

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 :
 : FINAL DECISION AND ORDER
MARY FRAUTSCHY, D.V.M., :
RESPONDENT. : 00036 91

Division of Legal Services and Compliance Case No. 13 VET 018

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

Mary Frautschy, D.V.M.
1216 W Layton Ave.
Milwaukee, WI 53221

Wisconsin Veterinary Examining Board
P.O. Box 8366
Madison, WI 53708-8935

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 Mary Frautschy, D.V.M., (dob June 11, 1954) is licensed in the state of Wisconsin as a veterinarian, having license number 1787-50, first granted on June 23, 1978, and with registration current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1216 West Layton Avenue, Milwaukee, Wisconsin 53221.

2. At all times relevant to this action, Respondent practiced veterinary medicine at an animal hospital located in Milwaukee, Wisconsin.

3. In the course of an inspection of the animal hospital on August 28, 2013, investigators for the Department obtained copies of several sets of animal patient records. On review, the records were generally missing information about the patients' conditions on presentation, the basis for treatment rendered, or details of treatment rendered to the patients.

4. Further inquiry disclosed that animal patient records were being maintained partially in hand-written hard copy, and partially in electronic format in computer files. Use of both formats for a single case increased the complexity of the patients' records in both creation and retrieval.

5. 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. By the conduct described in the Findings of Fact, Mary Frautschy, D.V.M., violated Wis. Admin. Code § VE 7.06(15) by failing to maintain records as required by s. VE 7.03.

3. As a result of the above violations, Mary Frautschy, D.V.M. is subject to discipline pursuant to Wis. Stat. § 453.07(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mary Frautschy, D.V.M., is REPRIMANDED.

3. The license to practice veterinary medicine issued to Mary Frautschy, D.V.M., (license number 1787-50) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete three (3) hours of remedial education on the topic of record keeping. None of these remedial education hours may be applied to satisfy any other requirement for continuing education.

b. Any courses taken in compliance with this Order shall be pre-approved by the Board's monitoring liaison, and shall be taken in a face-to face setting in which the instructor and student are in the same place at the same time, unless Respondent obtains specific exemption from this requirement for a specific course from the Board's monitoring liaison. Compliance with this Order requires that Respondent take and pass any exam offered for the course.

c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

d. This limitation shall be removed from Respondent's license after Respondent satisfies the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Mary Frautschy, D.V.M., shall pay COSTS of this matter in the amount of \$500.00.

5. Request 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 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including failure to satisfactorily complete required remedial education hours, 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 Respondents fail 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. 1787-50) 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: P.C. Johnson DVM
A Member of the Board

1/28/15
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY FRAUTSCHY, D.V.M.,

RESPONDENT.

:
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:
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:
:

STIPULATION

0003691

Division of Legal Services and Compliance Case No. 13 VET 018

Respondent Mary Frautschy, 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 have 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.

Mary R Frautschy DUM
Mary Frautschy, D.V.M., Respondent
1216 W Layton Ave.
Milwaukee, WI 53221
License No. 1787-50

11-5-14
Date

James E Polewski
James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

October 22, 2014
Date