

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM G. HICKS, D.V.M.
RESPONDENT.

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:

FINAL DECISION AND ORDER
ORDER 0000 875

Division of Enforcement Case #09 VET 043

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

William G. Hicks, D.V.M.
1730 E. Milwaukee St.
Janesville, WI 53545

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. William G. Hicks, D.V.M. ("Respondent") was born on October 23, 1931, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 279-50. This license was granted on June 16, 1960.

2. Respondent's most recent address on file with the Veterinary Examining Board is 1730 E. Milwaukee St., Janesville, WI 53545.

3. Respondent was employed as a Veterinarian at the Janesville Veterinary Clinic ("JVC") during the time period of the incident.

4. On June 15, 2009, at 11:00 A.M., patient cat, "Newton," was brought to the JVC for suddenly becoming very lethargic. Respondent was the veterinarian who tended to Newton when he was brought in.

5. Respondent noted Newton's gums were blue, and that Newton was hypothermic and dehydrated. Respondent decided that a radiograph examination was required. Respondent told client, "L.K." who brought the patient in that getting the radiograph taken was going to be delayed, and they should come back around 3:30 P.M.

6. Newton's radiograph was taken and no abnormalities were visible on the radiograph.

7. L.K. left, but called at least four (4) times during the day, inquiring about the status of Newton. Respondent was not at the clinic any of the (4) times L.K. called, and did not physically return to the clinic until 4:00 P.M.

8. By the time Respondent returned to the JVC, Newton's condition had worsened. Newton was aspirating vomit and was becoming severely dehydrated. L.K. came back to the clinic as well, and Respondent informed L.K. to take Newton to the Veterinary Emergency Services ("VES") in Madison if he wanted Newton to survive.

9. The Respondent had attempted to perform a CBC and chemistry, however was unsuccessful. Because Respondent was not able to draw any blood to make a diagnosis or treatment plan for the patient, Respondent suggested the VES because it has 24-hour care, while JVC does not have a veterinarian on premises after 7 P.M.

10. Newton was transferred to the VES and re-hydrated and released in twenty four (24) hours.

11. Respondent's records of Newton's stay at the JVC on June 15, 2009, were below minimum standards, in that Respondent failed to note that Newton was severely dehydrated. Respondent failed to note in the medical records whether Newton was in critical condition.

12. Respondent failed to note in the records if any monitoring was taking place during the time the Respondent was not at the JVC.

13. Respondent failed to address Newton's dehydration once the breathing was stabilized. Respondent failed to offer a timely referral for a severely dehydrated Newton, which falls below minimally acceptable practice.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 446.03, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of failing to maintain individual patient records as described in paragraphs 5, and 7-13 above, constitutes a violation of the Wis. Adm. Code § VE 7.06(1) and 7.06(15).

3. Respondent's failure to treat the dehydration of the client and offer a timely referral to another facility as described in paragraphs 7-13 above, constitutes a violation of the Wis. Admin. Code § VE 7.06(1) and 7.06(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. William G. Hicks, D.V.M. (license # 279-50) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice veterinary medicine in the State of Wisconsin is LIMITED by the condition that, within nine (9) months of the date of this Order, Respondent shall successfully complete a minimum of two (2) hours of continuing education in the area of fluid therapy in critical patients and shall successfully complete a minimum of two (2) hours of continuing education in the area of veterinary medical record keeping. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

3. Respondent shall locate the course(s) required by this Order, provide adequate course descriptions to the Department Monitor, and obtain pre-approval of the courses from the Wisconsin Veterinary Examining Board, or its designee, prior to taking the courses. For the purposes of this Order, the Board's designee is the Department Monitor:

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

4. Within thirty (30) days following completion of the course(s) described in this Order, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying attendance at the required courses.

5. All costs of the educational program shall be the responsibility of the Respondent. Respondent is responsible for all costs of compliance.

6. Upon successful completion of the educational programs, submission and approval of the records and payment of the costs set forth below, Respondent's license to practice veterinary medicine shall be restored to unlimited status.

7. Respondent shall, within ninety (90) days from the date of this Order, develop a policy for a) communicating about patient's condition with the client while the patient is in the hospital; b) informing client if the doctor will not be available to monitor or treat patient while in hospital; c) offer a referral for those patients when the doctor is not available.

8. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of EIGHT HUNDRED DOLLARS (\$800.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

9. 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 (#279-50 may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of costs or completion of the continuing education.

This Order shall become effective on the date of its signing.

WISCONSIN VETERINARY EXAMINING BOARD

By: Robert Spencer Jr
A Member of the Board

5/25/2011
Date

2011 MAY 25 PM 4:00