

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
GRETCHEN GERBER, DVM, : ORDER 0000665
RESPONDENT. :

[Division of Enforcement Case # 08 VET 22]

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

Gretchen Gerber, D.V.M.
70245 Range Rd.
Ashland, WI 54806

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 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. Gretchen Gerber, DVM ("Respondent") was born on February 23, 1960, and is licensed to practice Veterinary Medicine in the state of Wisconsin pursuant to license number 4288. This license was first granted on June 19, 1995.

2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 70245 Range Rd, Ashland, WI 54806.

3. At all times relevant to this proceeding, Respondent was working as a Veterinarian at Country Care Pet Hospital in Washburn, Wisconsin.

4. On December 13, 2007 Fritz Tibbits ("patient") was taken to Respondent with a cough that Respondent tentatively diagnosed as tracheobronchitis since Patient's owner declined any and all diagnostics. Respondent noted that patient's nails were severely overgrown causing an inability to use her paw; patient's owner stated that he believed patient had a previous injury on that paw and that it had been resolved. Respondent trimmed patient's claws. Respondent's assistant followed up with patient's owner on December 18, 2007.

5. On January 28, 2008 patient was taken to Respondent because her owner was concerned that she had injured her front limb when she slipped on the ice; Respondent noted that Patient had been licking her fractured claw. Respondent states that options, both aggressive and conservative, were discussed with Patient's owner; Respondent stated that she and Patient's owner had discussed the possibility of a cuticular injury which may have been the cause for poor nail regrowth. Respondent made three follow-ups by telephone on January 29, 2008, February 15, 2008, and March 4, 2008.

6. Patient was brought in for a follow-up exam on March 7, 2008; Respondent noted that the fractured claw looked as it was traumatized daily and that there was minimal regrowth of the claw. Respondent stated that Patient's owner was offered a number of options and ultimately decided to have the toes removed on March 7, 2008. Medical progress exams were done on March 13 and 21, 2008. Respondent stated that on March 21, 2008 she again suggested that Patient's owner should consider some basic diagnostic testing since Patient was healing somewhat slowly; Patient's owner declined.

7. Respondent failed to document that she offered and Patient's owner declined diagnostics and evaluations on December 13, 2007 to determine the cause of Patient's cough.

8. Respondent failed to document what options were presented and subsequently rejected on March 7, 2008 by Patient's owner in regard to treating the dog's wound that ultimately led to the decision to amputate the toes.

9. Respondent failed to document that on March 21, 2008 Patient's owner again declined the suggestion of diagnostics and evaluations to determine the root of the post-operative inflammation of the paw or discharge from the wound; additionally, no notation was made in regard to a determination if there was an infection or tentative diagnosis of what the cause of the swelling and discharge was.

10. Respondent failed to document that she informed Patient's owner of the effects of mixing aspirin and other medications. Furthermore, Respondent failed to make notations and/or advise the owner of the adverse effects of prolonged use of aspirin.

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 described in paragraphs seven through ten [7-10], above, constitutes a violation of Wisconsin Administrative Code § VE 7.06.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Gretchen Gerber, DVM is hereby REPRIMANDED for her unprofessional conduct in this matter.

2. The license of Gretchen Gerber to practice Veterinary Medicine in the State of Wisconsin is hereby LIMITED by the conditions that:

a. Respondent shall, within six (6) months from the date of this Order, obtain and successfully complete a minimum of two (2) hours of continuing education in the area of veterinary medical records keeping, and a minimum of two (2) hours of continuing education in the area of appropriate use of anti-inflammatory medications, and a minimum of two (2) hours of continuing education in the area of diagnosis and treatment of non-healing wounds. 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 be responsible for locating the course(s) 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. All costs of the educational programs shall be the responsibility of the Respondent. For purposes of this Order, the Board's designee 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) required by this Order, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verifying her completion of the courses.

5. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Three Hundred Ninety (\$390.00) 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
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6. 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 (# 4288-50) 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 or completion of the continuing education.

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

Veterinary Examining Board

By: _____

A Member of the Board

2/16/11

Date