

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

BRENDA BRAY, D.V.M.,
RESPONDENT.

FINAL DECISION AND ORDER

0004525

Division of Legal Services and Compliance Case No. 14 VET 032

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

Brenda Bray, D.V.M.
1041 65th Ave.
Roberts, WI 54023

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 Brenda Bray, D.V.M., (dob December 27, 1953) is licensed in the State of Wisconsin to practice veterinary medicine, having license number 2939-50, first issued on July 8, 1987 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1041 65th Avenue, Roberts, Wisconsin 54023.

2. At all times relevant to this proceeding, Respondent owned and practiced veterinary medicine at a clinic located in Hudson, Wisconsin.

3. On October 23, 2014, Department consumer protection investigators conducted an inspection of Respondent's clinic.

4. During the inspection, several patient treatment records were obtained for review.

5. A review of the treatment records revealed numerous discrepancies as described below.

Patient B.G.

6. On March 19, 2014, Respondent documented "midshaft FX oblique tibia RR" and "fell off the bed" in the subjective, objective, assessment and plan (SOAP) notes of Patient B.G.'s treatment record.

7. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient B.G.'s treatment record.

8. On April 1, 2014, Respondent documented "support wrap change" and "wrap was sliding, but dry-puppy is growing well" in the SOAP notes in Patient B.G.'s treatment record.

9. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient B.G.'s treatment record.

10. On April 21, 2014, Respondent documented "re-wrap splint keep quiet-change in 7 days" in the SOAP in Patient B.G.'s treatment record.

11. Respondent failed to document complete SOAP notes by not documenting exam findings or a treatment plan in Patient B.G.'s treatment record.

12. On April 21, 2014, Respondent billed Patient B.G. for 28 cephalexin 250 mg capsules.

13. Respondent failed to document a rationale for prescribing antibiotics to Patient B.G.

14. On May 2, 2014, Respondent billed Patient B.G. for 14 cephalexin 250 mg capsules.

15. Respondent failed to document a rationale for prescribing antibiotics to Patient B.G.

16. On May 28, 2014, Respondent documented "left eye allergic reaction, leg that was fractured doing well" in the SOAP notes in Patient B.G.'s treatment record.

17. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient B.G.'s treatment records.

18. On July 9, 2014, Respondent documented "using leg/muscle needs to develop" in the SOAP notes in Patient B.G.'s treatment record.

19. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient B.G.'s treatment record.

20. On September 23, 2014, Respondent documented "has been vomiting and diarrhea, may have eaten almost anything. Discussed hosp and fluids with owner. Radiograph has areas of bowel that are congested and gas patten is abnormal" in the SOAP notes in Patient B.G.'s treatment record.

21. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient B.G.'s treatment record.

Patient A.M.

22. On March 20, 2014, Respondent billed for a surgery she performed on Patient A.M. The surgery consisted of the amputation of toe #'s 2, 3 and 5 on Patient A.M.'s right foot.

23. Respondent failed to document surgical notes, use of anesthesia or use of a sedative.

24. Respondent billed Patient A.M.'s owner for the administration of Ketaset® 0.60 ml, an anesthetic, but failed to document surgery notes which would indicate the proper amount of Ketaset® required to perform the surgery.

25. Respondent billed Patient A.M.'s owner for the administration of 0.60 cc diazepam 5 mg/10 ml, a sedative, but failed to document surgery notes which would indicate the proper amount of diazepam required to perform the surgery.

26. Respondent's billing indicated she administered buprenorphine HCL 0.60 ml to Patient A.M.

27. Respondent failed to document the administration of buprenorphine HCL 0.60 ml in Patient A.M.'s treatment record.

Patient J.F.

28. Between May 27 and 31, 2014, Respondent made numerous billing entries for treatment provided to Patient J.F. including prescriptions, lab work, lab results, and hospitalizations.

29. Respondent failed to document SOAP notes for treatment she provided Patient J.F. between May 27 and 31, 2014.

Patient I.B.

30. On August 30, 2011, Respondent prescribed 28 prednisone 2.5 mg tablets and 42 chlorpheniramine 4 mg tablets to Patient I.B.

31. Respondent failed to document SOAP notes in Patient I.B.'s treatment record.

32. By failing to document SOAP notes, Respondent failed to provide a rationale for prescribing prednisone and chlorpheniramine to Patient I.B.

33. On August 20, 2012, Respondent prescribed 28 prednisone 2.5 mg tablets to Patient I.B.

34. Respondent failed to document SOAP notes in Patient I.B.'s treatment record.

35. By failing to document SOAP notes, Respondent failed to provide a rationale for prescribing prednisone.

Patient T.A.

36. On March 24, 2014, Respondent obtained a urine sample from Patient T.A.

37. Respondent failed to document the results of the urinalysis in Patient T.A.'s treatment record.

Patient G.R.

38. On February 4, 2014, Respondent conducted a canine ovariohysterectomy (canine spay) on Patient G.R.

39. On February 5, 2014, Patient G.R. passed away while at the clinic.

40. Respondent failed to document the events leading to the death of Patient G.R.

Patient G.R.2

41. On March 25, 2014, Respondent conducted a feline ovariohysterectomy (feline spay) on Patient G.R.2.

42. Respondent failed to document an operative report for the feline spay procedure in Patient G.R.2's treatment record.

Patient P.W.

43. On January 22, 2008, Respondent performed a canine spay on Patient P.W.

44. Respondent failed to document surgical notes or an operative report in Patient P.W.'s treatment record.

45. On September 2, 2010, Respondent examined Patient P.W.

46. Respondent failed to document SOAP notes in Patient P.W.'s treatment record.

47. On February 8, 2012, Respondent documented "lower lip and throat infected" in the SOAP notes in Patient P.W.'s treatment record.

48. Respondent failed to document complete SOAP notes by not documenting a treatment plan in Patient P.W.'s treatment record.

49. On March 30, 2012, Respondent examined Patient P.W.

50. Respondent prescribed 20 tramadol 50 mg tablets and 42 cephalexin 250 mg capsules.

51. Respondent failed to document SOAP notes in Patient P.W.'s treatment record and failed to provide a rationale for prescribing tramadol and cephalexin.

52. On April 18, 2012 and May 21, 2012, Respondent prescribed 84 chlorpheniramine 4 mg tablets to Patient P.W.

53. Respondent failed to document SOAP notes in Patient P.W.'s treatment record and failed to provide a rationale for prescribing chlorpheniramine.

54. On May 24, 2012, Respondent prescribed 42 cephalexin 250 mg capsules to Patient P.W.

55. Respondent failed to document SOAP notes in Patient P.W.'s treatment record and failed to provide a rationale for prescribing cephalexin to Patient P.W.

56. Respondent neither admits nor denies the allegations above. However, 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, Brenda Bray, D.V.M., violated Wis. Admin. Code § VE 7.03(2)(f), (h), and (k), by failing to provide clinical information sufficient enough to justify the diagnosis and warrant treatment in an individual patient record.

3. As a result of the above violations, Brenda Bray, D.V.M., may be subject to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Brenda Bray, D.V.M., is REPRIMANDED.

3. The license to practice veterinary medicine issued to Brenda Bray, D.V.M., (license number 2939-50) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of documentation and record keeping and four (4) hours of education the topic of controlled substance logs 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 after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Brenda Bray, D.V.M., shall pay COSTS of this matter in the amount of \$2,150.00.

5. Any reports and documents, request for proposed mentor, 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

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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 2939-50) 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.

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

1/25/16
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BRENDA BRAY, D.V.M.,
RESPONDENT.

STIPULATION

0004525

Division of Legal Services and Compliance Case No. 14 VET 032

Respondent Brenda Bray, 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 Ryan C. Cari.


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.

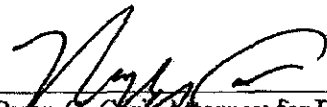
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

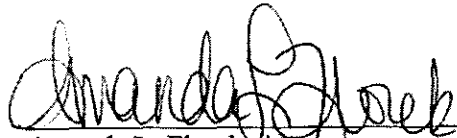
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Brenda Bray, D.V.M., Respondent
1041 65th Ave.
Roberts, WI 54023
License no. 2939-50

1-7-16
Date


Ryan C. Carr, Attorney for Respondent
Heywood, Cari & Anderson, S.C.
816 Dominion Drive, Suite 100
Hudson, WI 54016

1/7/16
Date


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

1/8/16
Date