

State Of Wisconsin

Before The Wisconsin Veterinary Examining Board

In The Matter Of Disciplinary Proceedings Against

DAVID A. WRIGHT, D.V.M.

FINAL DECISION AND ORDER

Respondent.

Case LS0001263VET

Division of Enforcement Case 98 VET#48

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

*David A. Wright, D.V.M.,
W2796 Highway 67
Campbellsport, WI 53010*

*Wisconsin Veterinary Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Veterinary Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by David A. Wright, D.V.M., personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Veterinary Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. David A. Wright, D.V.M., was born June 29, 1944. Dr. Wright's latest address on file with the Department of Regulation and Licensing is W2796 Highway 67, Campbellsport, WI 53010.
2. Dr. Wright is licensed to practice in the state of Wisconsin as a veterinarian pursuant to license #1515, which was first granted on June 13, 1975.
3. On June 20, 1998, Hershey, a German shorthair pointer owned by Michael Lane, went into labor about 8:00 a.m. at Cadens Kennels.
4. By 10:30 a.m., Hershey had delivered four puppies. Gary Hansen, owner of Cadens Kennels, telephoned Dr. Wright to discuss the matter, and was told to call again if Hershey showed new signs of labor.
5. At 2:30 p.m., Hansen again telephoned Dr. Wright, and informed him he was concerned that Hershey might yet have pups to deliver, although there was no history of active labor. Dr. Wright asked Hansen to bring Hershey to his clinic for examination. Hansen then took Hershey to Dr. Wright's clinic.
6. Upon examination, Dr. Wright noted that there was very copious dark green discharge present. An ultrasound revealed at least two live puppies remaining. He administered oxytocin and also prescribed

Cefatoxin 500 mg twice a day for seven days.

7. When Hershey delivered no new puppies despite the administration of oxytocin, Dr. Wright decided around 3:00 p.m. to proceed to a cesarean section to deliver the remaining puppies.
8. Dr. Rick Arndt administered anesthesia to the dog and assisted Dr. Wright with the care of the puppies as they were delivered.
9. Dr. Wright made a midline incision, and exteriorized the uterus. He found two very large fetuses, one in each horn. He made a longitudinal incision over each pup, and removed the pups. Both were alive at delivery, although the second pup delivered was very weak, difficult to get breathing, and unresponsive even after administration of oxygen.
10. Because of his concern with Dr. Arndt's resuscitation of the second pup, Dr. Wright apparently became distracted and did not check completely the left horn and the area around it for additional puppies.
11. Lane took Hershey and the puppies back to Cadens Kennels around 5:30 p.m. on June 20.
12. At 7:00 p.m. on June 21, when checking on Hershey and the puppies, Hansen found that Hershey had delivered another puppy. A second puppy was delivered at 8:30 p.m., and a third puppy arrived at 10:00 p.m. One puppy was delivered dead, and the two others died shortly after birth.
13. On Monday, June 22, Hansen took Hershey and the puppies to Mayville Animal Clinic. Dr. E. M. Stephenson checked Hershey and found that she had delivered all the puppies by that time.

CONCLUSIONS OF LAW

1. The Veterinary Examining Board has jurisdiction in this matter pursuant to § 453.07(2), Stats.
2. The Veterinary Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Wis. Adm. Code § VE 7.06 (1) provides that conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills constitutes unprofessional conduct.
4. The failure of Dr. Wright to deliver all puppies during a cesarean section evidences a lack of ability to apply professional principles or skills, and is therefore unprofessional conduct.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that the license of David A. Wright to practice veterinary medicine in Wisconsin is hereby LIMITED, as provided in § 453.07 (2), Stats, as follows:

1. Dr. Wright shall, within six (6) months of the date of this order, submit documentation acceptable to the Board showing successful completion of 16 hours of continuing education in General Surgery. At least eight (8) of the hours of continuing education shall be obtained through performing surgery with a veterinarian approved by the board. The mentor veterinarian shall also file a report with the department monitor regarding the content and completion of the continuing education.
2. Dr. Wright shall obtain pre-approval of his arrangements to obtain the continuing education from the Board or its designated agent before takes the course(s) in fulfillment of this requirement.
3. Dr. Wright shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$400.00 toward the costs of the investigation, pursuant to § 440.22, Stats.
4. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor

Division of Enforcement

Department of Regulation and Licensing

P. O. Box 8935
Madison, WI 53708-8935
FAX (608) 267-1805
TEL. (608) 267-7139

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Veterinary Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

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

By:

Diane Scott, D.V.M.

January 26, 2000

A Member of the Board

Date