STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
DANIEL C. NEGOLA, D.V.M.	*	DOCKET NO. 12-23
LICENSE NO. 1686	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 29th day of July, 2014, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Daniel C. Negola, D.V.M. (Dr. Negola), License No. 1686. This Consent Agreement resolves the charging document filed by the Board on April 1, 2013 in Docket No. 12-23. The Board alleged that in April 2010, Dr. Negola violated certain Code of Maryland Regulations (COMAR); specifically, COMAR 15.14.01.04 pertaining to professional conduct and COMAR 15.14.07 pertaining to professional judgment and practice at his former veterinary hospital, Negola's Ark (Hospital) located at 9401 Fields Road in Gaithersburg, Maryland 20878, when he used incorrectly narrowed reference intervals for total white blood cell counts. By letter of April 8, 2013, Dr. Negola requested a hearing before the Board to dispute the charging document. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Negola waives the right to a hearing and appeal on the charging document in Docket Number 12-23. Dr. Negola has a disciplinary history with the Board.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Maryland Veterinary Practice Act, Agriculture Article (Agric.) Sections 2-301 through 2-316, Annotated Code of Maryland and related regulations, COMAR 15.14.01 through 15.14.17. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner. . . [f]ails to comply with Board rules and regulations after receiving a license[.]" Md. Code Ann., Agric. Section 2-310(8). In addition, the Board may impose a civil penalty of not more than $5,000 for a first offense or $10,000 for a second or subsequent

offense in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. Section 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Government Article, Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Daniel C. Negola, D.V.M., License No. 1686, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find as fact, and conclude as a matter of law that in April 2010 at Negola's Ark, a veterinary hospital formerly owned by Dr. Negola, located at 9401 Fields Road in Gaithersburg, Maryland 20878, Dr. Negola violated COMAR 15.14.01.04 pertaining to professional conduct when he used reference intervals for total white blood cell counts, which he had caused to be incorrectly narrowed on his in-house HESKA blood analyzer.

Taking into account all of the facts and circumstances, including the nature of the violation, Dr. Negola's prior disciplinary history with the Board, and Dr. Negola's good faith effort to resolve this matter, the Board concluded that the following sanctions were reasonable and appropriate.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of July, 2014, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. For the violation of COMAR 15.14.01.04 Professional Conduct, Dr. Negola is assessed a civil penalty in the amount of Three Thousand Dollars ($3,000), payment to be made by check within 30 days of the date of this Order to the "Maryland Department of Agriculture" with the notation "SBVME – 12-23," and sent to the Board at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401

2. Dr. Negola agrees to make a charitable donation in the amount of $5,000 by check, payment to be made within 30 days of the date of this Order, to NOVA Rottweiler Rescue, to the attention of Judy Marion, located at 15001 Darnestown Road, Germantown, MD 20874, with written documentation on the attached Board form from the organization, to be sent to the Board within 30 days of payment.

3. Dr. Negola shall complete 160 hours of community service (35 hours shall be stayed) by performing 75 hours of veterinary services for Montgomery County Humane Society, located at 1300 E. Gude Drive, Rockville, MD 20850, and 50 hours of veterinary services for Friends of Montgomery County Animals, located at 14211 Dufief Mill Road, North Potomac, MD 20878, within 12 months of the date of this Order. Each organization shall document the community services dates, hours, and veterinary services provided on the attached Board forms, to be sent to the Board within 30 days of completion of the donated services.

4. Dr. Negola shall serve a period of probation of 18 months from the date of this Order. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation. Violation of probation may result in the stay being lifted on the remaining 35 hours of community service, and further disciplinary action and sanctions.

4. As a condition of probation, Dr. Negola shall fully complete all unfinished hours in either Dr. James Wilson's online course, Veterinary Law and Ethics, or a total of twelve credit hours of continuing education (CE) to include veterinary practice management and ethics from Douglas C. Jack, BA, LLB, or a similar Board-preapproved CE program, within twelve months of the date of this Order. Within 30 days after completion of the CE credit hours, the veterinarian shall forward to the Board proof of completion of the CE credit hours required under this Order from the CE provider. Proof will include Dr. Negola's name, the number of credit (program) hours of CE completed, the topics covered, and the dates the CE courses were given. Completion of this CE condition of probation will not be counted toward the 18 credit hours of CE required annually for re-registration of the veterinary license.

Heather M. Hendler, VMD

Heather M. Hendler, V.M.D.
Vice President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Daniel Negola acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of four pages, including this page. I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

July 25, 2014
Date

D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 25 day of July, 2014, before me, a Notary Public of the State and City/County aforesaid, personally appeared Daniel C. Negola, D.V.M., and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires:

SEDIGHEH MONTASER
Notary Public
Montgomery County
Maryland
My Commission Expires Mar 24, 2016

S.M.