

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION
INVOLVING

MEGAN A. JACOBI, D.V.M.,
RESPONDENT.

:
:
:
: ADMINISTRATIVE INJUNCTION
:
:

0003338

Division of Legal Services and Compliance Case No. 14 UNL 057

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

Megan A. Jacobi, D.V.M.
4126 Birch Point Lane
Rhineland, WI 54501

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Megan A. Jacobi, DVM (dob November 3, 1985) was granted a temporary permit, number 6900-50, on July 17, 2012, to practice veterinary medicine in the state of Wisconsin. Respondent's temporary permit expired on January 17, 2013, and Respondent has not obtained full licensure. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 4126 Birch Point Lane, Rhineland, Wisconsin 54501.

2. Respondent failed her first attempt at passing the North American Veterinary Licensing Exam (NAVLE) in 2012. Respondent applied for a temporary permit to practice veterinary medicine and began working at a clinic in Rhinelander, Wisconsin, under the supervision of a licensed veterinarian.

3. In December 2013, Respondent retook the NAVLE and in January 2013, Respondent was notified that she had again failed the exam.

4. Respondent continued to practice veterinary medicine at the clinic and hold herself out as one licensed to do so after her temporary permit expired.

5. In June 2013, Respondent failed to properly diagnose a tumor on a canine, which resulted in the canine having to be euthanized in November 2013.

6. Respondent's employment was terminated on February 18, 2014, when her supervisor became aware of Respondent's lack of licensure.

7. Respondent neither admits nor denies the allegations but has agreed to the Conclusions of Law and Order below.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 453.02(6) defines the "practice of veterinary medicine" as:

to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

3. Pursuant to Wis. Stat. § 453.05 (1), no person may offer to practice, advertise to practice or practice veterinary medicine, or use, in connection with his or her name, any title or description which may convey the impression that he or she is a veterinarian, without a license or temporary permit from the examining board.

4. The conduct described in the Findings of Fact above constitutes the unlicensed practice of veterinary medicine, contrary to Wis. Stat. § 453.02(6).

ORDER

1. The attached stipulation is accepted.


2. Unless and until Respondent is properly licensed as a veterinarian by the Wisconsin Veterinary Examining Board, Respondent is enjoined and prohibited from the practice of veterinary medicine in the state of Wisconsin and from holding herself as one authorized to practice veterinary medicine in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 19th day of August, 2014.

By:



Michael J. Berndt, Chief Counsel
On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN	:	
ADMINISTRATIVE INJUNCTION	:	
INVOLVING	:	STIPULATION
	:	
MEGAN A. JACOBI, D.V.M.,	:	
RESPONDENT.	:	

0003338

Division of Legal Services and Compliance Case No. 14 UNL 057

Respondent Megan A. Jacobi, 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction 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 Department adopt this Stipulation and issue the attached Administrative Injunction.

Megan A. Jacobi - D.V.M.
Megan A. Jacobi, Respondent
8343 Boyce Drive
Rhineland, WI 54501
4126 Birch Point Lane
Rhineland, WI
54501

8/13/14
Date

Sandra L. Nowack
Sandra L. Nowack, Attorney
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8/13/14
Date