

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

MARLA K. LICHTENBERGER, D.V.M.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004328

Division of Legal Services and Compliance Case Nos.
13 VET 037, 13 VET 040, 14 VET 001, 14 VET 003

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

Marla K. Lichtenberger, D.V.M.
3670 South 108th Street
Greenfield, WI 53228

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 Marla K. Lichtenberger, D.V.M., (dob February 16, 1953) is licensed in the state of Wisconsin to practice veterinary medicine, having license number 4253-50, first granted on September 28, 1994, and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3670 South 108th Street, Greenfield, Wisconsin 53228.

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

Case No. 13 VET 037

3. On October 13, 2013, the Department received a complaint that Respondent missed an esophageal foreign body during a canine stomach surgery and post-operative observation period, necessitating another surgery.

4. During the investigation of this matter, Respondent was practicing with an expired license from December 17, 2013 to December 22, 2013.

Case No. 13 VET 040

5. On October 28, 2013, the Department received a complaint about Respondent's treatment of a cat, Twilight.

6. Twilight was brought to the Clinic after an episode of respiratory distress and kept overnight for treatment.

7. The next day, the Respondent's assistant called the owners indicating that they could pick up Twilight. Within 5 minutes of the initial call, the owners received another call from the assistant indicating that Twilight had passed away.

8. Respondent stated that the owners were called after Twilight was in distress and told to come immediately. Respondent further stated that Twilight was not euthanized, but rather arrested with asystole rhythm 5 minutes after the phone call to the owners and that CPR was attempted but unsuccessful.

9. The owners stated they believed that Respondent administered a dose of potassium solution without Twilight being placed under sedation first and without receiving authorization for euthanasia. The owners stated that full resuscitation orders were in place and there was no discussion about euthanasia.

10. The invoice for the medical care included a charge of \$18.30 for euthanasia solution.

11. Respondent's records pertaining to Twilight do not contain a consent form for euthanasia and do not contain a resuscitation request form.

Case No. 14 VET 001

12. On January 9, 2014, the Department received a complaint about Respondent's treatment of Oliver, a cat.

13. Oliver was brought to the Clinic after he began having signs of urinary tract issues.

14. Upon arrival, the owner informed the receptionist/technician that Oliver had been urinating, just in small amounts and with increased frequency. The owner provided no further symptoms or history. The receptionist/technician took Oliver for a bladder scan.

15. Respondent informed the owner that Oliver was completely blocked by a blood clot, needed to be hospitalized, sedated, catheterized, flushed, given fluids, antibiotics and pain medication. Respondent told the owner that it was a good thing she brought Oliver in because he otherwise might not have made it through the night.

16. The owner requested a second opinion for Oliver at another animal clinic. The owner requested a copy of the visit note. The visit note had several discrepancies in the medical history. The medical history portion was documented as: "There is blood in the urine, cat is acting very painful, cat is hiding, and cat is urinating in unusual places and missing the cat box". The owner was never asked about medical history. There was no written documentation of Respondent's interpretation of the obstructing blood clot. On the report, the Respondent wrote the ultrasound showed an enlarged bladder with floaters.

17. The vet clinic offering the second opinion was able to palpate Oliver's bladder and diagnose Oliver with a partial obstruction.

Case No. 14 VET 003

18. On January 9, 2014, the Department received a complaint about Respondent's treatment of Brutus, a cat.

19. Brutus was brought to the Clinic to receive emergency treatment for respiratory issues.

20. Brutus was at another animal clinic for possible congestive heart failure. The clinic recommended a diuretic treatment and referred them to the Respondent. The clinic sedated Brutus and kept him in an oxygen tent until his transfer to the Respondent.

21. The owner was informed that the Respondent would give Brutus diuretics and he would be kept in an oxygen rich environment overnight. The owner left Brutus, who was still slightly sedated but sitting upright and not in critical condition.

22. Upon returning to work the owner received a call from the Respondent informing her that Brutus was not doing well and she should return right away. By the time the owner returned to the clinic, Brutus had died.

23. According to the medical record "The cat went into respiratory distress and 100ml of chylous effusion was withdrawn. The owner was contacted and opted to stop treatment due to poor prognosis." The medical record also indicated that a thoracocentesis was done and a mass was seen.

24. The owner stated she never consented to stopping any treatments as she did not have any idea treatments were being done and had not consented to a thoracocentesis. Another notation in the medical record stated "Dx: Anterior Medistinal Mass. Cat went into resp distress- euthanized due to condition and prognosis". The owner denies consenting to euthanasia, and Respondent's records concerning Brutus do not contain a consent form for a thoracocentesis or for euthanasia.

25. The owner called the Respondent about the medical record notations and Respondent stated that these were mistakes and proceeded to alter the medical record to state "The cat went into respiratory distress and 100 ml of chylous effusion was withdrawn. The owner was contacted and said she wanted to come in to visit the cat. The cat died before the owner came in to visit".

26. The owner was also charged for procedures that were not done including Etomidate, Furosemide, intubation and others. The owner was given a refund in the amount of \$760.45.

27. 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, Marla K. Lichtenberger, D.V.M., engaged in unprofessional conduct as defined by 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.

3. By the conduct described in the Findings of Fact, Marla K. Lichtenberger, D.V.M., engaged in unprofessional conduct as defined by Wis. Admin. Code § VE 7.06(15) for failure to maintain records as required by s. VE 7.03.

4. As a result of the above violations, Marla K. Lichtenberger, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(1)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Marla K. Lichtenberger, D.V.M., is REPRIMANDED.

3. The license to practice veterinary medicine issued to Marla K. Lichtenberger, D.V.M., (license number 4253-50) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of client communication, four (4) hours of education on the topic of record keeping, three (3) hours of education on the topic of consent and four (4) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. 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.
 - c. None of the 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. This limitation shall be removed from Respondent's license and respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Respondent will no longer be granted continuing learning education (CLE) credits for teaching or speaking engagements. This limitation is permanent.
5. Within ninety (90) days from the date of this Order, Marla K. Lichtenberger, D.V.M., shall pay COSTS of this matter in the amount of \$750.00.
6. 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

7. 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 submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 4253-50) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs and has submitted proof of successful completion of the ordered education.

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

WISCONSIN VETERINARY EXAMINING BOARD

by: P. C. Johnson DVM
A Member of the Board

11/4/15
Date

STATE OF WISCONSIN
~~BEFORE THE VETERINARY EXAMINING BOARD~~

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARLA K. LICHTENBERGER, D.V.M.,
RESPONDENT.

STIPULATION

0004328

Division of Legal Services and Compliance Case Nos.
13 VET 037, 13 VET 040, 14 VET 001, 14 VET 003

Respondent Marla K. Lichtenberger, 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.

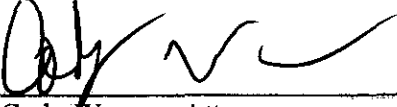
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Marla K. Lichtenberger, D.V.M., Respondent
3670 South 108th Street
Greenfield, WI 53228
License no. 4253-50

10-13-15
Date


Cody Wagner, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/21/15
Date