

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
LAURA J. ORTON, DVM, :
RESPONDENT. :

ORDER 0001025

[Division of Enforcement Case # 09 VET 054]

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

Laura J. Orton
W1547 Cumberland Ave.
Berlin, WI 54923

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Veterinary Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement filed a formal complaint in this matter, and Administrative Law Judge Amanda Tollefsen was assigned to hear the matter. 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. Laura J. Orton, DVM ("Respondent") was born on January 4, 1978, and is licensed to practice Veterinary Medicine in the state of Wisconsin pursuant to license number 5659. This license was first granted on June 3, 2004.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is W1547 Cumberland Ave., Berlin, WI 54923.

3. At all times relevant to this proceeding, Respondent was working as a Veterinarian at Veterinary Clinic of Berlin in Berlin, Wisconsin.

4. In June 2007, Respondent treated a horse named Bonus for what Respondent diagnosed as 3/5 lameness with issues in his left front leg. Respondent again examined Bonus in July 2008 and diagnosed 3/5 lameness and issues with the left front coffin joint.

5. In April 2009, Complainant asked Respondent to perform a pre-purchase examination of Bonus. Complainant wanted to purchase Bonus from his then current owner, Michelle LaMarche, the same person who had hired Respondent to examine Bonus in June 2007 and July 2008. Respondent admits that she told Complainant that she had a conflict of interest. Complainant asserts that Respondent did not describe the conflict; nonetheless, Complainant hired Respondent to perform the pre-purchase examination.

6. Respondent's pre-purchase examination report form, on the letterhead of her veterinary clinic, includes a line reading "Has the horse ever been lame". Respondent filled in the blank with "last year" but did not disclose the significant degree of lameness, nor did she disclose that the horse had been equally lame two years earlier.

7. Respondent's pre-purchase examination form also contains a line reading "Is the horse on any medication now or previously". Respondent filled in that blank with word "No."

8. Complainant purchased Bonus from Ms. LaMarche on May 8, 2009.

9. On May 29, 2009, the farrier who shod Bonus during the time that he had been owned by Ms. LaMarche re-shod Bonus for Complainant. In conversation about Bonus, the farrier told Complainant about the Bonus being 3/5 lame in 2007 and 2008, and she told Complainant that Bonus had been on Previcox, a prescription anti-inflammatory and pain reliever, during 2008.

10. On June 1, 2009, Complainant telephoned Respondent's clinic, and requested Bonus' medical history. Respondent's clinic promptly faxed a single page "Patient History Report" to Complainant.

11. The Patient History Report disclosed four services by Respondent:
 - a. On June 22, 2007, a large animal office call for a lameness examination with the note "3/5 lame LF off and on since last August" and reporting radiographs and "PD (palmar digital nerve) block LF."
 - b. On July 25, 2008, a farm call for a lameness examination, with the note "3/5 lame LF prev history heel pain LF coffin joint injury".
 - c. On March 13, 2009, a blood drawing fee and Coggins test. (The Coggin's test is diagnostic for equine infectious anemia, a potentially fatal disease of horses.)
 - d. On May 8, 2009, the pre-purchase examination Complainant hired Respondent to perform.

12. During the pre-purchase examination in May 2009, Respondent diagnosed Bonus with 1/5 lameness on the day of the exam and Respondent identified possible arthritis in Bonus's right hind leg; Respondent failed to disclose the previous treatment and diagnosis of Bonus being diagnosed as 3/5 lame and having issues with is right front leg. Respondent led Complainant to believe that Bonus was fit for trail riding, by failing to disclose the previous issues and treatment during the pre-purchase examination.

13. Respondent failed to give all of Bonus' records to Complainant when Complainant requested them.

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. The conduct described in paragraphs four through seven [4-7], above, constitutes a violation of Wisconsin Administrative Code § VE 7.06(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Laura J. Orton is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand dollars. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

3. 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 payment of the forfeiture as ordered as set forth above, the Respondent's license (# 15031) 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 forfeiture.

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

Veterinary Examining Board

By: Marthina Gwerek DMJD 8/3/11
A Member of the Board Date