

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
DANIEL A. GOLLER, D.V.M., : LS0811192VET
RESPONDENT. :

[Division of Enforcement Case #'s 05 VET 024 and 05 VET 027]

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

Daniel A. Goller, D.V.M.
455 Baribeau Road
Cornell, WI 54732

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

Veterinary Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Veterinary Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Daniel A. Goller, D.V.M., Respondent herein, whose date of birth is December 17, 1945, is duly licensed by the Wisconsin Veterinary Examining Board to practice veterinary medicine in the State of Wisconsin pursuant to license number 1107, which was first granted on January 1, 1970.
2. Respondent's last address reported to the Department of Regulation and Licensing is 455 Baribeau Road, Cornell, WI 54732.
3. At all times relevant to this action, Respondent was working as a veterinarian at Cornell Veterinary Clinic in Cornell, Wisconsin.

COUNT I (05 VET 024)

4. In 2004, Respondent provided veterinary services to the dairy herd of Les and Wayne Danielson in Cadott, Wisconsin.

5. On December 21, 2004, the United States Food and Drug Administration found Gentomycin residue in a tissue sample from an adult dairy cow from the Danielson herd. The cow had been treated for mastitis with a Gentocin intra-

mammary infusion purchased from Respondent. Respondent provided appropriate instructions and labeling for the Gentocin.

6. Respondent ceased using Gentocin intra-mammary infusion tubes between June and September 2005 when he became aware of the concerns raised regarding its use.

7. Respondent's 2004 records for the Danielson dairy herd do not include the information required under the provisions of Wis. Admin. Code § VE7.03; specifically there is no identification of the animal/s for whom the drugs were intended, no diagnosis of a condition requiring the prescribing of the medication, no listing of treatment, and no listing of meat and milk withholding times.

COUNT II (05 VET 027)

8. In 2004, Respondent provided veterinary services to the dairy herd of Marti Ostrowski in Sheldon, Wisconsin.

9. On December 21, 2004, the United States Food and Drug Administration found Gentomycin residue in a tissue sample from an adult dairy cow from the Ostrowski herd. The product used for treatment of the animal was from Respondent. Labeling by Respondent listed the ingredients as Gentocin/Predef 2x with withdrawal for slaughter requiring urine testing. The owner did not have any urine testing done before culling. Respondent provided appropriate instructions and labeling for the Gentocin.

10. Respondent's 2004 records for the Ostrowski dairy farm do not include the information required under the provisions of Wis. Admin. Code § VE 7.03; specifically there is no identification of the animal/s for whom the drugs were intended, no diagnosis of a condition requiring the prescribing of the medication, no listing of treatment, and no listing of meat and milk withholding times.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. sec. 453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. sec. 227.44(5).

2. Respondent's medical records do not comply with the requirements of Wis. Admin. Code sec. VE 7.03 and he is therefore in violation of Wis. Stat. sec. 453.07(1) (f) and Wis. Admin. Code sec. VE 7.06 (15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that:

1. Respondent, Daniel A. Goller, D.V.M., is REPRIMANDED for the above conduct.

2. Respondent's license to practice veterinary medicine in the State of Wisconsin shall be limited to require that, within nine (9) months of the date of this Order, Respondent shall obtain three (3) hours of continuing education in creating and maintaining food and fiber client/patient records. The courses attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.

3. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Veterinary Examining Board, or its designee, prior to commencement of the programs.

4. Within thirty (30) days following completion of the courses identified in paragraph 2 above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying his attendance at the required courses.

5. All costs of the educational programs shall be Respondent's responsibility.

6. Upon successful completion of the educational programs, submission and approval of the records and payment of the costs set forth below, Respondent's license to practice veterinary medicine, shall be restored to unlimited status.

IT IS FURTHER ORDERED that:

7. Respondent shall, within 90 days of the date of this Order pay costs of this proceeding in the amount of four hundred and ninety (\$490.00) dollars. Payment shall be made to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

8. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license (#1107) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order is effective on the date of its signing.

Wisconsin Veterinary Examining Board

By: Robert Spencer DVM
A Member of the Board

11/19/08
Date