

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

SCOTT F. HARMAN, D.V.M.,  
RESPONDENT.

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FINAL DECISION AND ORDER

0002966

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 VET 003

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

Scott F. Harman, D.V.M.  
706 Market Street  
Watertown, WI 53094

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, Scott F. Harman, D.V.M., (dob September 24, 1954), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 3684-50, first issued on, August 14, 1991 and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 706 Market Street, Watertown, Wisconsin 53094.

2. On October 26, 2005, the Veterinary Examining Board disciplined Respondent for conduct evidencing a lack of knowledge or ability to apply professional principals or skills, in

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

violation of Wis. Admin. Code § VE 7.06(1). Among other things, Respondent was ordered not to perform intraarticular surgeries (with certain exceptions) and was required to complete a course of education, under the tutelage of a board certified veterinary surgeon, in cruciate repair surgeries. He was also ordered to complete continuing education courses in (1) aseptic techniques relating to surgery; (2) pre and post operation examination; and (3) pharmacology and pain management.

3. On October 26, 2012, the Veterinary Examining Board disciplined Respondent for failing to maintain individual patient records, in violation of Wis. Admin. Code § VE 7.03(2) and Wis. Admin. Code § VE 7.06(15). Among other things, Respondent was required to complete a course of education in record keeping.

4. At all times relevant to this action, Respondent was employed as a licensed veterinarian for Gentle Healer Pet Clinic, 706 Market Street, in Watertown, Wisconsin.

5. On December 10, 2012, Client A's eight year old 17 pound male Shih-Tzu "Teddy" was brought to Gentle Healer Pet Clinic exhibiting urinary problems. Respondent was unable to pass a 3 ½ inch French catheter through Teddy's penis and palpate Teddy's bladder. Respondent was able to secure enough urine on a dipstick and found blood in Teddy's urine sample. Respondent prescribed long-acting penicillin plus procaine, bezathine and dexamethasone for Teddy. Respondent also recommended that Client A bring a urine sample and schedule Teddy for radiographs if Teddy showed no progress.

6. On December 31, 2012, Client A called Respondent and informed him that Teddy was not improving with the prescribed treatment. Teddy was scheduled for radiographs on January 3, 2013. The radiographs revealed radio-opaque objects in Teddy's bladder. Respondent diagnosed these objects to be bladder stones (urinary calculi) and recommended a cystotomy to remove them.

7. On January 9, 2013, Teddy was admitted at Respondent's clinic for the cystotomy. During the surgical procedure, Respondent incised the skin, deflected the penis and the prepuce, and incised the ventral midline to expose the bladder. Respondent incised the dorsal aspect of the bladder and made a hole big enough for him to reach inside with his finger. Respondent did not feel any objects in the bladder and could not retrieve anything inside the bladder via the use of a clamp. Respondent tried to flush the bladder through the incision but no debris was found and retrieved. Respondent was unable to pass either a 5 inch or a 3 ½ inch French catheter through the bladder incision and the penis. Based on the results from the surgical procedure, Respondent concluded that Teddy had a blockage on the base of his penis that required an urethrostomy. Respondent performed the urethrostomy without the consent of Client A.

8. After the urethrostomy procedure was concluded, Client A was informed that Teddy's procedure was complete and that he should stay overnight for recovery. However, Client A decided to pick up Teddy that day.

9. When Client A picked up Teddy, she was informed of the procedure that was performed on Teddy and was offered suggestions to keep any bleeding as result of the urethrostomy under control. Respondent prescribed Teddy with antibiotics and pain medication.

10. On January 10, 2013, Client A called Respondent and informed him that Teddy was not eating and drinking. Respondent recommended that Client A bring Teddy for a follow up exam. Instead of taking Teddy to Respondent, Client A decided to take Teddy to another veterinarian, Dr. C., at the Wisconsin Veterinary Referral Center (WVRC) in Waukesha, Wisconsin.

11. Dr. C., upon examining Teddy's radiographs, determined that Teddy had small urethral stones located at the proximal end of the penis and in the bladder and recommended that another urethrostomy be performed on Teddy to clear the debris. Based on this clinical diagnosis, Client A consented to a second urethrostomy on Teddy.

12. On January 11, 2013 a second urethrostomy was performed on Teddy. As a result of the second surgical procedure, Teddy fully recovered.

13. In resolution of this matter, Respondent consents to the entry of the following 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, respondent, Scott F. Harman, D.V.M., violated Wis. Stat. § 453.07(1)(f) and Wis. Admin Code. § 7.06(1) by engaging in unprofessional conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

3. As a result of the above violations, Respondent, Scott F. Harman, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(2)(a) and Wis. Admin. Code § 7.07.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent, Scott F. Harman, D.V.M., is REPRIMANDED.

3. The license to practice veterinary medicine issued to Respondent, Scott F. Harman, D.V.M., (license number 3684-50) is LIMITED as follows:

a. Within one hundred and twenty (120) days of the date of this Order, at his own expense, Respondent shall successfully complete three (3) hours of continuing education in the management of urinary surgical procedures and three (3) hours of continuing education in the area of informed consent. The courses

and its providers must be pre-approved by the Board's monitoring liaison. To satisfy this requirement, Respondent must take and pass any exam offered for the course.

b. Respondent shall submit proof of successful completion of the remedial 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 required by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within ninety (90) days from the date of this Order, Respondent, Scott F. Harman, D.V.M., shall pay COSTS of this matter in the amount of \$563.25.

5. Requests for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

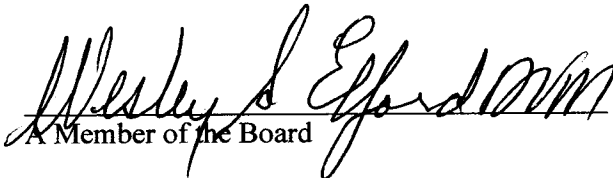
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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 complete the education or 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. 3684-50) 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.

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

WISCONSIN VETERINARY EXAMINING BOARD

by:

  
A Member of the Board

Date

1-29-14

STATE OF WISCONSIN  
BEFORE THE VETERINARY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SCOTT F. HARMAN, D.V.M.,  
RESPONDENT.

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STIPULATION

0002966

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 VET 003

Respondent, Scott F. Harman, D.V.M. and the Division of Legal Services and Compliance,  
~~Department of Safety and Professional Services~~ stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Edith M. Petersen.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Veterinary Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

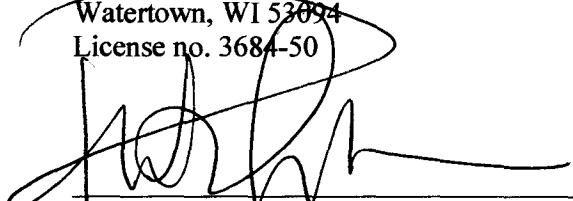
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's ~~Final Decision and Order~~ is a public record and will be published in accordance with standard Department procedure.


8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Scott F. Harman, D.V. M., Respondent  
706 Market Street  
Watertown, WI 53094  
License no. 3684-50

11/7/13  
Date

  
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Edith M. Petersen, Attorney for Respondent  
Langer & Petersen, LLC  
155 East Capitol Drive, Suite 3  
Hartland, WI 53029

11/12/13  
Date

  
\_\_\_\_\_  
Micabil Diaz-Martinez, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

NOVEMBER 18, 2013  
Date