

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TIMOTHY J. BUBACK, D.V.M.
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0000 874

Division of Enforcement Case #11 VET 009

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

Timothy J. Buback, D.V.M.
1233 Dahlia Lane
Grafton, WI 53024

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. Timothy J. Buback, D.V.M. ("Respondent") was born on April 18, 1965, and is licensed to practice veterinary medicine in the State of Wisconsin (license number 5332-50). This license was first granted October 5, 2001.

2. Respondent's last address reported to the Department of Regulation and Licensing is 1233 Dahlia Lane, Grafton, WI 53024.

3. At all times relevant to this case, Respondent worked as a veterinarian at the Hartford Animal Clinic in Hartford, Wisconsin.

4. On January 14, 2011, Howie, a 2 ½ year old male dachshund, presented with lethargy and inappetence.

5. Respondent's physical examination revealed pink mucous membranes, one-second capillary refill time and normal hydration status. Lungs were clear and the ophthalmic, otic and oral examinations were normal. The complete blood count (CBC) showed a high normal white blood cell count, and the red blood cell count and packed cell volume (PCV) were within normal range.

6. Abdominal and thoracolumbar radiographs were taken to evaluate the potential of intervertebral disk disease or obstructions in the gastrointestinal track. Respondent did not note any radiographic abnormalities. Respondent discharged the patient and prescribed Rimadyl and Tramadol, diagnosing Howie with spinal discomfort.

7. Howie would not consume the medication, and on January 16, 2011, he vomited blood, muscle and bone. On January 17, 2011, Howie's symptoms continued to worsen. He was taken to Respondent's clinic, and seen by Dr. KS. Thorax radiographs were obtained which identified an esophageal foreign body.

8. Howie was then admitted to Lakeshore Emergency Clinic and examined by Dr. KB. Howie was diagnosed with a mineralized esophageal foreign body which had been present in the esophagus for as long as one week.

9. After attempting an esophagoscopy, Dr. KB determined that the underlying esophageal mucosa was severely damaged, and it would be impossible to remove the foreign object with endoscopy. After discussing additional options, including a thoracotomy, client LC declined and opted to have Howie euthanized.

10. Howie's lesion is clear on the initial lateral abdominal radiograph taken by Respondent on January 14, 2011. Respondent's failure to examine the entire film of radiographs and identify the esophageal foreign body deviated from the standard practice and minimum competence in veterinary medicine.

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. Respondent's conduct described in paragraphs 4-10 above, was unprofessional conduct in violation of Wis. Admin. Code § DE 7.06(1) in that he practiced in a manner that demonstrates a lack of knowledge or ability to apply professional principles or skills.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Timothy J. Buback, D.V.M. (license no. 5332-50) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, complete four (4) hours of continuing education classes in reading abdominal and thoracic radiographs. Respondent shall provide evidence of satisfactory completion of the continuing education to the Department Monitor.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of \$400. 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 provide evidence of satisfactory completion of the continued education, or pay the costs as set forth above in a timely matter, the Respondent's license (#5332-50) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with this Order.

5. This Order shall become effective on the date of its signing.

WISCONSIN VETERINARY EXAMINING BOARD

By: Robert Spencer Jr
A Member of the Board

5/25/2011
Date