

2. Respondent's most recent address on file with the Veterinary Examining Board is 707 North Brown Street, Ellsworth, Wisconsin.

3. At all times relevant to this proceeding, Respondent was employed as a licensed veterinarian at Pierce Veterinary Clinic, located in Ellsworth, Wisconsin.

4. Since at least January 2009, Respondent treated cattle on Client A's farm for various veterinary medical concerns. From January 2009 to September 2010, Respondent treated Client A's herd on approximately 61 occasions, generally on a biweekly basis.

5. A review of Respondent's veterinary medical records related to Client A's herd revealed that Respondent's veterinarian records failed to include:

- a. Clear individual diagnoses;
- b. Underlying diagnoses for dispensing medication;
- c. Medical justification for dispensing or not dispensing medication; and
- d. Medical justification for dispensing one medication over a more appropriate alternative.

CONCLUSION 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. The conduct described above violated Wis. Admin. Code § VE 7.03(3) which constitutes unprofessional conduct pursuant to Wis. Admin. Code § VE 7.06(15) and subjects the Respondent to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Frank F. During, D.V.M. (license #4593-50) is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent's license to practice veterinary medicine is LIMITED by the condition that within ninety (90) days from the date of this Order, Respondent shall obtain and successfully complete a record keeping course.

- a. Respondent shall locate and have the Section or its designee pre-approve the educational program prior to Respondent completing it.

- b. Within 30 days after Respondent has completed the educational program, Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed the educational program.
- c. Respondent cannot apply the hours of education credit obtained from this course to the biennial continuing education requirements.
- d. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- e. This limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed all of the ordered education.
- f. Respondent is responsible for all costs of compliance with this Order.

3. Respondent's license to practice veterinary medicine is further LIMITED by the condition that within ninety (90) days following completion of the record keeping course, Respondent shall provide to the Board copies of records from ten (10) visits to Client A's farm or a similar facility.

- a. The visits shall have occurred after Respondent's completion of the course.
- b. Copies of records from the ten visits shall be submitted to the Department Monitor at the address below.
- c. This limitation shall be removed from Respondent's license after he has submitted the records.

4. Within one hundred eighty (180) days following completion of the record keeping course, Respondent shall allow an audit of his veterinarian records by the Board or its designee.

5. Within ninety (90) days from the date of this Order, Respondent shall pay costs of this proceeding in the amount of SEVEN HUNDRED DOLLARS (\$700.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

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