STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
HEDRICK A. WILEY JR., D.V.M.	:	LS0403247VET
RESPONDENT	:	

Division of Enforcement Case File Nos. 99 VET 010 and 99 VET 025

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Hedrick A. Wiley Jr., D.V.M.
N3367 County Rd. N
Mauston, WI 53948

Veterinary Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation, subject to the approval of the 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. Hedrick A. Wiley, D.V.M., (D.O.B. 07/20/1941) is duly licensed in the state of Wisconsin to practice veterinary medicine (license # 950). This license was first granted on January 1, 1967.

2. Respondent's latest address on file with the Department of Regulation and Licensing is N3367 County Rd. N, Mauston, WI 53948.

3. On or about February 15, 1999, Respondent provided services to "Muffin" Gullo, an 8 week old Pomeranian puppy. Muffin was given his second DHLPP vaccination, A brief physical examination was conducted (color of gums and teeth were checked) but it was not noted in the records.

4. Approximately two weeks after February 15, 1999, Muffin's owner reported that Muffin was scratching. Muffin was again seen by the Respondent. The Respondent performed a brief physical exam (checked gums and teeth) but did not note that exam in the records. He noted that the dog had crusty skin and administered .15cc Depomedrol (the strength was not charted) and sent the owner home with Clavamox drops in an unlabeled package.

5. The owner reported to the Respondent on March 3, 1999 that Muffin continued to scratch. Respondent did not see Muffin but left instructions for an office staff person to dispense Hydroxyzine 25 mg 1 tab daily. He instructed that if one tablet a day did not stop the scratching, then they could give one table twice a day. Muffin's owner came to Respondent's clinic and picked up the medication.

6. On March 6, 1999, Muffin became disoriented and then unresponsive, with seizure-like activity. Muffin was taken to another clinic where attempts to revive Muffin were unsuccessful. The cause of death was not determined.

7. Upon review of the records, it was determined that the dosage of Hydroxyzine given to Muffin was between five and ten times the recommended dosage.

8. When confronted regarding the dosage of Hydroxyzine prescribed for Muffin, Respondent pointed to the recommended dosage for humans. In addition, Respondent stated that he would have liked to have only dispensed a half-tablet a day, but he said that the tablets are too hard to break. In fact, the medication did come in a smaller size.

9. On or about March 13, 1999, the owners of patient "Six," a two year old cat in labor, called Respondent three times during the afternoon, reporting that the cat seemed uncomfortable, that her water had broken, and that they wanted to bring the cat in to be seen. After the third phone call, at about 5:00pm, the owners brought Six to Respondent's clinic.

10. Respondent examined the cat, including a digital vaginal examination, without anesthetic.

11. Respondent concluded that a kitten was approaching the anterior pelvis. He administered Oxytocin. Although Respondent recommended that the owners leave Six with him for observation, the owners chose to take Six home.

12. At about 7:00pm, Six had still not given birth. Her owners called another veterinarian, who said that an immediate C-Section was needed. The owners brought Six to that veterinarian, and a C-Section was performed.

13. When the C-Section was performed, the veterinarian found that two kittens had entered the birth canal at the same time and were unable to proceed forward. Three of four kittens survived.

14. Respondent consents to the issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Veterinary Examining Board has jurisdiction to act in this matter, pursuant to sec. 453.07, Wis. Stats.

2. The Board is authorized pursuant to sec. 227.44(5), Wis. Stats. to enter into the attached Stipulation and Order and impose the following terms and conditions.

3. Respondent's conduct described above falls below the standards of a minimally competent veterinarian and constitutes grounds for action within the meaning of sections 453.07(2)(a) and 453.07(1)(f), Wis. Stats. and Wis. Adm. Code sections VE 7.06(1).

ORDER

THEREFORE, IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The license of Hedrick A. Wiley, Jr., D.V.M. (license # 950) to practice veterinary medicine in the State of Wisconsin is limited in the following respects:

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. The supervising veterinarian must have had no professional discipline.

b) Effective immediately, Dr. Wiley may not practice feline obstetrics.

3. Dr. Wiley may apply to the Veterinary Examining Board for an order lifting the limitation at any time, but the limitation will not be lifted unless the following criteria are met:

a) Respondent shall certify to the Board the successful completion of an approved educational program of not less than 8 hours in feline obstetrics and a program of not less than 16 hours in pharmacology. The educational programs may be commercial continuing education programs, or they may be personal courses developed and conducted by a qualified veterinarian. If commercial continuing education programs are selected, the institution, instructor's name, and a course syllabus must be submitted to the Veterinary Examining Board, or its designee, for pre-approval prior to attendance. If personal courses are selected, the educational programs shall consist of approved readings and personal instruction requiring Respondent to meet with the veterinarian conducting the program to discuss the results of the reading. At the conclusion of each such program, the veterinarian conducting the program shall examine Respondent's knowledge of the subject area and shall certify to the Board that the Respondent understands the assigned readings. The names of the veterinarian(s) conducting the educational program and a description of the program, and a summary of the required readings shall be submitted to the Veterinary Examining Board, or its designee, for pre-approval prior to the commencement of the program. The veterinarian conducting the educational program shall have no business or social relationship with Respondent. All costs of the program shall be the responsibility of Respondent.

b) Respondent shall participate in and successfully complete the record keeping course conducted by the University of Wisconsin School of Veterinary Medicine.

c) Respondent, at his own expense, shall have undergone an assessment of his overall veterinary skills, consisting of an examination by the National Board of Veterinary Medical Examiners called the Species Specific Examination – Companion Animals, and shall have achieved a passing score on that examination. Arrangements for this test should be made by contacting the Exam Center of the Department of Regulation and Licensing.

4. If the Respondent meets the requirements of paragraph 3 above, the Board will lift the limitation of the Respondent's license.

5. Upon resuming practice, Respondent shall implement the record keeping procedures taught by the School of Veterinary Medicine. A random audit of Respondent's records shall be conducted by the Board or its designee at least once during the year following the resumption of practice, for the purpose of determining compliance with Wis. Admin. Code section VE 7.03 and for purposes of assessing Respondent's practice.

6. Any evidence required by this order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264

7. Respondent shall bear all costs incurred as a result of satisfying this Order.

8. Respondent shall pay costs in the sum of $1,183.22 to the Department of Regulation and Licensing within 30 days of the date of this Order.

9. If Respondent believes that the Board's refusal to lift the limitation is inappropriate, Respondent may seek a class 1 hearing pursuant to sec 227.01(3)(a) Wis. Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary and capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

10. This Order shall become effective upon the date of its signing.

VETERINARY EXAMINING BOARD

By: Diane Scott 3-24-04
A Member of the Board Date