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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BENJAMIN R. SEEBART, D.V.M.,	:	<u>ORDER 0000 870</u>
RESPONDENT.	:	

[Division of Enforcement Case #09 VET 009]

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

Benjamin R. Seebart, D.V.M.
3862 S. 20th Street Upper
Milwaukee, WI 53221

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. Benjamin R. Seebart, D.V.M., Respondent, date of birth April 25, 1981, is licensed by the Wisconsin Veterinary Examining Board to practice veterinary medicine in the state of Wisconsin pursuant to license number 6043-50, which was first granted on May 30, 2007.

2. Respondent's last address reported to the Department of Regulation and Licensing is 3862 S. 20th Street Upper, Milwaukee, Wisconsin 53221.

3. At all times relevant to this action, Respondent was working as an associate veterinarian at Spirit of 76th Veterinary Clinic in West Allis, Wisconsin.

4. On February 19, 2009, client EM brought her dog "Sophie," a 1 ½ year-old female Great Dane mix, into Respondent's clinic for care and treatment.

5. Sophie presented with a four-day history of vomiting, lethargy and inappetence.

6. Respondent conducted a physical examination to determine if Sophie's symptoms were caused by a gastrointestinal (GI) obstruction. A GI foreign body obstruction is diagnosed through a combination of history, physical examination, radiographs, and a special radiograph imaging technique called a barium series study. A barium series study is used when a foreign body is not visible in a simple radiograph or abdominal ultrasound.

7. Respondent's physical examination revealed a temperature of 102.5 degrees, a body condition score (BCS) of 2.5, slight dehydration and gassy abdomen. The blood chemistry panel revealed low amylase (248 U/L) and low calcium (6.8mg/dL). The complete blood count (CBC) was within normal limits; however, the hematocrit level was slightly elevated at 55.3% consistent with slight dehydration. Radiographs revealed an intestinal gas pattern with no visible foreign objects.

8. At approximately at 5:30 P.M., Respondent initiated a barium series study. At approximately 6 P.M., Respondent discontinued the testing and released Sophie to client EM with instructions for Sophie to return to the clinic the next morning to continue diagnostic testing.

9. On February 20, 2009, Sophie was returned to the clinic. At approximately 11:30 A.M., Respondent took radiographs, but did not initiate a new barium series study. The radiographs were taken more than eighteen hours after the previous administration of barium. The radiographs revealed the same gas pattern from the previous day, with no barium retention.

10. A minimally competent veterinarian would have either re-administered barium prior to the taking the radiographs that morning or completed the barium series study on the previous day. Respondent's testing deviated from standard practice and minimum competence in veterinarian medicine.

11. Respondent conducted exploratory surgery and extracted a quantity of mattress stuffing from Sophie's intestines. After a three-day hospitalization, Sophie was released and prescribed a pain reliever and antibiotic. On February 24, 2009, at approximately 4:00 P.M., Sophie died. A necropsy revealed a blood-filled abdomen and intestinal perforation. The cause of death appeared to be exsanguination secondary to intestinal perforation.

12. Respondent's treatment records failed to identify the veterinarian who provided Sophie's care.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 453.07 and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by the conduct described above, violated Wis. Admin. Code § VE 7.06(1).

3. Respondent's failure to identify himself in the patient records as the veterinarian providing care to the patient as required by Wis. Admin. Code § VE 7.03(2)(p) constitutes a violation of Wis. Admin. Code § VE 7.06(15).

ORDER

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

IT IS FURTHER ORDERED that:

1. Benjamin R. Seebart, D.V.M., Respondent, is hereby REPRIMANDED for the conduct described above.

2. The license of Benjamin R. Seebart, D.V.M., (#6043-50) to practice veterinary medicine in the state of Wisconsin is hereby LIMITED by the condition that within nine (9) months of the date of this Order, he shall successfully complete two hours of veterinary continuing education in the topic of record keeping offered through the Wisconsin Veterinary Medical Association or an equivalent course; four hours of veterinary continuing education in the topic of barium studies with an emphasis in radiographic imaging; and three hours of veterinary radiology in the area of diagnostic radiology of the intestinal tract.

a. Respondent shall be responsible for locating the courses to fulfill the required continuing education order.

b. Respondent shall obtain preapproval for any courses he intends to take in compliance with this order from the Board or its designee. 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 (30) days of completing the continuing education. Certificates of completion of the continuing education shall be sent to the Department Monitor at the address indicated above.

3. Respondent shall, within nine (9) months from the date of this Order, pay costs to this proceeding in the amount of NINE HUNDRED DOLLARS (\$900.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address provided above.

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 terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (No. 6043-50) 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.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer, DVM
A Member of the Board

5/25/11
Date