DOCKET NO. 2016-062

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

LISA DANIEL, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 19 day of April, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Lisa Daniel, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on February 22, 2016. Respondent attended the informal conference. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. Respondent, Lisa Daniel, D.V.M. of Austin, Texas, holds Texas veterinary license 7511.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051–054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).

3. On June 30, 2015, Respondent arrived at the home of Karen Kish, MD, at Dr. Kish’s request to euthanize Dr. Kish’s elderly Great Dane, Barney.
4. Respondent began attempting to place an IV, but failed to ensure that Barney was positioned correctly. Respondent was unable to place the IV. Respondent determined that she would need to perform an inter-cardiac injection, but did not ensure that she had a large enough needle to perform the procedure. Dr. Daniel placed the syringe, but had accessed the lung instead of the heart. She pushed the medication into Barney’s lung, and stated that the medication would be absorbed and would be effective.

5. When Dr. Daniel determined that another inter-cardiac injection would need to be performed, Dr. Kish’s husband, also a medical doctor, performed the injection. Barney passed away thereafter.

**Conclusions of Law**

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules.

2. Based on the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board’s Rules of Professional Conduct, by failing to ensure that a patient was correctly positioned before performing treatment and failing to have the necessary equipment before performing treatment, thereby failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on Findings of Fact 1 through 5 and Conclusions of Law 1 through 2, Respondent has violated Sections 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

   801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

   (6) engages in practice or conduct that violates the board’s rules of professional conduct

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:
801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is
subject to denial of a license or to disciplinary action under Section 801.402, the Board
may: (a)

(1) refuse to examine an applicant or to issue or renew a license;
(2) revoke or suspend a license;
(3) place on probation a license holder or person whose license has been
suspended;
(4) reprimand a license holder; or
(5) impose an administrative penalty.

(d) In addition to other disciplinary actions authorized by this subchapter, the
board may require a license holder who violates this chapter to participate in a
continuing education program.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that
Respondent receive a FORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing
education in the area of anesthesia, in addition to the seventeen required annually for renewal of
Respondent’s license to practice veterinary medicine, within one year of the date the Board
approves this Order. Documentation of the completion of the continuing education penalty shall
be received within thirty (30) days after one year of the date the Board approves this Order. If
Respondent fails to provide documentation of completion within thirty (30) days of one year of
the date the Board approves this Order, Respondent’s license may be suspended until the
continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary
Licensing Act, the laws of the State of Texas, and the laws of the United States.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance
officers and other employees and agents investigating Respondent’s compliance with this Agreed
Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other
provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Agreed Order 2016-062
Lisa Daniel, D.V.M.
Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

Signature page follows.
I, LISA DANIEL, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Lisa Daniel, D.V.M.

DATE

March 16, 2016

STATE OF TEXAS

COUNTY OF Travis

BEFORE ME, on this day, personally appeared Lisa Daniel, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand of the Notary Public this 16th day of March, 2016

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19th day of April, 2016

Roland Lenarduzzi, D.V.M., Board President