

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	:	
	:	FINAL DECISION AND ORDER
FRANK W. BUTLER, D.V.M.	:	
RESPONDENT.	:	

ORDER 0001022

[Division of Enforcement Case # 07 VET 24]

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

Frank W. Butler, D.V.M.
2715 S. Calhoun Road
New Berlin, WI 53151

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin 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. Frank W. Butler, D.V.M. ("Respondent") was born on June 3, 1956, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 2188-50. This license was first granted on June 17, 1981.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 2715 S. Calhoun Road, New Berlin, Wisconsin 53151.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at Parkland Plaza Veterinary Clinic in New Berlin, Wisconsin.

4. Respondent treated a three year old canine, "Rusty", from April 10, 2004 through March 12, 2007.

5. On March 12, 2007, Respondent saw Rusty for a routine 3 year rabies vaccination, a DHLPP booster, and a Bordetella vaccination. Rusty had a history of biting, so Respondent placed a muzzle on Rusty to protect the veterinary staff and the owner, and an assistant held Rusty down while a physical examination was conducted, the vaccines were administered, blood was drawn for a heartworm test, and a parasite fecal exam was done.

6. The medical records for Rusty do not document any physical exam results or findings; do not document any discussion of why the Bordetella vaccination was recommended to the client; and do not document the client consenting to the administration of the Bordetella vaccination.

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 medical records as required by Wis. Admin. Code § VE 7.03, as described in paragraph 6, above, constitutes a violation of Wis. Admin. Code § VE 7.06(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent's license to practice veterinary medicine in the state of Wisconsin shall be LIMITED to require that, within six (6) months from the date of this Order, Respondent shall locate and successfully complete a minimum of two (2) hours of continuing education in the area of veterinary medical records keeping. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

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

3. 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.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of SIX HUNDRED DOLLARS (\$600.00). 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

5. 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 (# 2188-50) 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.

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

Wisconsin Veterinary Examining Board

By:

Marthma C. Green MD
A Member of the Board

Date

8/3/11