

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

SOLOMON M. WIKERT, D.V.M. :
RESPONDENT. :

FINAL DECISION AND ORDER

ORDER 0001021

[Division of Enforcement Case #07 VET 18]

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

Solomon M. Wikert, D.V.M.
411 E. Main Street
Burlington, WI 53105-9694

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. Solomon M. Wikert, D.V.M. ("Respondent") was born on May 1, 1977, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 5314-50. This license was first granted on July 17, 2001.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 411 E. Main Street, Burlington, Wisconsin 53105-9694.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at the Harris Pet Hospital in Paddock Lake, Wisconsin.

4. On November 11, 2006, "Bella", a four and a half year old Rottweiler, ate her dog bed. By November 16, 2006, Bella was not eating, was throwing up, and was having diarrhea.

5. On November 17, 2006, Bella was seen by Respondent. X-rays were taken which showed that Bella's stomach was full of stuffing from eating her dog bed. A diagnosis of an obstruction was made and surgery was done immediately. The stuffing was removed from Bella's stomach and two obstructions were cleaned out in her intestines.

6. On November 18, 2006, the client met with another veterinarian at the Harris Pet Hospital, Dr. K. Dr. K explained that Bella was still unable to get up on her feet, and that she still had her I.V. needle, but that she could not stay at the clinic because no one would be at the clinic over the next day, Sunday, when the clinic would be closed. Dr. K. recommended that the client take Bella to a 24 hour care facility, but the client opted to take Bella home instead.

7. On November 20, 2006, Bella was eating and in good spirits, and the client had removed Bella's IV needle himself. The client contacted the clinic and made an appointment to have Bella's stitches removed on Dec. 1, 2006. Later the evening, the client noticed a large amount of fluid leaking from Bella's incision and contacted the clinic and made an appointment to have Bella seen that evening.

8. At 6:30 p.m. on November 20, 2006, Respondent saw Bella. Bella's temperature, vital signs, and physical exam findings were normal except for drainage from the surgical site. Respondent believed that exploratory surgery was not warranted at this time due to the fact that Bella was active, eating well, not vomiting, and that peritonitis was present at the time of surgery. Respondent increased the dose of Dicural from 272mg SID to 408mg SIG, added clindamycin 450mg twice daily, instructed the client to watch Bella closely for any changes of condition, and discharged Bella home.

9. On November 22, 2006, Bella was eating less, and the incision site was leaking more, and the fluid color had changed from pinkish-clear to yellowish-clear. The client contacted the clinic and talked to the receptionist and informed her that Bella's incision was leaking a lot and asked how long the incision was expected to leak. The receptionist put the client on hold to talk to a veterinarian. When the receptionist returned, she informed the client that the incision would leak for a week to ten days. Neither the Respondent nor Dr. K. was in the clinic November 22, 2006.

10. On November 23, 2006, Bella was lethargic, would not eat, and would not take her medication. By evening, she was refusing to walk. Between 1:00 a.m. and 4:45 a.m. Bella died.

11. On November 24, 2006, another veterinarian performed a necropsy of Bella and found a large amount of leaking at the abdominal incision, dehiscence of the incisions at the duodenum and the jejunum, stomach and intestinal contents in the abdomen, and related cell inflammation, but concluded that there was nothing wrong with the surgery or the suturing itself.

12. The medical records for Bella do not document that the Respondent recommended that Bella be transferred to a 24 hour veterinary hospital or that the clients declined the referral.

13. The minimally competent veterinarian presented with a patient, two days post surgery for intestinal obstruction, with sudden marked increase in fluid leaking from the abdominal incision, would either do emergent exploratory surgery or refer the patient to an emergency veterinary hospital for treatment.

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 of failing to maintain adequate patient medical records as required by Wis. Admin. Code § VE 7.03, as described in paragraph 12, above, constitutes a violation of Wis. Stat. § 453.07(2)(a) and Wis. Admin. Code § VE 7.06(15).

3. Respondent's conduct in failing to determine the cause of the increased leakage from the incision two days after abdominal surgery or refer the patient for emergency treatment elsewhere was a violation of Wis. Admin. Code § VE 7.06(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Solomon M. Wikert, D.V.M., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license is LIMITED by the condition that Respondent shall, within nine (9) months from the date of this Order, locate and successfully complete

- a minimum of two (2) hours of continuing education in the area of veterinary medical records keeping; and
- a minimum of four (4) hours of continuing veterinary education in the area of post-operative monitoring and care of companion animals; and
- a minimum of four (4) hours of continuing veterinary education in the area of gastrointestinal surgery on companion animals, and
- a minimum of two (2) hours of continuing veterinary education in the topic of selecting appropriate antibiotic treatment for veterinary use.

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 be responsible for locating the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Veterinary Examining Board, or its designee, prior to commencement of the programs. For purposes of this Order, the Board's designee is the Department Monitor. 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.

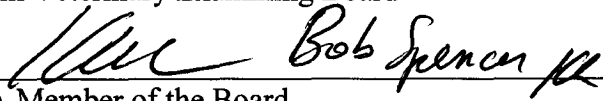
5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of FOUR HUNDRED DOLLARS (\$400.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

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 (# 5314-50) 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.

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

Wisconsin Veterinary Examining Board

By:  Bob Spencer *MD*
A Member of the Board

8/4/2011
Date