

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
LAVON L. HETTICH, D.V.M., :
RESPONDENT. :
 : ORDER 000 5001
 :

Department of Agriculture, Trade and Consumer Protection Case No. 16 VET 004

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 (the Department) pursuant to Wis. Stat. § 15.135(5).

2. Dr. LaVon L. Hettich, D.V.M. (Respondent), is licensed in the State of Wisconsin to practice veterinary medicine, having license number 2978-50, first issued on July 8, 1987, and current through December 14, 2017.

3. The most recent address on file with the Department for Respondent is 532 Trailside Drive, De Forest, Wisconsin 53532.

FINDINGS OF FACT

4. Respondent has no previous disciplinary history.

5. At all times relevant to this matter, Respondent was the owner and operator of B & R Veterinary Clinic, LLC, located at 532 Trailside Drive, De Forest, Wisconsin 53532.

6. On February 1, 2016, the Department received a report that conditions at B & R Veterinary Clinic, LLC, were unsanitary.

7. On February 17, 2016, Department Regulatory Specialist Robert Van Lanen conducted an inspection of the clinic. That inspection found:

- a. Front desk cluttered;
- b. Office closet unorganized and cluttered;
- c. Two additional rooms impassable from clutter;
- d. Syringe containing 3ml of an unknown substance on treatment room counter;
- e. Expired medications in treatment room;
- f. Clutter surrounding X-Ray system;
- g. Surgery room and cabinet disorganized and cluttered; and
- h. Kennel area smelled strongly of pet odors and kennel floors are scaling in areas.

8. On March 7, 2016, Respondent entered into a Memorandum of Agreement with the DEA based on the following violations discovered during the DEA investigation:

- a. Failure to keep controlled substances in a securely locked, substantially constructed cabinet; and
- b. Failure to conduct a biennial inventory of all controlled substances on hand.

9. As part of its investigation, the Board requested evidence of Respondent's compliance with continuing education requirements for the 2012 – 2013 and 2014 – 2015 biennia. Respondent submitted course completion certificates for 16.5 hours of continuing education programs for the 2012 – 2013 biennium and 50.25 hours for the 2014 – 2015 biennium.

CONCLUSIONS OF LAW

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

11. The Board has authority to assess costs of the proceeding pursuant to Wis. Stat. § 89.0715(2).

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

13. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § VE.06(17) by failing to keep the veterinary facility in a clean and sanitary condition while practicing as a veterinarian.

14. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § VE 7.06(4), by failing to properly secure controlled substances located within the facility in which Respondent was engaging in the practice of veterinary medicine in accordance with 21 C.F.R. §§ 1301.72-1301.76.

15. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § VE 7.06(22), by falsely certifying to the Board that she had completed 30 hours of continuing education as required under Wis. Admin. Code § VE 10.02(6).

16. The Board has authority to reprimand the Respondent or deny, suspend, limit, or revoke the Respondent's veterinary license pursuant to Wis. Admin. Code § VE 7.07.

ORDER

17. The Stipulation is accepted.

18. Respondent shall pay costs of the proceeding in the amount of \$214.40.

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

a. On June 29, 2016, Respondent shall at her own expense, take and successfully complete six (5.5) hours of education from VMC, Inc., titled "Principles of Veterinary Practice Management."

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

ii. 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.

b. Respondent shall maintain her clinic in compliance with the standards of the profession and rules regulating the profession.

i. Respondent shall permit any representative of the Board or the Department to inspect all areas of any site at which Respondent offers to practice veterinary medicine including non-clinical areas, sterilization areas and laboratories, sixty (60) days from the date of this Order and one year thereafter. The purpose of the inspections is to assess Respondent's compliance with the standard of minimal competence in veterinary medicine.

ii. Respondent shall permit any representative of the Board or the Department to perform an inspection of all portions of any site at which Respondent practices veterinary medicine, at any time and without prior notice. This limitation is permanent.

iii. If the representative of the Board or the Department inspecting Respondent's clinic determines that a violation of Board statutes or rules has occurred, the matter shall be referred to the Board for professional discipline.

20. Payment of costs and proof of successful course completion shall be sent within 90 days of the entry of this Order to:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Office of Legal Counsel
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911

21. 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 without further notice or hearing, until Respondent has complied with the relevant portion of this Order. 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.

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

FOR WISCONSIN VETERINARY EXAMINING BOARD:

by: P.C. Johnson DVM

7/20/16
Date

Print name: PC Johnson DVM

A Member of the Board

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
LAVON L. HETTICH, D.V.M., :
RESPONDENT. : ORDER 0005001

Department of Agriculture, Trade and Consumer Protection Case No. 16 VET 004

Dr. LaVon L. Hettich, 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 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 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.

LaVon L. Hettich
Dr. LaVon L. Hettich, D.V.M., Respondent
532 Trailside Drive
De Forest, WI 53532
License no. 2978-50

6/20/16
Date

FOR WISCONSIN VETERINARY EXAMINING BOARD:

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

7/20/16
Date