

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

ELIZABETH A. NASAL, D.V.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004330

Division of Legal Services and Compliance Case No. 14 VET 006

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

Elizabeth A. Nasal, D.V.M.
1460 Swan Road
De Pere, WI 54115

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 Elizabeth A. Nasal, D.V.M., (dob May 23, 1971) is licensed in the state of Wisconsin to practice veterinary medicine, having license number 4864-50, first issued on August 21, 1998 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1460 Swan Road, De Pere, Wisconsin 54115.

2. On November 11, 2009, case number 06 VET 021, the Board disciplined Respondent for engaging in unprofessional conduct as defined by Wis. Admin. Code § VE 7.02(5), by delegating to an unlicensed assistant the task of monitoring general anesthesia. The Board reprimanded Respondent and assessed costs of investigating and prosecuting the matter.

3. At all times relevant to this proceeding, Respondent was employed as a veterinarian in De Pere, Wisconsin.

4. On February 05, 2014, the Department received a complaint regarding Respondent's veterinary practice.

5. As a result of the complaint and as part of its investigation, the Department requested evidence of Respondent's compliance with the requirement of continuing education requirements for the 2011-2013 biennium.

6. Respondent submitted course completion certificates for 11.5 hours and indicated that she had completed more than 72 hours of continuing education in the form of self-study journal review.

7. The Department, in consultation with the Board's designee, granted Respondent credit for 16.5 hours of continuing education for the 2011-2013 biennium. Ultimately, Respondent was missing 13.5 hours of continuing education required for the 2011-2013 biennium.

8. Between December 17, 2013 and January 1, 2014, Respondent's license to practice veterinary medicine was expired.

9. During the time that her license was expired Respondent, for compensation, saw 33 veterinary patients.

10. 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)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).

2. Pursuant to Wis. Stat. § 453.062(2)(c)² and Wis. Stat. § 89.062(2)(c) (2015), if any complaint is made against a veterinarian, the Board may require the veterinarian to submit proof of the continuing education programs or courses that he or she has completed during the preceding two-year licensure period.

3. Pursuant to Wis. Admin. Code § VE 10.02(1)(a), veterinarians are required to complete at least 30 hours of continuing education in each biennial renewal period.

4. Pursuant to Wis. Admin. Code § VE 10.02(1)(b), 30 continuing education

¹ Wis. Stat. (2013-2014).

² Wis. Stat. (2013-2014).

hours shall be documented. A minimum of 25 hours shall be documented by an approved continuing education provider.

5. Pursuant to Wis. Admin. Code § VE 10.03(1), to be approved by the Board, a continuing education program or course shall meet the following criteria:

- a. The subject matter of the program or course shall be pertinent to veterinary medicine or veterinary technology.
- b. The program or course sponsor shall agree to record registration and furnish a certificate of attendance to each participant.

6. By the conduct described in the Findings of Fact, Elizabeth A. Nasal, D.V.M., violated Wis. Stat. § 453.07(1)(a)³ and Wis. Stat. § 89.07(1)(a) (2015), by making a materially false statement or giving materially false information in connection with an application for renewal of a license.

7. By the conduct described in the Findings of Fact, Elizabeth A. Nasal, D.V.M., engaged in unprofessional conduct as defined by Wis. Admin. Code § VE 7.06(20), by practicing under an expired license.

8. As a result of the above violations, Elizabeth A. Nasal, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(2)(a)⁴ and Wis. Stat. § 89.07(2)(a) (2015).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Elizabeth A. Nasal, D.V.M., is REPRIMANDED.
3. Respondent's license to practice veterinary medicine (no. 4864-50) is further LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete 13.5 hours of continuing education. 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 education requirements of this Order.
 - b. Within thirty (30) days of completion of preapproved education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.

³ Wis. Stat. (2013-2014).

⁴ Wis. Stat. (2013-2014).

- c. Education completed pursuant to this requirement may be used to satisfy continuing education requirements only for the 2011-2013 biennium.
- 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.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$406.00.

5. Request for preapproval 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 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 the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 4864-50) 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

11/4/15
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ELIZABETH A. NASAL, D.V.M.,
RESPONDENT.

STIPULATION

0004330

Division of Legal Services and Compliance Case No. 14 VET 006

Respondent Elizabeth A. Nasal, 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 Attorney 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.

Elizabeth A. Nasal, DVM
Elizabeth A. Nasal, D.V.M., Respondent
1460 Swan Road
De Pere, WI 54115
License no. 4864-50

9/10/15
Date

Joseph M. Wirth
Joseph M. Wirth, Attorney for Respondent
Piper, Schmidt & Wirth
732 N Jackson Street, 4th Floor
Milwaukee, WI 53202-4620

9/10/15
Date

Sandra L. Nowack
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9/10/15
Date