

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MORRIS A. LINK, D.V.M.,	:	
RESPONDENT.	:	LS0906121VET

Division of Enforcement Case Nos. 03 VET 028, 05 VET 033 and 06 VET 032.

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

Morris A. Link, DVM
5129 University Avenue
Madison, WI 53705

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

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

PROCEDURAL HISTORY

A Notice of Hearing and Complaint in the above case numbers was filed in this matter on June 15, 2009. Respondent, Morris A. Link, DVM, filed a formal Answer to the Notice of Hearing and Complaint denying the substantive allegations made in the Complaint, asserting affirmative defenses, and requesting the Board dismiss the Complaint with prejudice. Respondent continues to deny the substantive allegations of the Complaint.

Prior to the hearing scheduled for July, 2010 on the formal complaint, and to save the legal expenses of a multi-day hearing and appeal, the parties in this matter entered into a Stipulation, agreeing to the terms and conditions of this Final Decision and Order, subject to the approval of the Veterinary Examining Board ("the Board"). The Board has reviewed the Parties' Stipulation and considers it and the stipulated Final Decision and Order acceptable.

Accordingly, the Board makes the following:

FINDINGS OF FACT

1. Morris A. Link, D.V.M. (DOB December 15, 1934) is duly licensed to practice veterinary medicine in the state of Wisconsin under license number 992. This license was first granted on January 1, 1968.
2. Respondent has practiced veterinary medicine for over 42 years, seeing thousands of animal patients and their owners. During that time, he has never had any disciplinary proceedings filed against him (other than this matter); has never been found by any Court or administrative tribunal of having violated any statute or rule relating to the practice of veterinary medicine; and never has been sued for malpractice.
3. Respondent owns and operates Spring Harbor Animal Hospital, located at 5129 University Avenue, Madison, WI 53705 through a corporation. Respondent has owned Spring Harbor Animal Hospital since 1971, first as a co-owner with another DVM and then as sole owner. Respondent also was active in the United States Navy during the period of time from 1959 to 1962 and later in the United States Naval Reserve, retiring with the rank of Commander. Respondent employs professional staff at Spring Harbor Animal Hospital, including two other licensed DVMs. Respondent enjoys a reputation as a well-known, respected, and long-standing practitioner of veterinary medicine. Respondent would like to partially retire and sell his practice, but continue to practice as needed on a part-time basis.
4. Respondent practices companion animal medicine.
5. A formal complaint consisting of two counts was filed in the above case numbers on June 15, 2009. A hearing is scheduled for July, 2010. The allegations include the care and treatment provided a male Poodle mix breed dog owned by Patrick and Jane Nix in 2002 and a Great Dane owned by Amanda Kehoe in 2005. Another matter, which is not the subject of a formal complaint, bearing case no. 06 VET 032, is currently under investigation although no complaint has been issued by the Department. Respondent has denied, and continues to deny, all substantive allegations in that matter. While one deposition was conducted by Respondents' attorneys, no other depositions, including that of Patrick and Jane Nix, were taken, depositions having been postponed as a result of settlement discussions between the Parties.
6. On August 21, 2002, the Nix dog was presented at Respondent's clinic for an appointment because of severe weight loss and loss of appetite. After examination, the Respondent concluded that the dog had a seriously infected mouth (sometimes known as "rotten mouth") and several diseased teeth, and urged the owners to have their dog undergo a dental procedure to remove the infected teeth and the severe tartar.
7. During the veterinary appointment on August 21, 2002, Respondent's records lack notation that Respondent discussed the options for further diagnostics or treatment with the owners, or the risks and benefits of those options. Respondent states that he did discuss such options and the need to have the dental procedure and also discussed euthanasia; the owners contest this assertion. Despite the dog's condition, the owners did not return the dog for treatment until October 9, 2002 for the procedure.

8. Respondent's medical records for the August 21, 2002, veterinary appointment do not reflect a weight for the dog and do not contain a medical history, physical examination findings, and an evaluation and explanation for the dog's weight loss and presenting condition.
9. The Nix dog was presented on October 9, 2002 for the dental procedure. Blood work performed in the morning on October 9, 2002 prior to the dental procedure, revealed the Nix dog with impaired renal function.
10. Respondent did not advise the owners of the results of the blood work prior to the dental procedure on October 9, 2002, and the risks and benefits of performing the dental procedure based on the laboratory results.
11. Respondent commenced the dental procedure in the morning on October 9, 2002, by administering morphine with atropine as a preanesthetic to the Nix dog. No amounts are noted in the medical records for the administration of the preanesthetic. However, Respondent asserts that the amounts were kept in a separate log which is no longer available.
12. On October 9, 2002, the Nix dog received 75 ml lactated ringers prior to the procedure which were administered subcutaneously. No intravenous fluids were administered to the Nix dog prior to or during the dental procedure. Respondent states he chose fluid therapy using subcutaneous administration due to concerns with overloading the dog's heart which had a Type III/VI heart murmur.
13. Following completion of the dental procedure, the medical records do not reflect any post-procedure monitoring of the Nix dog's vital signs on October 9, 2002.
14. With regard to the Nix dog, Respondent will not contest that the Board may find that medical records were not maintained within the standard set forth in Wis. Admin. Code sec. VE 7.03. Respondent's records do not reflect that he provided diagnostic and treatment options to the Nix's prior to performing the dental procedure on their dog. While continuing to deny that he did not provide adequate evaluative and supportive care for impaired renal function to the Nix dog prior to, during, and immediately after the dental procedure on October 9, 2002, to resolve the matter, Respondent will not contest that the Board could make such findings.
15. The Board dismisses Count II of the Complaint (case no. 05VET033) with prejudice.

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 Stipulation and issue this Final Decision and Order, pursuant to Wis. Stat. sec. 227.44(5).
2. Respondent's conduct as set forth in paragraph 14 is contrary to Wis. Stat. § 453.07(f) and Wis. Admin. Code sections VE 7.06(1) and VE 7.06(15).

ORDER

IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Respondent's license to practice veterinary medicine in the state of Wisconsin is LIMITED as follows:

1. Within one year of the date of this Final Decision and Order, Respondent shall take and complete the following continuing education in person or via internet, as approved:
 - A. Four (4) hours in preoperative workup for surgeries, including appropriate physical examination, diagnostics and appropriate supportive care for animals with compromised renal function;
 - B. Two (2) hours continuing education on informed consent specific to the Wisconsin rule;
 - C. One (1) hour continuing education in chemical and physical restraint of animal patients; and,
 - D. Completion of the record keeping course offered through the Wisconsin Veterinary Medical Association.

The Department, an employee of the Department, or the Board may extend the deadline for completing these education requests for good cause shown, including but not limited to, unavailability of a course or courses.

2. Respondent will be responsible for locating courses satisfactory to the Veterinary Examining Board and for obtaining the required approval of the courses from the Veterinary Examining Board or its designee prior to attending the courses.
3. Respondent will, within 30 days of completion of this educational requirement, file an affidavit with the Veterinary Examining Board stating under oath that he has attended in its entirety the courses approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organization. This affidavit and the supporting documentation of attendance will be filed with:

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

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

4. During the period of time that Respondent's license is LIMITED, Respondent may engage in the full practice of veterinary medicine; Respondent's license is subject only to the required education set forth in this Order.

5. Respondent will be responsible for paying the full cost of attendance at the courses. Respondent may not apply the education credits earned as part of this Order toward satisfaction of the statutory biennial continuing education requirements for veterinary licensure in the State of Wisconsin.

IT IS FURTHER ORDERED that:

6. Respondent shall, within sixty (60) days from the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of seven thousand nine hundred twelve dollars and ninety three cents (\$7912.93) pursuant to Wis. Stat. § 440.22(2). This payment reflects the actual costs of the proceedings and does not constitute a penalty. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the address provided above.

7. In the event Respondent fails to timely pay costs as ordered or fails to comply with the ordered continuing education, his license (#992) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board or its designee will remove the suspension, if provided with sufficient information that Respondent is in compliance with the Order and that it is inappropriate for the suspension to remain in effect.

8. Upon successful completion of the courses set forth above, Respondent's license shall no longer be limited and will be automatically restored in all respects.

IT IS FURTHER ORDERED that the Division of Enforcement investigative file (assigned case no. 06 VET 032) be and is hereby closed with prejudice and without further action.

IT IS FURTHER ORDERED that this Order is effective on the date of its signing.

VETERINARY EXAMINING BOARD

By:


A Member of the Board

Date

5-26-10