

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

HEDRICK WILEY, D.V.M.,
RESPONDENT.

:
:
:
: FINAL DECISION AND ORDER
: DHA CASE NO. SPS 15-0063
:

0004524

Division of Legal Services and Compliance Case No. 13 VET 042

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

Hedrick A. Wiley, D.V.M.
N3367 County Road K
Mauston, WI 53948

Wisconsin Veterinary Examining Board
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, PO Box 8911
Madison, WI 53708-8911

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

The Division of Legal Services and Compliance commenced this proceeding on July 17, 2015. Respondent Hedrick A. Wiley, D.V.M., by his attorney William Curran, filed an Answer on August 7, 2015. Administrative Law Judge Jennifer Nashold presided over a prehearing conference and issued a scheduling order on September 15, 2015.

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 Hedrick A. Wiley, D.V.M., (dob July 20, 1941) is licensed in the state of Wisconsin to practice veterinary medicine, having license number 950-50, first granted

on January 1, 1967 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N3367 County Road K, Mauston, Wisconsin 53948.

2. At all times relevant to this proceeding, Respondent was employed as a veterinarian at Mauston Veterinary Clinic, located in Mauston, Wisconsin.

3. On March 24, 2004, the Veterinary Examining Board issued Order LS0403247VET in Disciplinary Proceedings against Hedrick Wiley, D.V.M. The Order included a provision which read:

a. Effective April 24, 2004, Dr. Wiley may practice veterinary medicine in the state of Wisconsin only under the supervision of another veterinarian. "Supervision" in this context means on-site supervision." The supervising veterinarian must certify to the Board that he is willing to take responsibility for the quality of all veterinary care provided by the Respondent, including the correctness of all medication dosages. This certification must be received by the board prior to Dr. Wiley performing any further veterinary services."

4. From April 24, 2004, to May 6, 2014, Respondent routinely practiced veterinary medicine in Wisconsin in violation of the Order which limited his license to practice only under the on-site supervision of another veterinarian who certified to the Board that he accepted responsibility for the quality of all veterinary care provided by Respondent. Respondent contends that he secured supervision, but concedes that it was not certified.

5. Respondent has been the subject of disciplinary proceedings in relation to his treatment of four companion animals prior to this proceeding. The investigation that led to this proceeding was initiated by a consumer complaint about Respondent's treatment of a dog. In August 2015, the Department of Agriculture, Trade and Consumer Protection began the investigation of Respondent's treatment of a cat that had been hit by a car. Respondent has not been subject to any disciplinary proceeding arising out of his treatment of large animals. Respondent does not admit to any less than minimally acceptable veterinary medicine practices but chooses not to contest these proceedings.

6. 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. § 89.07(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, Hedrick A. Wiley, D.V.M., engaged in unprofessional conduct as defined by Wis. Stat. § 89.07(1)(h), by practicing veterinary medicine in violation of the Board's Order of March 24, 2004.

3. As a result of the above violations, Hedrick A. Wiley, D.V.M., is subject to discipline pursuant to Wis. Stat. § 89.07(2)(a).

ORDER

1. The attached Stipulation is accepted.

2. The license previously issued to Hedrick A. Wiley, D.V.M, (number 950-50) is **SUSPENDED** for one month, effective on the date of this Order.

3. The license previously issued to Hedrick A. Wiley, D.V.M., (number 950-50) is hereby **LIMITED** by the condition that Respondent may not practice veterinary medicine, or hold himself out as authorized to do so, except with regard to horses and animals that are held for the production of food or fiber.

4. Within ninety (90) days from the date of this Order, Hedrick Wiley, D.V.M., shall pay **COSTS** of this matter in the amount of \$1,300.00.

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

WISCONSIN VETERINARY EXAMINING BOARD

by:

P. C. Johnson DVM
A Member of the Board

Date

1/25/16

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HEDRICK A. WILEY, D.V.M.,
RESPONDENT.

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:

STIPULATION
DHA case SPS 15-0063

0004524

Division of Legal Services and Compliance Case No. 13 VET 042

Respondent Hedrick A. Wiley, 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 to resolve a pending disciplinary proceeding. Respondent consents to the resolution of this proceeding 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 William T. Curran.

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.

Hedrick A. Wiley DVM

Hedrick A. Wiley, D.V.M., Respondent
N3367 County Road K
Mauston, WI 53948
License No. 950-50

12-2-15

Date

Wm. T. Curran

William T. Curran, Attorney for Respondent
Curran, Hollenbeck & Orton, S.C.
111 Oak Street
P.O. Box 140
Mauston WI 53948-0140

12/2/15

Date

James Polewski

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

Dec 2, 2015

Date