

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
	:	
THOMAS J. GIANFORTE, D.V.M.,	:	
RESPONDENT.	:	ORDER 0001952

Division of Enforcement Case No. 11VET 033

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

Thomas J. Gianforte, D.V.M.
N6294 State Road 25
Durand, WI 54736

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
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. 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. Thomas J. Gianforte, D.V.M., ("Respondent") was born on January 8, 1953, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 1923-50. This license was first granted on July 22, 1979.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is N6294 State Road 25, Durand, Wisconsin 54736.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at Chippewa Valley Veterinary Clinic, Ltd., N6294 State Road 25, Durand Wisconsin 54736.

4. An investigation was initiated into Respondent's conduct as a veterinarian based upon receipt of a warning letter to Respondent dated September 21, 2011, from the Department of Health and Human Services, Food and Drug Administration. The warning involved inappropriate extralabel administration of oral sulfadimethoxine intravenously to a lactating cow and the prescribing of oral sulfadimethoxine in an incorrect dosage amount both in violation of the relevant sections of 21 C.F.R. 530.

5. In the spring of 2011, Respondent prescribed oral sulfadimethoxine concentrated solution 12.5% in an extralabel manner by administering the drug intravenously to a lactating dairy cow at an Elwood, Wisconsin farm, to treat metritis after surgery for a displaced abomasums.

6. 21 C.F.R. 530.41(a) (9), sulfadimethoxine is prohibited for extralabel use in lactating dairy cattle.

7. In the spring of 2011, members of Respondent's veterinary clinic staff dispensed the Albon brand of sulfadimethoxine 15 gram tablet with labeled directions of "3 a day 4 days" for a dairy cow located at a Maiden Rock, Wisconsin, farm. The cow weighed 695 pounds. The indicated dosage for a dairy cow weighing 695 pounds is 1 ¼ tablets for the first day and ¾ of a tablet for the following 3 to 4 days. The veterinary clinic staff failed to obtain the weight designation from the owner of the dairy cow prior to indicating the dosage.

8. Wis. Admin. Code sec. VE 7.02 (1) (b) restricts prescribing of drugs, including determination of dosage and frequency of administration, to a licensed veterinarian.

9. Wis. Admin. Code sec. VE 7.02 (8) permits delegation of the labeling and dispensing of prescription drugs by unlicensed personnel only after the prescribing, including dosage and frequency of administration, is determined by a licensed veterinarian. Sec. 7.08 further requires adequate supervision of unlicensed personnel as set forth in VE 7.02 (2) through (7).

10. Respondent failed to comply with 21 C.F.R. 530.20(a)(2), which requires that a careful diagnosis and evaluation of the condition for which the drug was to be used, and take appropriate measures to assure that the assigned timeframes for withdrawal are met and no illegal drug residues occur in any food producing animal subject to extralabel treatment. Farms offered the aforementioned treated dairy cows for slaughter as food that were subsequently found to contain illegal residues in edible tissue.

11. Respondent has admitted the conduct as set forth above and has cooperated fully in the investigation of this matter by the Wisconsin Department of Safety and Professional Services.

12. As a standard part of the investigation, Respondent was asked to produce continuing education certificates for the 2008 to 2009 biennial renewal period.

13. As required by the Department of Safety and Professional Services' license renewal application for veterinarians, Respondent certified that he had obtained the required 30 hours of continuing education pursuant to Wis. Stats. sec. 453.062 and Wis. Admin. Code sec. VE 10.02 (1).

14. Respondent obtained only 17.4 hours of continuing education for the 2008-2009 biennial renewal period.

15. Respondent did obtain 36 hours of continuing education for the 2006-2007 biennium.

CONCLUSIONS 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. Respondent's conduct as set forth in paragraphs 5, 6, and 10 of the Findings of Fact constitutes a violation of Wis. Stats sec. 453.07 (2) (a) as defined in (1) (b) and Wis. Admin. Code sec. VE 7.06 (4).

3. Respondent's conduct in failing to provide adequate supervision to his veterinary staff as set forth in paragraphs 7 through 9 of the Findings of Fact constitutes a violation of a violation of Wis. Admin. Code § VE 7.02(8).

4. Respondent's failure to obtain the required continuing education credits for the biennium 2008 through 2009 constitutes a violation of Wis. Admin. Code § VE 7.06(22).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that:

1. Thomas J. Gianforte, D.V.M., is REPRIMANDED by the State of Wisconsin Veterinary Examining Board.

IT IS FURTHER ORDERED THAT the license of Thomas J. Gianforte, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby LIMITED with the following restrictions:

2. Respondent shall, within thirty (30) days of the date of this order, provide to the Veterinary Examining Board a written protocol delineating all requirements to be followed by his veterinary staff with regard to the labeling and dispensing of drugs.

3. Respondent shall, within one year of the date of this Order, successfully complete 6.6 credits of additional veterinary continuing education to meet the requirements of the 2008 to 2009 reporting period. The Veterinary Examining Board recognizes 6 credits Respondent took in excess of the required 30 credits during the 2006-2007 biennial periods and applies those credits to the 2008 to 2009 reporting period.

a. Respondent shall be responsible for locating the course(s) to fulfill the required continuing education order.

b. Respondent is responsible for all costs associated with the compliance with this Order.

c. No part of the continuing education required by this Order may be applied to the continuing education required for renewal of the Respondent's credential or to any other continuing education requirement imposed on Respondent by the Board.

d. Respondent shall submit satisfactory evidence of completion of the continuing education within thirty (30) days of completing the continuing education. Certificates of completion of the continuing education shall be sent to the Department Monitor at the address indicated below:

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

IT IS FURTHER ORDERED THAT

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of six hundred (\$600.00) dollars. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to the Department Monitor at the address provided above.

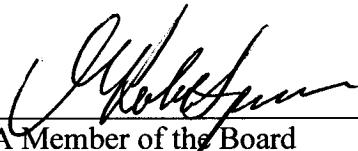
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional

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 as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#1923-50) 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:


A Member of the Board

8-1-12
Date