

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE VETERINARY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JILL K. KUSBA, D.V.M.,	:	
RESPONDENT.	:	<u>ORDER 0001349</u>

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[Division of Enforcement Case # 06 VET 038]

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

Jill K. Kusba, D.V.M.  
14350 W. Capitol Drive  
Brookfield, WI 53005

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

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. Jill K. Kusba, D.V.M., (D.O.B.: July 27, 1953) is duly licensed as a veterinarian in the state of Wisconsin (license # 50-1959). This license was first granted on July 22, 1979.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 14350 W. Capitol Drive, Brookfield, Wisconsin 53005.

3. At all times relevant to this action, Respondent was working as a veterinarian at the Care Animal Clinic in Brookfield, Wisconsin.

4. On October 2, 2001, Keith Mausner and Judy Iles brought their nine year-old border collie, "Tapper", to Respondent for evaluation of an oral mass. The Respondent examined the border collie and noted that there was a small, raised, ulcerated mass in the left maxillary region approximately ½ cm in diameter. The Respondent ordered blood work (Vetscreen and CBC). The Respondent recommended a biopsy of the mass which was scheduled for November 5, 2001.

5. On November 3, 2001, the Respondent's office received the results of the blood work which were within normal limits.

6. On November 5, 2001, the border collie was presented to the Respondent for biopsy of the mass. The Respondent's diagnosis on that date was left supernumerary tooth retained or grown over. She recommended extraction of the retained tooth and performed the extraction that day. The Respondent noted that the tooth was easy to extract and that the bone was soft. She submitted the oral tissue to a laboratory for analysis.

7. The Respondent's office subsequently received the histopathology report (dated November 7, 2001) for the tissue sample which included gingiva, submucosa and bony tissue. The pathologist diagnosed "well-differentiated appearing sclerotic new woven bone" and further noted the following in the comments section of the report:

A very well differentiated or well-differentiated area of a sclerosing osteosarcoma cannot be entirely excluded. Recommend complete excision of the tissue if not already done and if done, monitoring with prompt excision of any regrowth.

On the histopathology report received by the Respondent's office, the Respondent made the following handwritten note: "Benign no cancer".

8. After receiving the report, the Respondent telephoned the owners to discuss the results. The Respondent advised the owners that the pathology result was completely benign and that the border collie would heal fine.

9. On December 7, 2001, the border collie was presented to the Respondent with a complaint that the dog had foul-smelling breath since the tooth extraction. The Respondent examined the dog and did not detect any abnormal breath odors. Examination revealed no draining tracts or fistulas. She noted that the area where the tooth had been removed had healed over well. The owners elected to monitor the dog's condition.

10. On September 24, 2002, the border collie was presented to the Respondent. At that time, the Respondent noted changes in the upper left arcade near the first premolar, the same

area where the previous extraction had been performed. The Respondent recommended that the area be explored and biopsied again.

11. On September 26, 2002, the border collie was presented to the Respondent for the culture and biopsy procedures and extraction of the first premolar. The Respondent sent the oral tissue samples to two different laboratories for analysis. Both of the pathology reports from the two laboratories indicated a diagnosis of osteosarcoma.

12. On October 8, 2002, the owners presented the border collie to the Respondent to begin chemotherapy treatment.

13. On October 14, 2002, the owners transferred treatment of their dog to the UW Madison Veterinary Hospital where the border collie began chemotherapy and palliative radiation therapy.

14. The dog appeared to be doing better in December of 2002, however its quality of life quickly began to deteriorate due to pain in its jaw. The owners elected to euthanize the border collie which was done on January 7, 2003.

15. Respondent's conduct in providing care and treatment to the border collie failed to meet the minimum standards of acceptable veterinary practice and evidence a lack of knowledge or the ability to apply professional principles and skills in that Respondent failed to offer a referral to the client as an option to monitoring.

#### 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 as set out in paragraphs 4 through 12 above, constitutes a violation of Wis. Admin. Code § VE 7.06(1) and she is therefore subject to discipline pursuant to Wis. Stat. § 453.07(2)(a).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Jill K. Kusba, D.V.M., is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within six (6) months from the date of this Order, obtain and successfully complete two (2) hours of continuing education in the area of oncology or pathology

and two (2) hours of continuing education in the area of client education and communication. 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 obtaining 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.

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 her attendance at the required courses.

5. Respondent shall, within ( 90 ) days from the date of this Order, pay costs of this proceeding in the amount of EIGHT HUNDRED (\$ 800.00) 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  
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 (# 50-1959) 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: Marthina L. Greer DVM JD  
A Member of the Board

2/8/12  
Date