

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

BURTON G. WIERSEMA, D.V.M.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0002548

Division of Legal Services and Compliance¹ Case No. 10 VET 39

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

Burton G. Wiersema, D.V.M.
W11609 Longview Road
Brandon, WI 53919

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 Burton G. Wiersema, D.V.M. (dob August 25, 1942) is licensed in the State of Wisconsin to practice veterinary medicine, having license number 1212-50, first issued on July 16, 1971 and which expired on December 14, 2011 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W11609 Longview Road, Brandon, Wisconsin.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. At all times relevant to this proceeding, Respondent was employed as a licensed veterinarian at Animart, Inc., located in Beaver Dam, Wisconsin.

3. From October 2006 to at least July 2010, Respondent served as a veterinarian for the cattle on Client A's dairy farm in Pierce County, a large dairy operation.

4. In order to prescribe medication, a veterinarian must establish a valid veterinarian-client-patient relationship (VCPR) with the client and the client's animal(s). A valid VCPR means the veterinarian has sufficient knowledge of the animals under his or her care, which allows him or her to assume responsibility for prescription drug use.

5. During his service as veterinarian to Client A's farm, Respondent prescribed significant quantities of medication on a yearly basis, to be administered by Client A if and when the need arose. The medication was prescribed based on predictions of the type and number of ailments that may affect the cattle during the coming year.

6. Client A was provided with standardized, written protocols on administration of the medication and was instructed to consult with Respondent when treatment was necessary. Client A did not actively seek consults from Respondent, but did use substantially all the prescribed medication yearly.

7. Respondent knew or should have known the medication was utilized without consults with Respondent, as Respondent continued to dispense additional medication each year.

8. Due to the high volume of medication prescribed and dispensed to Client A's farm on a yearly basis, Respondent had the duty to follow up with Client A in order to determine that medication was used appropriately and protocols were followed correctly.

9. Respondent is currently retired and has no intention of renewing his license to practice veterinary medicine in the State of Wisconsin. Respondent does not admit any unprofessional conduct, but solely to settle this matter and avoid the expenses and uncertainties of litigation, tenders the voluntary surrender of his right to renew the license.

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).

ORDER

1. The attached Stipulation is accepted.

2. The Veterinary Examining Board accepts the surrender of Respondent's right to renew the license to practice veterinary medicine (no. 1212-50).

3. In the event Respondent decides to apply for any credential under Wis. Stat. chs 440-480, prior to becoming credentialed, Respondent shall pay to the Department of Safety and

Professional Services costs of this matter in the amount of \$1,800, pursuant to Wis. Stat. § 440.22(2).


4. Whether to grant a license to practice veterinary medicine and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.


5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

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

WISCONSIN VETERINARY EXAMINING BOARD

by: 
A Member of the Board


Date