DOCKET NO. 2011-36

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
LORI J. HILL, D.V.M. § MEDICAL EXAMINERS

REVISED AGREED ORDER

On this the 29th day of March 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Lori J. Hill, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on December 14, 2010. The Respondent was not represented by counsel. 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. On December 1, 2009 at approximately 8:00 am, Janice Myles of Denton, Texas presented her sixteen year-old female mixed breed dog, “Kayla,” to Dr. Lori Hill of Dove Creek Animal Hospital (“DCAH”) in Denton, Texas for surgery to remove an abdominal tumor. Surgery revealed that the tumor was invasive and not very well defined.

2. “Kayla” was released to Ms. Miles on December 1, 2009 at approximately 4:00 pm. “Kayla” was ambulatory but appeared disoriented. Before she left DCAH, Ms. Miles noted to Dr. Hill that “Kayla” had bled on to Ms. Miles’s shirt from the incision site. Dr. Hill told Ms. Myles that this was normal, to keep the incision site dry and return in 14 days.

3. On December 2, 2009, Ms. Myles was concerned about continued bleeding from the incision site. Ms. Myles called DCAH and asked to speak with Dr. Hill, but Dr. Hill was unavailable. When Dr. Hill failed to return Ms. Myles’s call, Ms. Myles called again later that

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day and told a staff member at DCAH, named Nancy, that she was concerned about the incision bleeding. Nancy told her it was normal, but that Dr. Hill would exam the animal if she would come by the office.

4. On December 3, 2009, “Kayla” continued to bleed from the incision site and did not eat as much as normally, but continued to drink water. Ms. Myles called DCAH again and asked to speak with Dr. Hill, but was told Dr. Hill was unavailable, but that she could bring the animal by for re-examination. Dr. Hill again failed to return Ms. Myles’s call. Ms. Myles called DCAH again later that day, and spoke with a veterinary technician at DHCA named Steve. Ms. Myles informed him that she did not believe the bleeding was normal and wanted to speak with Dr. Hill. Steve put Ms. Myles on hold. When he returned to the phone, Steve informed Ms. Myles that he had spoken to Dr. Hill and that Dr. Hill’s advice was for Ms. Myles to clean the incision with warm water and not to cover it. Ms. Myles again requested that Dr. Hill call her personally to discuss the case that day. Dr. Hill did not return Ms. Myles’s call, and did not speak with Ms. Myles personally.

5. On December 4, 2009, “Kayla” stopped eating, was drinking only small amounts of water, and appeared lethargic. Ms. Myles called DCAH, but found that DCAH was closed. “Kayla” died at approximately 7:30 am on December 5, 2009.

6. Dr. Hill’s failure to respond to Ms. Myles’s repeated telephone calls regarding “Kayla’s” bleeding incision site does not represent the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Denton, Texas, or similar communities.

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 Findings of Fact 1 through 6, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is 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 Finding of Fact 1 through 6 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

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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 practices 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Lori J. Hill, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that:

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

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed
Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and
greets 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.

I, LORI J. HILL, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

Lori J. Hill, D.V.M.

March 8, 2011

STATE OF TEXAS
COUNTY OF Denton

BEFORE ME, on this day, personally appeared LORI J. HILL, 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 and seal of office this 8th day of March, 2011.

Rob Allen Medlin
Notary Public

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SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 29th of March, 2011.

Bud E. Alldredge, Jr., D.V.M., President