

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
REBECCA D. MYSZKA, D.V.M., : FINAL DECISION AND ORDER
RESPONDENT. : FOR REMEDIAL EDUCATION
: ORDER0005002

Department of Agriculture, Trade and Consumer Protection Case No. 14 VET 038

The parties in this matter agree to the terms and conditions of the Stipulation, incorporated herein, as the final disposition of this matter.

Accordingly, the Wisconsin Veterinary Examining Board (the Board) adopts the Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

PARTIES

1. The Board is created and attached to the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Wis. Stat. § 15.135(5).

2. Dr. Rebecca D. Myszka, D.V.M. (dob March 26, 1983) (Respondent), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 6181-50, first issued on May 27, 2008, and current through December 14, 2017.

3. The Respondent's most recent address on file with the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) is 2705 N. 120th Avenue, Wausau, Wisconsin 54401.

FINDINGS OF FACT

4. At all times relevant to this proceeding, Respondent was working as a veterinarian at Wisconsin Valley Veterinary Service, 1605 Bovine Lane, Wausau, Wisconsin 54401.

5. On May 30, 2014, Hadlee, a dog, presented to a veterinarian at Wisconsin Valley Veterinary Service with a fractured tibia and was referred to Fox Valley Animal Referral Center for treatment.

6. On May 30, 2014, Hadlee's leg was splinted at Fox Valley Animal Referral Center with instructions to change the splint weekly.

7. On June 13, 2014, Respondent changed the splint observing the original splint "slipping and too small."

8. On June 20, 2014, Respondent examined Hadlee and scheduled an appointment to change the splint.

9. On June 26, 2014, Respondent removed the splint and replaced it with a firm support bandage.

10. On June 30, 2014, Hadlee returned to Wisconsin Valley Veterinary Service with owner concerned about a sore at the top of the bandage. At that time, a veterinarian observed a small abrasion at the top of the bandage and mild odor. The bandage appeared to be restricting blood flow. When the bandage was removed, the veterinarian observed significant skin wounds.

11. That same day, on June 30, 2014, Hadlee's owner brought the dog to Fox Valley Referral Center which admitted the dog overnight.

12. On July 1, 2014, Hadlee's leg was amputated due to development of necrotic tissue on the bandaged leg.

CONCLUSIONS OF LAW

13. The Board has jurisdiction in this matter pursuant to Wis. Stat. § 89.07(2).

14. The Board is authorized to enter into the Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

15. The Stipulation is accepted.

16. Respondent's license to practice veterinary medicine is limited as follows:

a. Within six months of the date of this Order, Respondent shall, at her own expense, take and successfully complete four hours of education on the topic of small animal fracture treatment and proper bandaging techniques.

b. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Respondent shall

be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Respondent must take and pass any exam offered for the course(s).

c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Board at the address stated below.

d. None of the 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.

17. Proof of successful course completion shall be sent to:

Veterinary Examining Board
2811 Agriculture Drive
Madison, WI 53708-8911

18. In the event Respondent fails to timely submit proof of successful completion of the ordered education as set forth above, Respondent's license may, in the discretion of the Board, be suspended without further notice or hearing until Respondent has complied with completion of the education.

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

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: P. C. Johnson DVM
Print name: P. C. JOHNSON, D.V.M.
A Member of the Board

4/27/16
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
REBECCA D. MYSZKA, D.V.M., :
RESPONDENT. : ORDER0005002

Department of Agriculture, Trade and Consumer Protection Case No. 14 VET 038

Dr. Rebecca D. Myszka, D.V.M. (Respondent) and the Wisconsin Veterinary Examining Board (the Board) stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Board. 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:

- The right to a hearing on the allegations against Respondent, at which time the Board has the burden of proving those allegations by a preponderance of the evidence;
- The right to confront and cross-examine the witnesses against Respondent;
- The right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- The right to testify on Respondent's own behalf;
- 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;
- The right to petition for rehearing; and
- 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 represented by Attorney John A. Kramer.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the Final Decision and Order, incorporated herein, 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 proposed form.

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 Board 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 employee of the Wisconsin Department of Agriculture, Trade and Consumer Protection and any member of the Board assigned as the case 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, the case advisor may, as a member of the Board, vote on whether the Board should accept this Stipulation and issue the 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 available to the public.

Rebecca D. Myszka DVM
Dr. Rebecca D. Myszka, D.V.M.
2705 N 120th Avenue
Wausau, WI 54401
License no. 6181-50

2/27/16
Date

John A. Kramer
John A. Kramer, Attorney for Respondent
Klinner Kramer Shull LLP
210 McClellan St. - Ste. 400
Wausau, WI 54403-4820

3/2/16
Date

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: P.C. JOHNSON DVM
Print name: P.C. JOHNSON, D.V.M.
A Member of the Board

4/27/16
Date