

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 704 Freedom Avenue, Wisconsin Dells, WI 53965.

3. While neither admitting nor denying the allegations in this matter, in the interest of resolution the Respondent agrees to entry of the Findings of Fact, Conclusions of Law and Order by the Board..

4. At all times relevant to this proceeding, Respondent was working as a veterinarian at New Horizons Veterinary House Calls, Wisconsin Dells, Wisconsin.

5. On the morning of August 16, 2005, a two year old male boxer owned by Jennifer Burgess, was presented to Respondent for neutering surgery. The medical records do not reflect a complete preoperative examination.

6. Respondent's record for the Burgess dog indicates that the dog was presented for surgery in good physical condition, notes that there were some sores on his face, and states his age and weight, and that both of his testicles were descended, and that his toe nails were short enough that they did not need to be trimmed. Respondent's record contains no other information about the dog's physical condition, or any indication that any of his vital signs were checked before, during, or after surgery.

7. No preoperative blood work was offered or performed.

8. During the surgical procedure no intraoperative monitoring of the dog's temperature was performed.

9. Approximately 35 to 40 minutes post surgically the Burgess dog was recovered from anesthetic and was standing and barking.

10. At approximately 11:45 a.m., Respondent telephoned Ms. Burgess and advised her that the surgery was successful, the dog was doing well and could be taken home at 1:30 p.m.

11. Between approximately 12:30 p.m. and 12:55 p.m. the Burgess dog was left unmonitored at the clinic while staff left for lunch.

12. At approximately 12:55 p.m. on August 16, 2005, Dr. R.M., Respondent's business partner, telephoned Ms. Burgess and advised her that the dog had died.

13. A post mortem reading of the dog's temperature was noted as "HI" which would indicate that it exceeded 107 degrees.

14. Necropsy findings were essentially normal.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §453.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. Failing to perform an appropriate and thorough preoperative examination and document the same constitutes a violation of Wis. Admin. Code §§ VE 7.06(1) and VE 7.06(15).
3. Leaving a post-surgical patient without observation and without monitoring of the patient's vital signs constitutes a violation of Wis. Admin. Code §§ VE 7.06(1) and VE 7.06(15).
4. Failure to record that consent was obtained prior to surgery, is conduct which violates Wis. Admin. Code §§ VE 7.06(1) and VE 7.06(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Richard V. Miotke, D.V.M., is hereby REPRIMANDED.

IT IS FURTHER ORDERED THAT

2. The license of Richard Miotke, D.V.M., to practice veterinary medicine in the State of Wisconsin is hereby LIMITED on the following conditions:
 - a. Within nine months of the date of this Order, Dr. Miotke shall successfully complete two hours of veterinary continuing education in the topic of proper performance of preoperative examinations to include diagnostics; two hours of veterinary continuing education in anesthesia to include potential contraindications and complications; two hours of continuing education in post-operative monitoring; and successful completions of the record keeping course offered through the Wisconsin Veterinary Medical Association.
 - b. Dr. Miotke shall be responsible for locating courses to fulfill the required continuing education order.
 - c. Dr. Miotke shall obtain Board approval for any course he intends to take in compliance with this order, before he takes the course. The Board may reject any course, and may accept a course for less than the number of hours for which Respondent seeks approval. Respondent is responsible for all costs associated with the compliance with this order. No part of the continuing education required by this order may be applied to the continuing education required for renewal of

the Respondent's credential or to any other continuing education requirement imposed on Respondent by the Board.

d. All requests for approval of courses for compliance with this Order shall be addressed to:

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

e. Dr. Miotke shall submit satisfactory evidence of completion of the continuing education within thirty days of completing the continuing education. Certificates of completion of the continuing education shall be sent to the Department Monitor at the address indicated above.

IT IS FURTHER ORDERED that:

3. Dr. Miotke shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of one thousand four hundred (\$1,400.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to fails to pay costs as ordered or fails to comply with the ordered continuing education the Respondent's license (#4459-50) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Veterinary Examining Board

By: Bob Spencer GES
A Member of the Board

2/11/10
Date