

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

LOWELL E. WICKMAN, D.V.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

0003331

Division of Legal Services and Compliance Case No. 14 VET 012

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

Lowell E. Wickman, D.V.M.
861 Eckardt Court
Oshkosh, WI 54902

Wisconsin Veterinary Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Lowell E. Wickman, D.V.M., (dob November 11, 1966) is licensed in the state of Wisconsin to practice veterinary medicine, having license number 3859-50, first issued on May 25, 1992 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 861 Eckardt Court, Oshkosh, Wisconsin 54902.

2. At all times relevant to this proceeding, Respondent was employed as a veterinarian at a clinic located in Oshkosh, Wisconsin.

Patient care.

3. On January 17, 2014, Respondent diagnosed Josie, a seven-month-old canine Labrador mix, with demodectic mange.
4. Respondent prescribed a forty-two day course of ivermectin, with an incremental increase in dose.
5. Respondent failed to inform Josie's owner of the risk of ivermectin sensitivity in mixed breed dogs, he did not educate the owner about relevant signs and symptoms.
6. On January 31, 2014, Respondent's office manager called Josie's owner to check the dog's status.
7. The owner reported that Josie was tired and sleeping more than usual. The owner indicated that Josie appeared to be "drunk," staggering and uncoordinated while walking.
8. Respondent told Josie's owner that the reported behavior was not normal. However Respondent advised that Josie did not need to come back to the clinic. Instead, Respondent told the owner to continue to monitor Josie and to call if symptoms got worse.
9. On February 27, 2014, Josie's owner scheduled an appointment with Respondent because Josie was having difficulty standing and breathing.
10. On March 3, 2014, Respondent saw Josie and observed that the dog was extremely ataxic and struggled to remain standing. Respondent correctly, but belatedly recognized that the symptoms could be the result of ivermectin toxicity.
11. Respondent told Josie's owner to provide supportive care, to manipulate Josie's limbs, and ensure that Josie was eating and drinking. Respondent said that Josie would likely recover in about a week and instructed the owner to call if the symptoms got worse.
12. On March 4, 2014, the owner reported that Josie was unable to walk. Respondent directed the owner to take Josie to a veterinary referral center for further care.
13. Josie presented to the referral center with suspected ivermectin toxicity and an interstitial pattern in the left caudal lung field. Josie was hospitalized for two (2) days and discharged on March 6, 2014. On March 9, 2014, Josie died.
14. Respondent's conduct evidenced a lack of knowledge or ability to apply professional principals or skills in two ways: 1) Respondent failed to provide adequate informed consent before administering ivermectin to a mixed breed dog; and 2) Respondent failed to immediately recognize and urgently respond to Josie's symptoms.
15. Respondent has been licensed to practice veterinary medicine since 1992. This is the first complaint of any kind that the Board has received concerning Respondent.

16. Respondent neither admits nor denies the allegations but has agreed to resolve this matter through stipulation rather than a contested hearing.

False certification of completed continuing education.

17. On November 13, 2013, Respondent renewed his license to practice veterinary medicine and signed a statement certifying that he completed the required thirty (30) hours of continuing education.

18. On or about March 25, 2014, the Board asked Respondent to submit proof of the continuing education programs or courses he completed between December 2, 2011, and November 13, 2013.

19. In response to the Board's request, Respondent produced certificates of attendance for only four (4) of the required thirty hours (30) of continuing education.

20. 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(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 453.062 requires veterinarians to complete thirty hours of continuing education in each biennium.

3. Pursuant to Wis. Admin Code § VE 10.02(6), as a prerequisite to renewal of a license to practice veterinary medicine, licensees must sign a statement certifying that he or she has completed continuing education required by Wis. Stat. § 453.062.

4. Pursuant to Wis. Admin Code § VE 10.02(8), every veterinarian is required to maintain records of continuing education hours for at least 5 years from the date the certification statement required under § VE 10.02(6) is signed.

5. By the conduct described above in the Findings of Fact, Lowell E. Wickman, D.V.M., engaged in unprofessional conduct as defined in Wis. Admin Code § VE 7.06(1), by conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

6. By the conduct described in the Findings of Fact, Lowell E. Wickman, D.V.M., engaged in unprofessional conduct as defined in Wis. Admin Code § VE 7.06(22)(a), by falsely certifying to the board under § VE 10.02(6), that he had completed 30 hours of continuing education as required under § VE 10.02(1).

7. As a result of the above violations, Lowell E. Wickman, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Lowell E. Wickman, D.V.M., is REPRIMANDED.
3. The license to practice veterinary medicine issued to Lowell E. Wickman, D.V.M., (license number 3859-50) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall, at his own expense, successfully complete three (3) hours of remedial education on the subject of ethics, and three (3) hours of remedial education on the subject of side-effects of medications. The course provider(s) must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the course(s). Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - b. Within thirty (30) days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education. Successful completion requires that Respondent take and pass any test or examination offered with the course(s).
 - c. None of the remedial 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.
4. The license to practice veterinary medicine issued to Lowell E. Wickman, D.V.M., (license number 3859-50) is further LIMITED as follows:
 - a. Within 180 days of the date of this Order, Respondent shall, at his own expense, successfully complete twenty-six (26) hours of continuing education to fulfill the continuing education requirements of the previous biennium.
 - b. The course provider(s) must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the course(s). Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - c. Within thirty (30) days of completion of each course, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.
 - d. None of the continuing education completed pursuant to this requirement may be used to satisfy continuing education requirements of the current biennium.

- e. Respondent shall complete at least 50% of the continuing education credits required under this paragraph in a face-to-face setting.

5. These LIMITATIONS shall be removed upon proof satisfactory to the Board or its designee that Respondent has fulfilled all of the educational requirements set out in this Order.

6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$380.00.

7. Requests for preapproval of proposed remedial and continuing education, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. Violation of any of the terms of this Order, including failure to take continuing or remedial education as ordered, 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 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. 3859-50) 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.

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

WISCONSIN VETERINARY EXAMINING BOARD

by:

P. C. Johnson DVM
A Member of the Board

7/30/14
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LOWELL E. WICKMAN, D.V.M.,
RESPONDENT.

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STIPULATION

0003331

Division of Legal Services and Compliance Case No. 14 VET 012

Respondent Lowell E. Wickman, 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.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Veterinary Examining 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.

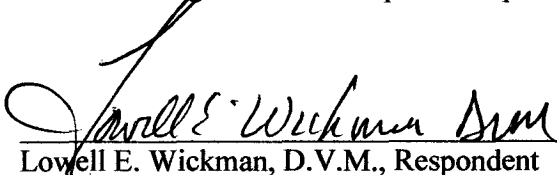
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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, 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.

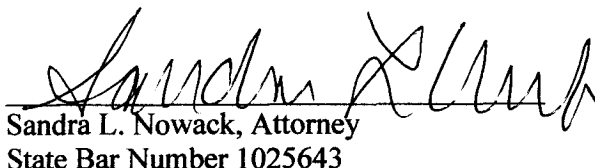


Lowell E. Wickman, D.V.M., Respondent

861 Eckardt Court
Oshkosh, WI 54902
License no. 3859-50

5-13-14

Date



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5/19/14

Date