

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
 : ORDER 0000663
 :
 ABBEY E. BUTLER, D.V.M. :
 RESPONDENT. :

[Division of Enforcement Case # 07 VET 2]

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

Abbey E. Butler, D.V.M.
P.O Box 921
Ellsworth, WI 54011

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

Wisconsin 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 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. Abbey E. Butler, D.V.M. ("Respondent") was born on May 16, 1979, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 5873-50. This license was first granted on May 19, 2006.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is P.O. Box 921, Ellsworth, WI 54011.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at the Hoof and Paw Veterinary Clinic in Menomonie, Wisconsin.

4. On December 19, 2006, RO brought her cat "Pumpkin" in for a routine examination. Respondent examined Pumpkin and noted Pumpkin had a reabsorbed tooth that needed to be extracted.

5. On December 27, 2006, RO brought Pumpkin in only to have the tooth extracted. While Pumpkin was under anesthesia, her teeth and ears were cleaned, and her nails were clipped. However, Respondent failed to extract the reabsorbed tooth.

6. Complainant was not told until after the procedure that the clinic policy required a dental radiograph to check for complete extraction of reabsorbed teeth, and was not told that the Respondent would not extract the tooth because the clinic did not have an x-ray machine.

7. The veterinary records do not mention the ear cleaning nor the nail clipping. The records contained a consent form for anesthesia/surgery, but does not specify the type of surgery, or mention the ear cleaning or the nail clipping.

8. RO only consented to the pulling of Pumpkin's tooth. RO did not consent to the periodontal scaling and polishing of Pumpkin's teeth, the trimming of Pumpkin's toe nails or the cleaning of Pumpkin's ears.

9. Respondent failed to include any physical examination findings in the December 19, 2006 visit. Respondent failed to record the overall health of the animal. Respondent failed to record a current diagnosis. Respondent failed to record any treatment plan or future care recommendations.

CONCLUSIONS OF LAW

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

2. The conduct of Respondent in failing to maintain minimally adequate patient medical records as required by Wis. Admin. Code § VE 7.03, as described in paragraph 7, above, constitutes a violation of Wis. Admin. Code § VE 7.06(15) and she is therefore subject to discipline pursuant to Wis. Stat. § 453.07(1)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Abbey E. Butler, D.V.M. is hereby REPRIMANDED.
2. Respondent's license to practice veterinary medicine in the state of Wisconsin is LIMITED by the condition that, within nine (9) months of the date of this Order, Respondent shall obtain and successfully complete a minimum of two (2) hours of continuing education in the area of veterinary medical records keeping. The course(s) attended in satisfaction of this requirement may not be used to satisfy the statutory continuing education requirements for licensure.
3. Respondent shall locate the course(s) required by this Order, provide adequate course descriptions to the Department Monitor, and obtain pre-approval of the courses from the Wisconsin Veterinary Examining Board, or its designee, prior to commencement of the programs. For the purposes of this Order, the Board's designee is the Department Monitor, contact information is:

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. Within thirty (30) days following completion of the course(s) described in this Order, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying her attendance at the required courses.
5. All costs of the educational programs shall be the responsibility of the Respondent. Respondent is responsible for all costs of compliance.
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.
7. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of SIX HUNDRED DOLLARS (\$600.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

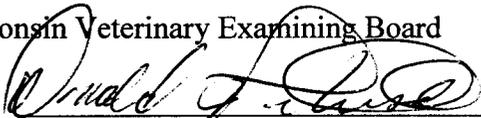
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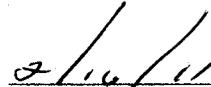
9. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#5873-50) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the continuing education.

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

Wisconsin Veterinary Examining Board

By:


A Member of the Board


Date