TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1992-24
DANIEL A. NOWLAND, D.V.M.
LICENSE NUMBER: 5539

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Nowland, the Texas State Board of Veterinary Medical Examiners staff, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Nowland will be granted a continuance at his option.

Dr. Nowland does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine.

RECOMMENDED DISCIPLINARY ACTION:

1. An Official Reprimand
2. Obtain 20 hours of continuing education within one year of the date this Settlement becomes effective.

CONDITIONS:

1. Take and pass the State Board Jurisprudence Examination.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Upon completion of the continuing education, file a report certifying that the requirement has been met.

DANIEL A. NOWLAND, D.V.M.

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
DOCKETED COMPLAINT NO. 1992-24

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

DANIEL A. NOWLAND, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5539
1992 RENEWAL CERTIFICATE NUMBER 4755

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared MIKE CARROLL, who after being duly sworn, did depose and say:

On or about April 23, 1992, MIKE CARROLL, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DANIEL A. NOWLAND, D.V.M., Springtown Veterinary Hospital, 415 Springtown Way, San Marcos, Texas, 78666, Veterinary License Number 5539, 1992 Renewal Certificate Number 4755, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, MIKE CARROLL, do hereby present the following complaint against DANIEL A. NOWLAND, D.V.M.

I.

That on or about March 12, 1992, Dr. Daniel Nowland spayed a kitten owned by Ms. Katy Ehrig. Shortly after the surgery, the cat died from probable anesthetic reaction.
II.

Instead of contacting the client and informing her of her cat’s death, Dr. Nowland drew blood from the dead cat and then conducted a Feline Leukemia test, which proved to be negative.

III.

Dr. Nowland then contacted the owner and informed her he had conducted a positive Feline Leukemia test and that the disease may have caused the cat to die under anesthesia.

IV.

By intentionally misrepresenting the facts surrounding the death of the cat to Ms. Ehrg, as described in paragraphs 1 through 3, Dr. Nowland violated Section 14(a) (3), Article 8890, Texas Veterinary Licensing Act.

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Nowland's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14 (a)
"...the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee... if it finds that a
licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice veterinary medicine

ARTICLE 8890, SECTION 14B

(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the day of July 11, 1992.

Further, Affiant sayeth not.

MIKE CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said MIKE CARROLL this the 16th day of July, 1992.

ROSALVA TORRES, Notary Public in and for Texas
The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Daniel A. Nowland, D.V.M. under Docketed Number 1992-24, this the 21st day of July, 1992.

LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
The foregoing Agreed Settlement, entered into between Dr. Nowland, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 22nd day of October, 1992, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 22nd, day of October, 1992.

Guy A. Sheppard, D.V.M., President

Clark S. Willingham, Vice-President

Larry M. Dubuisson, D.V.M., Secretary

Absent

Mrs. Olivia R. Eudaly, Member

James N. Gomez, D.V.M., Member

Alton F. Hopkins, Jr., D.V.M., Member

Robert D. Lewis, D.V.M., Member

Absent

Joyce G. Schiff, Member

John A. Wood, D.V.M., Member

Date

Date

Date

Date

Date

Date

Date