

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

RICHARD J. MLEZIVA, D.V.M.

:
:
: FINAL DECISION AND ORDER
: FOR REMEDIAL EDUCATION
: **0004521**

Division of Legal Services and Compliance Case No. 11 VET 039

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

Richard J. Mleziva, D.V.M.
P.O. Box 155
Denmark, WI 54208-0155

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 decision of this matter, subject to the approval of the Veterinary Examining Board (Board). The Board has reviewed the attached 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. Licensee Richard J. Mleziva, D.V.M. (DOB May 28, 1957) is licensed in the State of Wisconsin to practice veterinary medicine, having license number 2258-50, first granted on June 17, 1981, and current through December 14, 2015. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 155, Denmark, Wisconsin, 54208-0155.

2. At all times relevant to this action, Licensee was employed as a veterinarian for Northeast Wisconsin Veterinary Service in Denmark, Wisconsin.

3. On October 8, 2011, "Autumn," a 7-week old male cat was brought in for immunizations.

4. Licensee's patient notes did not document, to the degree required by administrative code, the results of the physical examination that was performed prior to immunizing Autumn.

5. Licensee administered one dose of feline rhinotracheitis-calici-panleukopenia-chlamydia psittaci vaccination and one dose of bordetella bronchiseptica bacterin (bordetella) to Autumn, subcutaneously.

6. The subcutaneous bordetella vaccine is labeled for use in canines. The feline-specific bordetella vaccine is an intranasal formulation.

7. Licensee did not specifically discuss with the client the risks and benefits of the different vaccinations prior to administering bordetella to Autumn.

8. Licensee neither admits nor denies that the allegations that form the basis of the complaint in this matter constitute a failure of care but, instead, seeks to resolve this without further contest. The stipulation entered into by Licensee is intended solely for purposes of resolution of this matter with the Veterinary Examining Board, and is not an admission of any liability or deviation from the expected standard of care for purposes of any other matter or legal proceeding.

9. Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. Within 90 days of the date of this Order, Respondent shall successfully complete the following remedial education:

- a) The online course at <http://www.catvets.com/education/online/webinars/the-path-to-better-feline-care> on improving feline care practices;
- and
- b) The 2 credit record-keeping course offered by the Wisconsin Veterinary Medical Association or the online course at <https://apps.vetmed.wsu.edu/CVME/Event/Details/5>
- and
- c) the RACE-certified, veterinary continuing education online course entitled "Four Core Skills to Improve Client Communication and Nutritional Recommendation" offered by Hill's Pet Nutrition, Inc. via interactive broadcast satellite and web conference, Program ID: 17459

Respondent shall take and pass any exam offered for the courses.

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

4. Within 180 days from the date of this Order, Richard J. Mleziva, D.V.M., shall pay COSTS of this matter in the amount of \$1,000.

5. Proof of successful course completion and payment of the 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 complete remedial education or pay costs as ordered, may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Licensee'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 Licensee fails to provide evidence of satisfactory completion of the education, or pay the costs as set forth above in a timely matter, Licensee's license (#2258-50) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid costs and submitted evidence of satisfactory completion of the education.

7. This Order shall become effective on the date of its signing.

WISCONSIN VETERINARY EXAMINING BOARD

By: P.C. Johnson DVM
A member of the Board

1/25/16
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

RICHARD J. MLEZIVA, D.V.M.

:
:
:
:

STIPULATION

0004521

Division of Legal Services and Compliance Case No. 11 VET 039

Licensee Richard J. Mleziva, 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by attorney Joseph M. Wirth.

4. Licensee 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. Licensee 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 Licensee or Licensee'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.

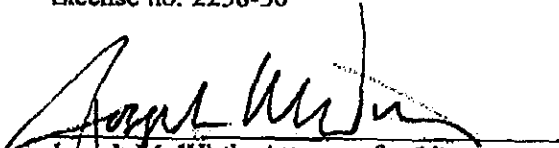
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.




Richard J. Meziva, D.V.M., Licensee
P.O. Box 155
Denmark, WI 54208-0155
License no. 2258-50

1-14-2016
Date



Joseph M. Wirth, Attorney for Licensee
Piper and Schmidt
733 N. Van Buren St.
Milwaukee, WI 53202

1-15-16
Date



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

1/19/16
Date