mg. Banamine to address swelling and pain.

6. The therapeutic dose range for Cefazolin is 11 – 25mg/kg. of body weight.

7. The average weight range of a Friesian stallion is 1300 -1600 pounds, or 590 – 725 kilograms.

8. The minimum therapeutic dose of Cefazolin for a Friesian stallion is 6.4 gm.

08 VET 003

13. On December 14, 2007, Respondent saw Jock, a thirteen year old male Clydesdale, for a complaint of an abscessed tooth. Respondent attempted to extract the tooth while Jock was standing, using local anesthetic, but he was unable to remove the tooth.

14. Jock's owner informed Respondent that on the two occasions that he knew Jock had been lying down, it was extremely difficult to get Jock standing again.

15. At approximately 9:00 a.m. on December 17, 2007, in his clinic, Respondent put Jock under general anesthetic for surgery to remove the abscessed tooth. Respondent did not use a tilt table, nor did he make any preparations for using a crane to help Jock regain a standing position after surgery.

16. At 3:30 p.m., Respondent called Jock's owner, saying that he could not get Jock to stand up.

17. Jock's owner and a friend went to Respondent's clinic and worked for three hours, but were unable to get Jock to a standing position.

18. On December 18, Respondent advised that Jock should be euthanized. Jock's owners sought second opinions by telephone to other veterinarians, and they were informed that Jock was likely paralyzed on the side he had been lying on overnight at Respondent's clinic, and that it was unlikely he would be able to recover.

19. With the owners' consent, Respondent euthanized Jock on December 18, 2007.

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 - 8, administering a sub-therapeutic dose of antibiotics to treat a presumed infection, constitutes a violation of Wisconsin Administrative Code § VE 7.06(1).

3. The conduct described in paragraphs 13 - 15, placing a horse under general anesthesia without taking adequate precautions for returning it to a standing position after surgery, constitutes a violation of Wisconsin Administrative Code § VE 7.06(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Richard Alan Barr, D.V.M., is REPRIMANDED.

IT IS FURTHER ORDERED THAT

2. The license of Richard Alan Barr, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby LIMITED by the conditions that within six months of the date of this Order, he shall complete four (4) hours of continuing education in the topic of equine anesthesia, and four (4) hours of continuing education in the topic of veterinary pharmacology, and two (2) hours in ethics of veterinary practice.

- a. Respondent shall be responsible for locating courses to fulfill the required continuing education order.
- b. 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.
- 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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IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Three Hundred Fifty (\$1350.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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P.O. Box 8935
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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 fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (#50-1637) 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: Martinah Greer DVM
A Member of the Board

8/5/09