

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

LYNDA L. LUDWIG, D.V.M.,
RESPONDENT.

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FINAL DECISION AND ORDER
DHA Case SPS 14-0073

0003693

Division of Legal Services and Compliance Case No. 12 VET 004

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

Lynda L. Ludwig, D.V.M.
W6880 Hilly Haven Lane
Phillips, WI 54555

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

PROCEDURAL HISTORY

The Department commenced this proceeding by filing a Complaint on September 12, 2014. Respondent, represented by Joseph M. Wirth, filed an Answer on September 30, 2014. Administrative Law Judge Jennifer Nashold presided over a prehearing conference on October 14, 2014.

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 Lynda L. Ludwig, D.V.M., (dob September 23, 1969) is licensed in the state of Wisconsin as a veterinarian, having license number 5165-50, first granted on July 31, 2000, and with registration current through December 14, 2015. Lynda L. Ludwig's most recent address on file with the Wisconsin Department of Safety

and Professional Services (Department) is W6880 Hilly Haven Lane, Phillips, Wisconsin 54555.

2. Respondent was previously reprimanded for practicing veterinary medicine without properly renewing her license from December 14, 2009, through April 2, 2010.

3 From November 8, 2010, through December 12, 2011, Respondent treated Patient A, an eleven year-old female chocolate Labrador retriever.

4. Patient A's owner and her husband decided to shift Patient A to the care of Dr. B, another veterinarian in the area. Patient A's owner requested that Respondent transfer the records and radiographs to Dr. B. Respondent's office faxed a set of records to Dr. B on December 20, 2011. Respondent supplemented her treatment records and narrative and, on December 23, 2011, Respondent met with the owner and provided her with the radiographs and the supplemented records for transfer to Dr. B, for his review and analysis.

5. The two sets of records Respondent sent to Dr. B differed; the second set of records included diagnoses and rationales that were not included in the first set. Only some of the late additions were specifically marked as late additions to the records.

6. In the course of the investigation of Respondent's care of Patient A, the Division of Legal Services and Compliance audited Respondent's compliance with the continuing education requirements for veterinarians. The audit demonstrated that Respondent had completed only nine of the required thirty credits of continuing veterinary education required in the license period December 15, 2009, through December 14, 2011.

7. 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, Lynda L. Ludwig, D.V.M., violated Wis. Admin. Code § VE 7.06(2) by failing to prominently note after-the-fact additions to her records of Patient A when Respondent transferred copies of the records to subsequent treating veterinarians and the Veterinary Examining Board.

3. By the conduct described in the Findings of Fact, Lynda L. Ludwig, D.V.M., violated Wis. Admin. Code § VE 10.02 by failing to complete at least 30 credits of continuing veterinary education during the period from December 15, 2009, through December 14, 2011.

4. As a result of the above violations, Lynda L. Ludwig, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Lynda L. Ludwig, D.V.M., is REPRIMANDED.
3. The license to practice veterinary medicine issued to Lynda L. Ludwig, D.V.M., (license number 5165-50) is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete the following remedial education: 8 hours of education on the topic of companion animal radiography; 8 hours of education on the topic of differential diagnosis of common canine illnesses; 4 hours of continuing education in the topic of veterinary records; and 8 hours of continuing education in the topic of risk management for companion animal clinical veterinary practice. None of these remedial education hours may be applied to satisfy any other requirement for continuing education.
 - b. Within six months of the date of this Order, Respondent shall complete 21 hours of general veterinary continuing education in Respondent's choice of topics, provided that Respondent's choices shall be confined to topics of clinical veterinary practice. These credit hours are intended to apply to the thirty credits of continuing veterinary education required in the license period December 15, 2009, through December 14, 2011.
 - c. All of the courses taken in compliance with this Order shall be pre-approved by the Board's monitoring liaison, and all of them 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 courses.
 - d. 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.
 - e. 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, Lynda L. Ludwig, D.V.M., shall pay COSTS of this matter in the amount of \$2500.00.

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 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. 5165-50) 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

LYNDA L. LUDWIG, D.V.M.
RESPONDENT.

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STIPULATION

0003693

Division of Legal Services and Compliance Case No. 12 VET 004

Respondent Lynda L. Ludwig, 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 Joseph M. Wirth.

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 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.

Lynda L. Ludwig, D.V.M.

Lynda L. Ludwig, D.V.M., Respondent
W6880 Hilly Haven Lane
Phillips, WI 54555
License no. 5165-50

12/3/14

Date

Joseph M. Wirth

Joseph M. Wirth, Attorney for Respondent
Piper & Schmidt
733 N. Van Buren Street, 5th Floor 732 N. Jackson St
Milwaukee, WI 53202-4710 4th Floor

12/4/14

Date

James E. Polewski

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

Dec 2, 2014

Date