

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
VETERINARY EXAMINING BOARD

In the Matter of the License of

R. C. Smith, D.V.M.

To Practice Veterinary Medicine
in the State of Wisconsin

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER

The complaint filed with the Board on August 18, 1977, alleged that respondent engaged in deception by certifying that he vaccinated certain calves which had actually been vaccinated by respondent's employee, and that such deception constituted prohibited unprofessional conduct, all contrary to secs. VE 3.01(6)(a) and 3.02(2), Wis. Adm. Code.

On the same date, a notice of hearing and order for answer issued and were served, together with the complaint, scheduling the hearing for September 21, 1977. Respondent filed an answer on September 2, 1977, setting forth certain considerations by way of mitigation, but not denying the charges. On September 15, 1977, a prehearing conference was held where it was stipulated that respondent admitted each allegation of the complaint and that respondent would be allowed to present evidence in mitigation of the charges at the hearing.

The hearing was held on the scheduled date with the following appearances: John C. Temby, staff attorney for the Department of Regulation and Licensing, for complainant; respondent Dr. R. C. Smith, in person and without counsel; members of the Board were also present. Attorney Keith R. Clifford acted as the Board's authorized Hearing Examiner.

Based upon all the evidence received at the hearing, the Veterinary Examining Board (hereinafter Board) makes the following:

FINDINGS OF FACT

1. Respondent is a veterinarian licensed to practice veterinary medicine in the State of Wisconsin under a license granted by the Board.

2. Respondent at various times certified on certain Wisconsin Department of Agriculture Official Calfhood Vaccination Reports that he had properly vaccinated, identified and tattooed calves as follows: On April 5, 1976, 14 calves owned by one Lester Paske; on April 19, 1976, 29 calves owned by one Francis Hohl, 1 calf owned by one Raymond Paske, and 8 calves owned by one Arlie Schneider; and on March 17, 1976, 21 calves owned by one Ronald Ramsey.

3. In each of these instances, the vaccinations were not administered by respondent but instead were performed by one Donald Maass, an individual employed as an animal technician by respondent since 1969.

4. Respondent began allowing Mr. Maass to vaccinate calves in 1975 after the federal government ceased paying for the vaccination of calves and furnishing vaccine for calves.

5. Respondent's purpose in allowing vaccination by Maass was to decrease the costs and increase the efficiency of his veterinary services to his clients.

6. Respondent taught Mr. Maass how to vaccinate calves and supervised Mr. Maass' vaccinations.

7. At the time respondent allowed Mr. Maass to vaccinate calves and when he executed the certifications in issue, he did not know that animal technicians were not authorized to vaccinate calves and, since becoming aware of that fact, he has not allowed animal technicians in his employ to vaccinate.

CONCLUSIONS OF LAW

1. Respondent is a veterinarian as defined in ch. 453, Wis. Stats., and a licensee as defined in ch. VE 1, Wis. Adm. Code.

2. Respondent, by certifying that he had properly vaccinated, identified and tattooed the calves in question, engaged in deception contrary to sec. VE 3.01(6)(a), Wis. Adm. Code.

3. Respondent's deception constituted prohibited unprofessional conduct by a veterinarian contrary to sec. VE 3.02(2), Wis. Adm. Code.

ORDER

The Veterinary Examining Board hereby orders:

1. That the license of R. C. Smith, D.V.M., to practice veterinary medicine be and hereby is suspended for seven days, specifically the period January 15, 1978, thru January 21, 1978.

2. That prior to January 15, 1978, R. C. Smith, D.V.M., surrender his license to the Veterinary Examining Board at Room 290, 1400 East Washington Avenue, Madison, Wisconsin 53702, to be held by the Board for the period of suspension.

Dated this 20th day of December, 1977.

By the Board:

Max E. Barth

Max E. Barth, Chairman
Veterinary Examining Board