

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
DERRICK E. DONOVAN, D.V.M.,	:	
RESPONDENT.	:	

ORDER 0001166

[Division of Enforcement Case #10 VET 016]

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

Derrick E. Donovan, D.V.M.
1030 W. Kinder Street
Richland Center, WI 53581

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

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

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 (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. Derrick E. Donovan, D.V.M. ("Respondent"), was born on March 12, 1972, and is licensed to practice as a veterinarian in the State of Wisconsin (license #5308-50). This license was first granted on July 9, 2001.

2. Respondent's most recent address on file with the Veterinary Examining Board is 1030 W. Kinder St., Richland Center, Wisconsin.

3. At all times relevant to this action, Respondent was employed as a licensed veterinarian at Riverdale Veterinary Clinic, located in Muscoda, Wisconsin.
4. On March 20, 2010, "Luca," a three year old dog, miniature pinscher, presented for emergency care. Luca sustained severe puncture wounds on both hindquarters, consistent with being bitten and shaken by a larger dog.
5. Respondent's treatment of Luca consisted of placing skin staples in the proximal portion of the laceration, cleaning the wounds, and suturing the wounds. Respondent did not suggest, offer or perform radiographs.
6. On March 22, 2010, Luca died. A partial autopsy of Luca's abdomen and injury area performed on March 23, 2010 revealed two large tears in the abdominal wall, as well as a hematoma on the right side of the abdomen.
7. A substantial examination or radiographs of Luca's injuries was necessary to determine the extent of the injuries. The autopsy revealed that Luca sustained more significant injuries than those indicated, and treated, by the Respondent.
8. Minimal standards of veterinary medicine required Respondent to sufficiently examine a patient in order to correctly diagnose and treat an injury or illness.
9. Respondent's deficiency in his examination and treatment of Luca substantially departed from the standard of care and minimum competence in the practice of veterinary medicine.
10. The Department's investigation of the Respondent included a review of Respondent's veterinarian records related to Luca's examination and treatment on March 20, 2010.
11. Respondent's veterinarian records were deficient in that Respondent failed to include sufficient information to justify the diagnosis and treatment, including:
 - a. Documentation of a physical examination of the patient;
 - b. Details of the exact locations of the patient's injuries; and
 - c. Identification of the treating veterinarian.
12. Respondent's record keeping deviated from the standard practice and minimum competence in veterinary medicine.

CONCLUSION OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 453.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above in paragraphs 5-9 constitutes unprofessional conduct pursuant to Wis. Admin. Code § VE 7.06(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 453.07(2)(a).

3. The conduct described above in paragraphs 10-12 violated Wis. Admin. Code § VE 7.03(2), which constitutes unprofessional conduct pursuant to Wis. Admin. Code § VE 7.06(15) and subjects Respondent to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Derrick E. Donovan, D.V.M. (license #5308-50) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice veterinary medicine is LIMITED by the condition that, within one hundred twenty (120) days from the date of this Order, Respondent shall obtain and successfully complete, (1) two (2) hours of education in the area of veterinary emergency care in trauma; and (2) the Record Keeping class offered by the Wisconsin Veterinary Medical Association.

- a. Respondent shall locate and have the Board or its designee pre-approve the educational programs prior to Respondent completing them.
- b. Within 30 days after Respondent has completed each educational program, Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed the educational program.
- c. Respondent cannot apply these hours of education to the biennial continuing education requirements.
- d. The Limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed all of the ordered education.
- e. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- f. Respondent is responsible for all costs of compliance with this Order.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of THREE HUNDRED SEVENTY-FIVE DOLLARS (\$375.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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 of the terms of this Order. In the event Respondent fails to provide evidence of satisfactory completion of the education, or pay the costs as set forth above in a timely matter, the Respondent's license (#5308-50) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the education.

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

WISCONSIN VETERINARY EXAMINING BOARD

By: 
A Member of the Board

10-19-11
Date