

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
JOSEPH E. KELLEY, D.V.M. : FINAL DECISION AND ORDER
 : ORDER 0000 872
RESPONDENT. :

Division of Enforcement Case #09 VET 035

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

Joseph E. Kelley, D.V.M.
E11340 Hwy PF
Prairie Du Sac, WI 53578

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. Joseph E. Kelley, D.V.M. ("Respondent") was born on August 11, 1961, and is licensed to practice veterinary medicine in the state of Wisconsin pursuant to license number 50-3499. This license was granted on October 11, 1989.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is E11340 Hwy PF, Prairie du Sac, WI 53578.

3. At all times relevant to this proceeding, Respondent was working as a veterinarian at Sauk-Prairie Small Animal Hospital in Prairie Du Sac, Wisconsin.

4. On May 22, 2009 client "A.G." presented his bird, "Titan" to the Respondent for a chronically prolapsed chloaca. On June 5, 2009 A.G. called Respondent requesting an NSAID to prevent swelling and a re-prolapse to Titan. Respondent prescribed diluted Metacam mixed with sterile water to Titan.

5. Respondent did not have the .5mg/ml in stock, and felt that .1 ml was going to be too difficult to administer. Respondent consulted on Veterinary Information Network (VIN) and found that it was not uncommon to use sterile water for the dilution of Metacam.

6. Respondent's records of Titan failed to include physical examination findings, failed to note the treatment provided, failed to note the drugs prescribed or dispensed and failed to note the rationale for prescribing and dispensing Metacam.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 446.03, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph(s) 4 through 6 above, constitutes a violation of Wisconsin Administrative Code § VE 7.06(15).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Joseph E. Kelley, 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 successfully complete a minimum of two (2) hours of continuing education in the area of veterinary medical records keeping offered through the Wisconsin Veterinary Medical Association (WVMA). 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 taking the courses. For the purposes of this Order, the Board's designee is the Department Monitor:

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 his attendance at the required courses.

5. All costs of the educational program 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 SEVEN HUNDRED DOLLARS (\$700.00). 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

8. 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 (#50-3499) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of the costs or completion of the continuing education.

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

Wisconsin Veterinary Examining Board

By: Robert Spencer KK
A Member of the Board

5/25/2011
Date