

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
DEAN D. RASMUSSEN, D.V.M., :
RESPONDENT. :

0003328

Division of Legal Services and Compliance Case No. 14 VET 004

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

Dean D. Rasmussen, D.V.M.
321 12th Ave. S.
Wisconsin Rapids, WI 54495

Wisconsin Veterinary Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Veterinary Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Dean D. Rasmussen, D.V.M., (dob February 19, 1963) is licensed in the State of Wisconsin to practice veterinary medicine, having license number 3459-50, first granted on August 8, 1989, and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 321 12th Avenue South, Wisconsin Rapids, Wisconsin 54495.

Prior Discipline

2. On August 3, 2011, in case no. 09 VET 18, the Board found that Respondent had violated Wis. Admin Code § VE 7.03, by failing to maintain minimally adequate patient medical

records. The case involved the spay of a dog. The Board reprimanded Respondent and required him to take remedial education on record keeping. Respondent fully complied with the Order.

The instant Case

3. On January 8, 2014, a six month-old female cat, Lola, was presented to Respondent for an ovariohysterectomy (OHE).

4. During the OHE, Respondent used injectable anesthesia. Respondent located and removed the right ovary, right horn of the uterus and fallopian tube. Respondent was unable to locate the left horn of the uterus and elected to close the surgical site without completing the OHE. Because of Respondent's difficulty locating the left horn of the uterus, he made a larger surgical incision than is normally required.

5. Lola was discharged the next morning. Respondent had examined Lola and cleared her for discharge, but he was not present when her owner picked her up.

6. Respondent did not - either during the procedure or immediately afterward - inform Lola's owner that Respondent was unable to complete the OHE. Respondent did not refer Lola to another veterinarian, nor did he provide the owner with treatment options to address the issue. Respondent billed Lola's owner for a complete OHE.

7. On January 17, 2014, Lola presented for removal of the sutures. At that time Respondent informed Lola's owner of the incomplete OHE.

8. Approximately five hours after Respondent removed Lola's sutures, Lola's owner found what appeared to be an internal organ and intestines protruding from the suture site.

9. The owner took Lola back to Respondent, who noted that Lola experienced total dehiscence of the linea alba, subcutaneously, and skin, with exposure of the omentum and bowel loops. Respondent examined and flushed the exposed bowel loops with saline, reinserted the protruding material and performed a 3-layer closure. Respondent used aught suture material. He dressed the area with a supportive belly bandage, and monitored Lola's progress late into the night. Respondent discharged Lola the next day.

10. Upon discharge, Respondent did not provide for pain medication.

11. Upon discharge, Respondent told Lola's owner to remove the bandage in 5-7 days, provided she had no concerns before that time. The owner was to continue the antibiotics previously prescribed. Respondent did not ask to see Lola again to check her condition.

12. On January 24, 2014, after Lola's condition appeared to deteriorate further, Lola's owner took her to another veterinarian.

13. The subsequent treating veterinarian performed exploratory surgery and documented the following:

Upon removal of previous skin sutures, large volume of rancid smelling yellow milky fluid gushed from abdomen; SQ fat is necrotic; abdominal wall incision is entirely dehiscd with protruding free end of a continuous suture exposed, abdominal wall is friable, thickened with adhesions of small intestinal wall and omentum; approximate 3 to 4 cm of small intestine protruding through dehiscd incision, it is dark red to purple in color, appears ulcerated on serosal surface; entire small intestine and abdominal wall is covered in yellow, necrotic tissue plaques; copious volumes of the rancid fluid removed from abdomen; exteriorization of small intestines reveals adhesion to the urinary bladder wall and multiple areas where small intestine is adhered to itself; an approximate 1 cm diameter perforation of the small intestine is present, exuding intestinal contents; the yellow plaques are present throughout the abdomen (liver, spleen, urinary bladder, intestines); several sections of the small intestine appear ischemic, nonviable, uterine body stump was located, one visible ligature present encircling the stump; right ovarian pedicle located, approx. 3 cm diameter blood clot removed from this area, one visible ligature on right ovarian pedicle; left ovary and left uterine horn located in normal anatomical position/location; followed uterine (left) horn caudally approx. 5 to 6 cm where it abruptly ended.

14. Due to Lola's grave condition, her owner elected to have her euthanized.

15. Respondent explained that he has no concrete explanation for what happened to Lola on January 17, 2014, after the suture removal. He believes the suture was fine and Lola must have experienced a substantial traumatic event at home.

16. Respondent does not agree that his care of Lola fell below standards in any way. He used aught suture, he explains, because the cat had a larger incision than normal and was a very active animal. He did not consider using anything other than aught suture materials. He did not explain the incomplete OHE until the next appointment because he felt it would not change anything and he intended to discuss it with the owner when he saw Lola for her post-operative follow-up. Respondent's opinion at the time was that he had completed the surgery, although the left uterine horn could not be located. He did not prescribe pain medication after the second surgery because the cat was particularly active. Respondent felt that prescribing pain medication might have caused the cat to act as though it did not have an injury, creating undue risk of reinjury.

17. Respondent's care of Lola evidenced a lack of knowledge or ability to apply professional principles and skills as follows:

- a. Respondent was unable to locate the left horn of Lola's uterus, although it was in a normal anatomical location.
- b. When Respondent was unable to locate the left horn of Lola's uterus, he failed to use inhaled anesthesia to continue the surgery, and/or to maintain sedation while he informed Lola's owner of the surgical irregularity.
- c. Respondent failed to inform the patient's owner that he had not completed the OES until the next visit. The patient was billed for a completed procedure.

- d. On January 17, 2014, Respondent failed to provide pain medication, thereby exposing Lola to an unacceptable risk of intolerable pain.
- e. On January 17, 2014, despite Lola's serious post-surgical complication, Respondent did not arrange for post-surgery follow-up. This created an unacceptable risk that any deterioration in Lola's condition would not be timely recognized.

18. Respondent, while not admitting any misconduct, wishes to put this matter behind him and therefore consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Dean D. Rasmussen, D.V.M., violated Wis. Admin. Code § VE 7.06(1) by conduct in the practice of veterinary medicine which evidences a lack of knowledge or ability to apply professional principles or skills.

3. As a result of the above violations, Dean D. Rasmussen, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(2)(a).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Dean D. Rasmussen, D.V.M. is REPRIMANDED.
3. The veterinary license issued to Dean D. Rasmussen, D.V.M., (license number 3459-50) is LIMITED as follows:
 - a. Within six months of the date of this Order, Respondent shall successfully complete three (3) hours of remedial education on the subject of surgical technique, and one (1) hour of remedial education on the subject of informed consent. The courses must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the courses. Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.
 - b. Within thirty days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.
 - c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

d. The Department shall remove this limitation from Respondent's license when Respondent has satisfied the Board's designee that Respondent has successfully completed the preapproved education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$750.00.

5. Requests for preapproval of proposed remedial education, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including failure to complete remedial education as ordered, 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 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 as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 3459-50) 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 education.

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

WISCONSIN VETERINARY EXAMINING BOARD

by: P. C. Johnson DVM
A Member of the Board

7/30/14
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEAN D. RASMUSSEN, D.V.M.,
RESPONDENT.

:
:
:
:
STIPULATION

0003328

Division of Legal Services and Compliance Case No. 14 VET 004

Respondent Dean D. Rasmussen, D.V.M., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- 1 the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- 2 the right to confront and cross-examine the witnesses against Respondent;
- 3 the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- 4 the right to testify on Respondent's own behalf;
- 5 the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- 6 the right to petition for rehearing; and
- 7 all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

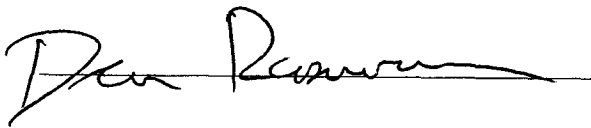
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Veterinary Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

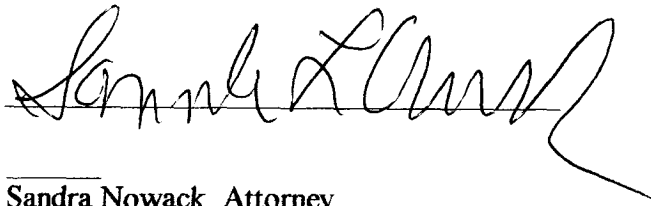
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Dean D. Rasmussen, D.V.M., Respondent
321 12th Ave. S.
Wisconsin Rapids, WI 54495
License no. 3459-50

6-17-14

Date



Sandra Nowack, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

6/23/14

Date