

## 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
	:	
RANDALL J. PEABODY, D.V.M.,	:	
RESPONDENT.	:	0002463

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Division of Legal Services and Compliance<sup>1</sup> Case No. 11 VET 007

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

Randall J. Peabody, D.V.M.  
Lake Geneva Veterinary Clinic  
N1172 Highway 120 South  
Lake Geneva, WI 53147

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

Division of Legal Services and Compliance  
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 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 Randall J. Peabody, D.V.M. (dob October 9, 1956) is licensed in the State of Wisconsin to practice veterinary medicine, having license number 3353-50, first issued on June 14, 1989 and current through December 14, 2013. Respondent's most recent address on

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

file with the Wisconsin Department of Safety and Professional Services (Department) is Lake Geneva Veterinary Clinic, N1172 Highway 120 South, Lake Geneva, Wisconsin, 53147.

2. At all times relevant to this proceeding, Respondent was working as a veterinarian at Lake Geneva Veterinary Clinic, N1172 Highway 120 South Lake Geneva, WI 53147.

3. On January 25, 2011, the Department of Safety and Professional Services, Division of Legal Services and Compliance (Department) received a complaint regarding Respondent's veterinary practice.

4. During the course of investigation, a witness contacted by the Department indicated that Respondent was using portions of plastic soda bottles as anesthesia masks.

5. On November 1, 2011, during an interview conducted for this investigation at Respondent's clinic, Respondent confirmed that he uses portions of plastic soda bottles as anesthesia masks.

6. The use of anesthesia masks constructed from plastic soda bottles under the circumstances of this case fall below the veterinary profession's standard of care due to the risk of inadequate anesthesia being provided the animal and the risk of leakage of the anesthetic agent which could endanger human staff performing and assisting in the veterinary procedures.

7. During the course of the investigation, Respondent was asked to produce certificates for continuing education he completed for the 2008 to 2009 license renewal period. Respondent stated he was only able to complete 14 credits for the renewal period.

8. In renewing his license for the 2010-2011 biennium, Respondent certified that he had completed 30 hours of continuing education in the 2008 to 2009 license renewal period.

9. Pursuant to a Final Decision and Order entered on July 25, 2001, Respondent's license to practice veterinary medicine in the State of Wisconsin has been limited with a restriction on his use of a constricting abdominal pressure wrap following the Board's receipt of a complaint involving allegations that Respondent improperly utilized and failed to properly monitor a constricting abdominal pressure wrap he placed on a female canine following an ovariohysterectomy. The abdominal pressure wrap was constructed in part of materials which were not developed for veterinary medical use.

10. Respondent neither admits nor denies these allegations but has chosen to resolve this matter through this order. He agrees that the findings of facts support the conclusions of law and order.

## 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. By conduct described in paragraph 6 of the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § VE 7.06(1) by engaging in conduct in the practice of veterinary medicine which evidenced a lack of knowledge or ability to apply professional principles or skills.

3. By conduct described in paragraph 7 of the Findings of Fact, Respondent violated Wis. Admin. Code § VE 10.02(1)(a) which requires a veterinarian to obtain 30 credits of continuing education pertinent to veterinary medicine in each biennial renewal period.

4. By conduct described in paragraph 8 of the Findings of Fact, Respondent violated Wis. Admin. Code § VE 7.06(22) by falsely certifying to the Board that he had completed 30 hours of continuing education required under Wis. Admin. Code 10.02(1)(a).

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 453.07 (2).

## ORDER

1. The attached Stipulation is accepted.

2. Respondent Randall J. Peabody, D.V.M. is REPRIMANDED.

3. The license of Randall J. Peabody, D.V.M., to practice veterinary medicine in the State of Wisconsin (no. 3353-50) is LIMITED as follows:

a. Within 30 days of the date of this Order, Respondent shall obtain and use professional anesthesia masks specifically manufactured for that purpose and designed for use with professional anesthesia equipment.

b. Respondent shall notify the Department Monitor that he has completed the requirements of paragraph 3 (a) within 5 days of such completion.

c. Within 30 days of notification of completion of the requirements of paragraph 3 (a), an employee of the Division of Legal Services and Compliance shall inspect the anesthesia equipment to determine whether or not Respondent has complied with the requirements of paragraph 3 (a). The inspection shall be conducted during regular business hours of the clinic but shall be unannounced. Respondent shall permit any requested inspection of the practice premises, and shall produce any requested documentation related to the relating to the anesthesia equipment or its use. The results of the inspection will be reviewed with the Board or the Board's designee to determine that compliance has been achieved.

d. Within nine months of the date of this Order, Dr. Peabody shall successfully complete sixteen (16) credits of additional veterinary education to meet the requirements of the 2008 to 2009 reporting period. At least two (2) of these credits shall be in the provision of information to clients regarding alternative options for diagnosis and treatment and obtaining informed consent, as offered through the Wisconsin Veterinary Medical Association, or an equivalent course.

e. Respondent shall be responsible for locating the course(s) to fulfill the required education order and shall obtain preapproval from the Board or its designee. The Board may reject any course(s), and may accept a course(s) for less than the number of hours for which Respondent seeks approval. Respondent is responsible for all costs associated with the compliance with this requirement. None of this remedial education may be used to satisfy continuing education requirements of the Board or Department.

f. Within 30 days of completion of the educational component of the Order, Respondent shall file an affidavit with the Department stating that he has attended, in its entirety, each preapproved course. Respondent shall provide supporting documentation of attendance from the sponsoring organizations.

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand One Hundred Twenty-Three dollars and Fifty cents (\$1,123.50). Payment shall be and mailed to the Department Monitor at the address provided above.

5. Respondent's license shall be returned to full and unrestricted status after satisfying the Board or its designee that Respondent has successfully completed the terms of paragraph 3 of this Order.

6. All notifications, submissions of proposed courses for preapproval, 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 Legal Services and Compliance  
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

7. 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 costs as ordered, fails to submit proof of successful completion of the ordered education as set forth above, or fails to comply with the ordered inspection, Respondent's license (no. 3353-50) 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 and completion of the education.

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

WISCONSIN VETERINARY EXAMINING BOARD

By:   
A Member of the Board

5-29-13  
Date