

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

LAURIE D. MCCABE, D.V.M.

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FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

0004329

Division of Legal Services and Compliance Case No. 13 VET 045

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

Laurie D. McCabe, D.V.M.
13725 W. Burleigh Road
Brookfield, WI 53005

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 Wisconsin 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 Laurie D. McCabe, D.V.M., DOB February 13, 1961, is licensed in the state of Wisconsin to practice veterinary medicine, having license number 3816-50, first issued on May 21, 1992 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 13725 West Burleigh Road, Brookfield, Wisconsin 53005.

2. At all times relevant to this proceeding, Respondent was employed as a veterinarian at Burleigh Road Animal Hospital (Hospital), located in Brookfield, Wisconsin.

3. On December 2, 2013, Respondent saw a puppy, Gilligan, for neutering. During the surgery, Respondent located what she believed to be an undescended testicle, cut an incision to verify that the internal tissue was consistent with testicular tissue, removed what she had identified as the testicle and ligated the pedicles.

4. On December 3, 2013, after the patient was found to be unable to urinate, Respondent took a right lateral radiograph and noted a large bladder. Respondent attempted to pass a catheter but met with resistance. Respondent then attempted to manually express Gilligan's bladder and subsequently withdrew 200 ml of fluid from the bladder by cystocentesis.

5. On December 4, 2013, when the patient's condition did not improve, Respondent consulted with the animal's owners and transferred Gilligan to a clinic with board-certified veterinary surgeons for further assessment and treatment.

6. The veterinary surgeons performed an exploratory surgery on Gilligan and determined that Respondent had actually removed his prostate and ligated his urethra. The surgeons indicated that the bladder was intact and viable and there was sufficient urethral tissue remaining to transplant into the bladder and restore the animal's ability to urinate. However, the surgeon indicated that, in his experience, 80% of such cases have life-long urinary incontinence, even with medical management.

7. The owners were consulted and made the decision to euthanize the animal without further surgical procedures.

8. Respondent has performed numerous spaying and neutering procedures in her 23 year career and has never previously encountered a prostate gland at or near the location for the incision to neuter a male dog. She believes that the location of the prostate in Gilligan near the site of the incision was a physical abnormality.

9. Subsequent to this series of events, Respondent and Burleigh Road Animal Hospital have reimbursed to the owners all costs and expenses incurred by them with respect to Gilligan, including the initial purchase price, travel and lodging and veterinary expenses, totaling over \$9,000.00. They also made a donation of \$500.00 to the Portuguese Water Spaniel Rescue Group in memory of Gilligan.

10. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board (Board) has jurisdiction to act in this matter pursuant to Wis. Stat. § 453.07(2)¹ and Wis. Stat. § 89.07(2) (2015). The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

¹ Wis. Stat. (2013-2014).

ORDER

1. The attached Stipulation is accepted.
2. Respondent, Laurie D. McCabe, D.V.M., license number 3816-050, shall complete remedial education as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete six (6) hour(s) of education on the subject of companion animal internal anatomy. The courses must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the courses. Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - b. Within thirty days of completion of preapproved education, Respondent shall submit to the Board's designee proof, satisfactory to the designee, that Respondent satisfactorily completed the education.
 - c. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
 - d. The Department shall remove this limitation from Respondent's license when Respondent has satisfied the Board's designee that Respondent has successfully completed the preapproved education.
3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$214.00.
4. Requests 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

5. 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 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. 3816-50) 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.

6. 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 THE LICENSE OF
LAURIE D. MCCABE, D.V.M.

STIPULATION

0004329

Division of Legal Services and Compliance Case No. 13 VET 045

Respondent Laurie D. McCabe, 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 David C. Keating.

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.

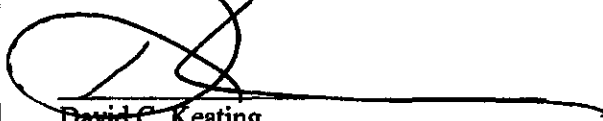
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



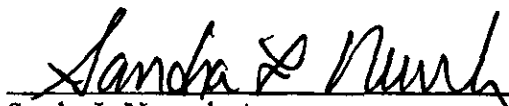
Laurie D. McCabe, D.V.M., Respondent
13725 W. Burleigh Road
Brookfield, WI 53005
License No. 381650

8-27-15
Date



David C. Keating
Walsh & Keating, S.C.
1505 Wauwatosa Avenue
Wauwatosa, WI 53213-2622

8-28-15
Date



Sandra L. Nowack, Attorney
State Bar Number 1025643
Division of Legal Services and Compliance
P.O. Box 7190
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Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

8/28/15
Date