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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

| | | |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| MARK A. THOMPSON, D.V.M., | : | <u>ORDER 0000 339</u> |
| RESPONDENT. | : | |

[Division of Enforcement Case # 08 VET 019]

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

Mark A. Thompson, D.V.M.
41 Sammy Jo Circle
Fond du Lac, WI 54935

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 A. Thompson, D.V.M., (D.O.B.: November 13, 1970) is duly licensed as a veterinarian in the state of Wisconsin (license # 50-4501). This license was first granted on May 21, 1996.
2. Respondent's last address reported to the Department of Regulation and Licensing is 41 Sammy Jo Circle, Fond du Lac, Wisconsin 54935.
3. At all times relevant to this action, Respondent was working as a veterinarian at the Country Hills Pet Hospital in Eden, Wisconsin.

4. On February 18, 2008, an approximately 14 ½ year-old domestic long hair cat ("Sam") owned by Diane Schad was presented to Respondent with a primary complaint that the cat had not been eating for two days. The Respondent conducted a physical examination which revealed minimal muscle mass due to wasting, a pronounced abdominal tuck and dehydration. He ordered that blood chemistry, complete blood count ("CBC"), electrolyte panel and thyroid tests be performed. The chemistry tests from that date revealed that the cat's BUN was 94 mg/dL (high) and that the creatinine level was 4.5 mg/dL (high).

5. The Respondent's records for that date indicated that the Respondent's office would call the owner at a particular number when the test results were known. The Respondent did not document that the owner was notified of the test results and did not document a diagnosis or any treatment given on that date. In addition, there is no temperature, pulse rate or respiration rate recorded for that date.

6. The medical records contain an "Authorization to Treat" dated February 19, 2008 which was signed by the owner and authorized a urinalysis, hospitalization (Intensive Care Level 3), IV fluid pump, sodium chloride and B Diagnostic Panel Plus. The authorization also provided that the doctors and staff had permission to take reasonable measures in treating the pet.

7. The treatment records from February 19, 2008 reflect that the cat received 12 ml of IV fluid per hour and that the cat was not eating. There is no temperature, pulse rate or respiration rate recorded for that date.

8. On February 20, 2008, the cat's medical records reflect that the cat received 12 ml of IV fluid per hour along with Polyflex and Baytril. The cat continued to be inappetent. There is no temperature, pulse rate or respiration rate recorded for that date.

9. On February 21, 2008, the Respondent called the owner at approximately 4:12 p.m. and left a message in which he stated that "Sam is doing good" and that "we are gonna re-check some values tonight to see if the fluids are helping." He also advised that he would "know more once the blood work is done" and that he "should be able to call you tomorrow with the test results."

10. The cat's medical records reflect that another chemistry test was performed on that date which revealed that the cat's BUN was 130 mg/dL (high) and that the creatinine level was 5.7 mg/dL (high). A hematology test revealed that the cat's platelet level was 951 K/uL (high). The Respondent did not document that the owner was notified of the test results or consulted with regarding treatment options given the cat's change in status.

11. The treatment records from that date reflect that the cat received 12 ml of IV fluid per hour along with Polyflex and Baytril. The cat continued to be inappetent. There is no temperature, pulse rate or respiration rate recorded for that date.

12. On February 22, 2008, the Respondent attempted to contact the owner that evening as the weekend veterinarian (Kimberly Everson, D.V.M.) would be taking over care and treatment of the animals beginning Friday night (February 22nd) and continuing until Monday (February 25th) morning. The owner did not respond to the Respondent's call.

13. The treatment records from that date reflect that the cat received 12 ml of IV fluid per hour along with Polyflex and Baytril. The cat continued to be inappetant. There is no temperature, pulse rate or respiration rate recorded for that date.

14. On February 23, 2008, an assistant at the Respondent's office received a phone message from one the owner inquiring as to the cat's condition. The assistant then contacted the owner to update her on the cat's condition. The records do not contain any reference to this contact with the owner. Later that same date, the owner and her husband presented to the Country Hills Pet Hospital to check on the cat and spoke with Dr. Everson. Dr. Everson advised that the cat's decreased appetite was due to renal failure. At that time, the cat's temperature was 96.7 F (below normal), the pulse was 180, and the respiration rate was 25. Dr. Everson placed the cat in an incubator to bring his body temperature up. She advised the owner that the cat's condition was grave. The cat remained in the incubator that evening.

15. The treatment records from that date reflect that the cat received 12 ml of IV fluid per hour along with Polyflex and Baytril and that the owner visited and fed him ¼ can of Recovery.

16. On February 24, 2008, the owner and her husband returned to the clinic at which time the cat's temperature was 102.3 F (within normal limits), the pulse was 230, and the respiration rate was 30. The records reflect that the cat was continuing to receive IV fluids along with Polyflex and Baytril. The cat remained inappetant. The owner inquired as to whether a feeding tube could be placed. Dr. Everson advised that their clinic did not have that capability but that she could refer them to the Fox Valley Animal Referral Center where that procedure could be performed. Before the referral could be made, however, the cat expired that day.

17. Respondent's conduct in providing care and treatment to the cat failed to meet the minimum standards of acceptable veterinary practice and evidence a lack of knowledge or the ability to apply professional principles and skills in the following manner:

- a. The Respondent failed to document a diagnosis or any treatment given on February 18, 2008 and failed to consult with the owner and/or document that he consulted with the owner regarding the chemistry and blood work tests performed on that date.
- b. The Respondent failed to document a temperature, pulse rate or respiration rate on February 18, 19, 20, 21, and 22, 2008.
- c. The Respondent failed to consult with the owner and/or document that he consulted with the owner on February 21, 2008 regarding the chemistry and blood work tests performed on that date.
- d. The Respondent failed to consult with the owner on February 21 or 22, 2008 regarding treatment options given the cat's change in status.

18. Respondent's records for the dates of February 18-22, 2008 did not contain the information required under Wis. Admin. Code § VE 7.03.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct as set out in paragraphs 4 through 16 above, constitutes a violation of Wis. Admin. Code §§ VE 7.06(1) and 7.02(4)(a) and he is therefore subject to discipline pursuant to Wis. Stat. § 453.07(1)(f).

3. Respondent's conduct as set out in paragraphs 4 through 16 above, constitutes a violation of Wis. Admin. Code § VE 7.06(1) and he is therefore subject to discipline pursuant to Wis. Stat. § 453.07(1)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent, Mark A. Thompson, D.V.M., is REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that:

2. Respondent shall, within six (6) months from the date of this Order, successfully complete the record keeping course through the Wisconsin Veterinary Medical Association. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

3. All costs of the educational programs shall be the responsibility of the Respondent.

4. Within thirty (30) days following completion of the course(s) identified in paragraph 2 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required courses.

5. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of EIGHT HUNDRED (\$800.00) 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

6. 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 timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, the Respondent's license (# 50-4501) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

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

Wisconsin Veterinary Examining Board

By: Martha Green DM
A Member of the Board

8/4/10
Date