

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY S. LUX, D.V.M.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002: 01

Division of Enforcement Case No. 10 VET 062

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

Mary S. Lux, D.V.M.
26900 75th Street
Salem, WI 53168

Wisconsin Veterinary Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Veterinary Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mary S. Lux, D.V.M., (dob 06/03/1956) is licensed in the State of Wisconsin as a veterinarian, having license number 50-2955, first issued on 07/08/1987 and current through 12/14/2013. Respondent Lux's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 26900 75th Street, Salem, Wisconsin 53168.

2. At all times relevant to this proceeding, Respondent Lux was employed as a licensed veterinarian at Westosha Veterinary Hospital, located in Salem, Wisconsin.

3. On September 7, 2010, "Popeye" (also known as "Kaage"), a 2-year-old Japanese Chin, presented to Respondent Lux for enucleation surgery.

4. Respondent Lux failed to adequately enucleate the eye by failing to remove part of the eyelashes and eyelid, and all conjunctiva.

5. On September 21, 2010, Popeye presented for suture removal. Respondent Lux's veterinarian records indicated "slight oozing near midsection of incision." Respondent Lux released Popeye without addressing the infection.

6. By failing to remove the eyelid margin, including the eyelashes, Popeye's enucleation site was unable to heal. This left the incision site open from the medial canthus to the center of the eyelid, as noted on November 20, 2010. An unsealed surgical site exposes the patient to unreasonable risks of chronic infection.

7. Respondent Lux's substandard enucleation procedure led to a chronic bacterial infection with drainage at the surgical site, which may have contributed to a cough.

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 pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes unprofessional conduct as defined by Wis. Admin. Code § VE 7.06(1) and subjects Respondent Lux to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mary S. Lux, D.V.M., is REPRIMANDED.

3. The veterinarian license issued to Mary S. Lux (license number 50-2955) is LIMITED as follows:

a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete four (4) hours of education in surgery, four (4) hours of education in ophthalmology, and two (2) hours of education in client communication, including taking and passing any exam offered for the courses. Respondent shall locate and have the Board or its designee pre-approve the educational program prior to Respondent completing it.

b. Within thirty (30) days after completion of the educational program, Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education

completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Mary S. Lux shall pay COSTS of this matter in the amount of \$1,400.00.

5. Requests for approval, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address 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
DSPSMonitoring@wisconsin.gov

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 as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 50-2955) 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 and completion of the education.

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

WISCONSIN VETERINARY EXAMINING BOARD

by:


A Member of the Board

10-24-12
Date