STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: LS0312304VET
KURT ZAESKE D.V.M. :
RESPONDENT. :

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

Kurt Zaeske, D.V.M.
8914 Jackson Park Blvd.
Wauwatosa, Wi. 53226,

Veterinary Examining Board
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708 8935

Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708 8935

The parties in this matter, Kurt Zaeske, D.V.M., Respondent herein, personally and through his attorney, Stephen J. McManus, Nowakowski and McManus, LLP, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Veterinary Examining 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

1. Kurt Zaeske, D.V.M., Respondent herein, of 8914 Jackson Park Blvd., Wauwatosa, Wi. 53226, and whose date of birth is November 9, 1961, is duly licensed to practice
veterinary medicine in the State of Wisconsin under license number 3266 which was granted on August 11, 1988.

2. In the morning of July 31, 1998, a male neutered domestic long haired cat (d/o/b 1991) owned by Mary and Irvin Deubig was presented to a receptionist at the Franklin Veterinary Clinic for grooming.

3. At approximately 2:00 p.m. Respondent performed a physical examination of the cat. and determined a tranquilizer would be required prior to grooming.

4. According to Respondent, the cat was thin, weighed 4.2 lbs, but otherwise appeared normal.

5. The Deubig cat had previously been presented to the same clinic in June with a history of increased appetite and increased drinking and urination. An in - clinic blood test, which did not include a thyroid test, was within normal limits.

6. The cat was an anesthetic risk due to its history, current weight and possibility of underlying disease.

7. Respondent administered 4mg. Xylazine and .05ccs Ketamine to the cat.

8. The Respondent did not discuss the risks and benefits of administering a tranquilizer with the owner prior to administration. The respondent believed that pursuant to clinic policy, consent was obtained from the owners by the clinic intake assistant.

9. The grooming procedure was completed at approximately 2:30 p.m.

10. Subsequent to the grooming procedure, Respondent administered a reversing agent, Yobine I.V. to the cat at 2:45 p.m.

11. Respondent had the cat observed for five minutes following administration of the reversing agent and then released the cat to the owners upon the owners' request at 2:50 p.m.
The cat had not completely recovered from the tranquilizer at the time of release.

12. According to the owners, the Respondent did not provide adequate discharge instructions, other than keeping the cat warm and advising the Mr. Deubig that the cat should recover fully in twenty four hours.

13. According to the owners, the cat could not stand and continued to vomit during the night.

14. On August 1, 1998, the owners took the cat to Alta View Clinic for examination when the cat had not improved.

15. Upon presentation, the cat was laterally recumbent, had difficulty breathing, and its mentation was not good.

16. Physical examination by David Mentjes, D.V.M., revealed decreased breath sounds bilaterally, mucous membranes cyanotic, heart rate at 240 BPM, enlarged thyroid glands on palpation and the cat was mostly unresponsive.

17. Dr. Mentjes contacted Respondent to determine the anesthetic used during the grooming procedure.

18. Dr. Mentjes discussed his findings with the owners and gave a grave prognosis to the owners.

19. The cat was transferred to an emergency clinic; however it died in route.

20. The Respondent is the subject of other pending investigations which contain allegations of the failure to properly complete a cesarean section procedure on a female dog; the failure to provide /supervise adequate post delivery care for the pups; failure to maintain adequate oxygenation during the surgical procedure; failure to perform necessary pre surgical testing prior to bladder surgery; failure to adequately evaluate/ diagnose dentition loss in a hedgehog; failure to utilize appropriate restraint techniques during administration of treatment and failure to provide adequate emergency and post surgical care and/or referrals. No findings of wrongdoing on the part of Respondent are made with regard to these allegations, however, Respondent agrees that these allegations may be considered in reaching an appropriate resolution of this matter.

21. Since this incident, Respondent has developed various consent forms and discharge instructions to be provided to his clients.

22. The Respondent has cooperated in the investigations and has voluntarily agreed to the resolution of the matters contained herein.

CONCLUSIONS OF LAW

1.The Wisconsin Veterinary Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 453.04.

2.The Wisconsin Veterinary Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent's conduct in providing care and treatment to the Deubig cat evidenced a lack of knowledge or the ability to apply professional principles and skills in the following manner:

a) Respondent failed to discuss the potential risks of administering a tranquilizing agent to the Deubig cat given the cat's physical condition and history at the time of presentation with the owners prior to administration of the drugs.

b) Respondent failed to provide adequate discharge instructions to the owners.

4. By engaging in conduct which evidences a lack of knowledge or ability to apply professional principles and skills, Respondent is in violation of Wis. Stats. sec. 453.07(f) and Wis. Adm. Code sec. VE 7.06(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED, that the license of Kurt Zaeske, D.V.M. to practice veterinary medicine shall be LIMITED on the following terms and conditions:

1. Within thirty days of the effective date of this Order, Respondent shall develop consent forms to be provided to owners of small animals when diagnostics and treatment, including surgical intervention, are being considered. The forms shall include descriptions of treatment alternatives, risks and complications(including any risks or potential complications for the use of specific drugs or anesthesia), an indication of the owners' choice of treatment (or non-treatment) and the owner's signature. The Respondent shall also develop written discharge instructions which may be customized as appropriate to the animal/s condition on discharge. Samples of these forms shall be submitted to the Board for approval. Respondent is currently using various consent forms and discharge instructions developed

after the incidents which are the basis of this Order. Respondent may submit those forms for consideration in satisfaction of the requirements of this condition.

2. Within six months of the effective date of this Order, Respondent shall participate in and successfully complete a course in the evaluation of presenting symptoms in small animals with an emphasis on the use of diagnostics in evaluating those presenting symptoms, including evaluation of complete laboratory testing and results and their use in reaching a diagnosis.

3. Within six months of the effective date of the Order, Respondent shall participate in and successfully complete a course in the use of appropriate restraint techniques in small animals.

4. The courses set forth in paragraphs two and three above shall be conducted through the University of Wisconsin School of Veterinary Medicine. They shall consist of clinical, classroom and/or home study and shall both total not more than fourteen (14) hours. In addition, Respondent will meet with the individual/s conducting the courses for discussion of the materials and instruction provided. A description of the course contents and parameters shall be submitted to the Veterinarian Examining Board or its designee for approval prior to commencement of the programs. Respondent shall permit and ensure that the person/s conducting the programs provide written evaluation of Respondent's participation in and successful completion of the course.

5. Within six months of the effective date of this Order, Respondent shall participate in and successfully complete a course in the maintenance of appropriate medical records which meet the requirements of Wis. Adm. Code sec. VE 7.03 to be conducted through the University of Wisconsin School of Veterinary Medicine. The course shall consist of clinical and, if necessary, classroom and/or home study of not more than four hours. A description of the course content and parameters shall be submitted to the Veterinary Examining Board, or its designee, for approval prior to commencement of the program. The Respondent shall permit and ensure that the person/s conducting the programs provide written evaluation of Respondent's participation in and successful completion of the course.

6. Within nine months of the effective date of this Order, Respondent shall obtain a minimum of four hours of continuing education in the provision of small animal post delivery care to the delivered animals.

7. Within nine months of the effective date of this Order, Respondent shall obtain a minimum of one hour of continuing education in the evaluation, diagnosis and treatment of conditions in hedgehogs. Respondent has recently attended courses which may meet the requirements of this condition. Respondent may submit descriptions of these courses for consideration by the Board. If the Board accepts those courses as satisfactory, no further education will be required under this condition.

8. Within nine months of the effective date of this Order Respondent shall participate in and successfully complete a minimum of four hours of continuing education in the recognition and treatment of post surgical complications and emergency conditions in small animals.

9. Within six months of the effective date of this Order, Respondent shall participate in and successfully complete a minium on one hour of continuing education in the use of a pulse oximeter during surgical procedures. In the alternative Respondent may review selected readings of his choice regarding the appropriate use of a pulse oximeter during surgical procedures, including the proper oxygenation level. Respondent shall provide copies of those readings along with a signed affidavit indicating that he has reviewed the selected readings to the Board for approval in satisfaction of this condition.

10. With regard to the reeducation set forth in paragraphs six through nine above, Respondent will be responsible for locating courses satisfactory to the Wisconsin Veterinary Examining Board or its designee, for providing adequate course descriptions to the Department Monitor and for obtaining the required pre-approval of the courses from the Wisconsin Veterinary Examining Board prior to commencement of the programs. The Board may reject in whole or in part any educational opportunity which is nominated by Respondent when, in the Board's judgment, the syllabus or description of the course or other educational opportunity is insufficient to fulfill the purpose for which Respondent nominates it by reason of the educational opportunity's scope, content, method of instruction, or degree of participation required of students. The Board shall not unreasonably deny an educational opportunity suggested by Respondent.

11. Within 60 days after the courses identified in paragraphs 2, 3 and 6 through 9 above are concluded, Respondent shall file with the Wisconsin Veterinary Examining Board certifications from the sponsoring organization of his attendance at the required courses.

IT IS FURTHER ORDERED that within sixty days of notification of completion of the medical records course, Respondent shall permit the Veterinary Examining Board or its designee to review no less that 15 patient records selected at random by the Board's agent and created by Respondent subsequent to completion of the course to determine if they meet the requirements of Wis. Adm. Code sec. VE 7.03.

IT IS FURTHER ORDERED that within thirty days of the effective date of this Order, Respondent shall engage the services of a veterinarian who shall be preapproved by the Board, to serve as a monitor under this Order. The monitor shall have no business or social relationship with the Respondent and shall sign the agreement attached hereto as Exhibit A. The monitoring shall involve the following conditions:

1) Thirty days after completion of all educational components of this Order, Respondent shall identify for the monitor all patient records created by
Respondent since completion of the educational programs. The monitor shall select at random ten records to discuss with Respondent. This discussion shall include inquiry into the presenting symptoms, medical history, clinical observations, physical examination, and Respondent's rationale for any diagnostics considered and ordered, differential diagnoses and treatment recommendations. The Monitor shall also inquire into the success or failure of the treatment, any complications and Respondent's recommendations regarding those complications. In the case of a chronic condition or ongoing treatment, the Monitor shall inquire regarding Respondent's continued treatment plan. The Monitor shall also review any consent forms obtained or discharge instructions provided with regard to any of these patients.

2) In the event the Monitor notes any significant concerns with Respondent's evaluations, diagnostics or treatment recommendations, the Monitor shall notify the Board in writing immediately.

3) It is the responsibility of the Respondent to arrange scheduling of this review with the Monitor and it shall be conducted no later than sixty days after completion of the educational programs.

4) Within thirty days of the review, the Respondent shall ensure that the Monitor report in writing to the Board his/her findings with regard to the adequacy of Respondent's evaluations, diagnostics, and treatment recommendations.

IT IS FURTHER ORDERED THAT all costs of the educational courses, development of the consent forms and discharge instructions, monitoring, approvals and reporting functions shall be the responsibility of the Respondent. Respondent shall ensure timely payment of any bills submitted to him for these services within thirty days of receipt unless other arrangements are made with the agreement of the individual billing for the services.

IT IS FURTHER ORDERED that certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board be filed with:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
1400 E. Washington Ave.
Madison, WI 53708

All certifications, affidavits, reports or other documents required to be filed with the Wisconsin Veterinary Examining Board will be deemed filed with the Veterinary Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Respondent shall appear before the Wisconsin Veterinary Examining Board, if an appearance is requested by the Board, at the conclusion of the education program to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that upon satisfaction of all the terms of this Final Decision and Order, Respondent will receive a full and unrestricted license.

IT IS FURTHER ORDERED that Respondent shall pay costs in the amount of Twenty four hundred dollars ($2400.00) payable to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 in four installments of $600 each payable on June 30,2004, September 30, 2004, December 30, 2004 and March 30 2005 respectively.

IT IS FURTHER ORDERED, that the pending investigations 00 Vet 031, 00 Vet 034, 02 Vet 056, 03 Vet 017 and 03 Vet 018 are closed without further proceedings.

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".

Dated at Madison, Wisconsin, this 28th day of April, 2004.

WISCONSIN VETERINARY EXAMINING BOARD

Diane Scott
A Member of the Board