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

IN THE MATTER OF:	*	
KATHLEEN A. LACKEY GONZALEZ, D.V.M.	*	DOCKET NO. 12-64
LICENSE NO. 3733	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 7th day of February, 2013, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Kathleen A. Lackey Gonzalez, D.V.M. (Dr. Lackey), License No. 3733. This Consent Agreement resolves the charge filed by the Board on December 4, 2012 in Docket Number 12-64, alleging that Dr. Lackey violated a certain Code of Maryland Regulation (COMAR), pertaining to the care and treatment of Catherine Hefferan's eight-year-old male Domestic Shorthaired cat, "Artemus," who was presented for dental cleaning on or about February 8, 2012. On December 12, 2012, Dr. Lackey requested to resolve the matter without a hearing. Subsequently, the parties were able to reach a resolution. By entering into this Consent Agreement, Dr. Lackey waives the right to a hearing and appeal on the charge in Docket Number 12-64.

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 Veterinary Practice Act, Agriculture Article §§ 2-301through 2-316, Annotated Code of Maryland and related regulations. 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. Art., § 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. Art., § 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 Gov't Art. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Lackey, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to the provisions of this Consent Agreement, acknowledging that the Board has sufficient evidence to find as fact and conclude as a matter of law that she did violate a certain regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.07, pertaining to professional judgment and practice regarding the care and treatment of Catherine Hefferan's eight-year-old male Domestic Shorthaired cat, "Artemus," who was presented for dental cleaning on or about February 8, 2012. Specifically, Dr. Lackey:

1) Failed to use lubricant on the endotracheal tube, failed to disconnect during rotation of the patient, and used a crude method of assessing appropriate cuff inflation (moderate turgor), which could be a contributing risk factor for tracheal rupture; and

2) Failed to adequately re-examine the patient prior to discharge to the Owner, when notified of the patient's swelling, "raspy breathing," and "coughing blood-tinged fluid."

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Lackey's single incident in 1992 of disciplinary history of a censure and civil penalty with the Board since her licensing in 1990, and Dr. Lackey's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 7th day of February, 2013, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

A. For the violations of COMAR 15.14.01.07 Professional Judgment and Practice, Dr. Lackey is assessed a civil penalty of $1,000, payment to be made within 30 days of the date of the Order to the Maryland Department of Agriculture with the notation "SBVME – Docket No. 12-64." In lieu of the civil penalty, Dr. Lackey may make a charitable donation to the Morris Animal Foundation in the amount of $1,000, payment to be made within 30 days of the date of this Order with proof of the donation from the Foundation to be submitted to the Board within 60 days of the date of this Order.

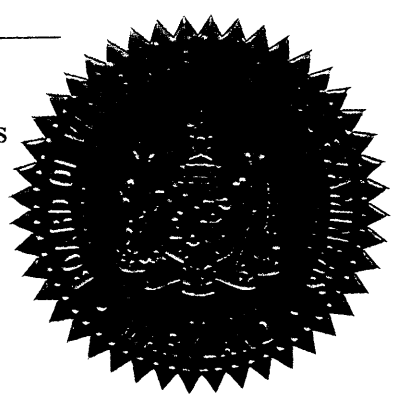
B. Dr. Lackey's License No. 3733 shall be suspended for two weeks, with the suspension stayed, contingent upon compliance with the conditions of probation.

C. Dr. Lackey shall serve a period of probation of six months. 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 will result in the stay of license suspension being lifted, and the Board ordering the veterinarian's license to be suspended for up to two weeks.

D. As a condition of probation, Dr. Lackey shall complete twelve credit hours of continuing education (CE) in anesthesia and critical care medicine, to be preapproved by the Board. Within 30 days of completion of the CE, the veterinarian shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits required under this Order. Proof from the CE provider shall include Dr. Lackey's name, the number of hours of CE completed, the topics covered, and the dates the CE were obtained. Completion of this CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license.

Chris H. Runde, DVM

Chris H. Runde, D.V.M.
President
State Board of Veterinary Medical Examiners



CONSENT

I, Kathleen Lackey Gonzalez, 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 after having had an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

1-31-13
Date

_____, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Cecil

I HEREBY CERTIFY that on this day of 31st January, 2013, before me, a Notary Public of the State and City/County aforesaid, personally appeared Kathleen Lackey Gonzalez, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

_____
Notary Public
My Commission expires: 10-13-2016