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BEFORE THE  
VETERINARY MEDICAL EXAMINING BOARD  
STATE OF OREGON

D.O.J. GENERALCOUNSEL  
STATE OF OREGON

In the Matter of the License to ) ORDER OF EMERGENCY  
Practice Veterinary Medicine of ) LICENSE SUSPENSION  
 ) AND NOTICE OF OPPORTUNITY  
Daniel G.Koller, D.V.M., ) FOR HEARING  
Licensee. )

This matter having come before the Veterinary Medical Examining Board (Board) on October 6, 2008 for consideration of the entry of an Order of Emergency License Suspension suspending the veterinary license of Daniel G. Koller, DVM, (Licensee) pending the conclusion of the Board's investigation and disciplinary proceeding in the above-captioned matter, and the Board being fully advised makes the following Findings of Fact, Conclusion and Order.

## FINDINGS OF FACT

1. At all relevant times, Daniel G. Koller, DVM has been licensed to practice veterinary medicine under ORS 686.020.

2. On May 14, 2004, after having been arrested and charged in California for illegal use of controlled substances (Telazol), Licensee entered into a stipulated agreement with the California Veterinary Board, in which Licensee agreed to conditions, including ongoing treatment during the probation period and providing quarterly treatment progress reports.

3. On March 2, 2005, Licensees entered into a stipulation with the

1 Board in which he agreed to comply fully with the terms and conditions of  
2 the California Veterinary Board's Stipulated Settlement.

3 4. On September 28, 2007 in Clackamas County Circuit Court, Licensee  
4 pled no contest to Driving Under the Influence of Intoxicants (DUII) and  
5 agreed to enter a substance abuse diversion program.

6 5. On October 24, 2007, the California-Veterinary Board issued an  
7 Accusation and Petition to Revoke Probation against Licensee for failure to  
8 obtain ongoing medical treatment and provide quarterly reports as required  
9 in his earlier stipulated agreement.

10 6. On June 19, 2008, the Board received a complaint alleging that  
11 Licensee practiced veterinary medicine while impaired, i.e., sedated and  
12 anesthetized animals while in an apparently physically incapacitated state;  
13 was unable to stand upright and carry on a conversation; caused damage to  
14 animals; fell asleep while performing surgery; and that Licensee had been  
15 arrested on suspicion of drunk driving.

16 7. On July 21, 2008, the California Veterinary Board issued an  
17 Amended Accusation and Petition to Revoke Probation against Licensee,  
18 revoking his license.

19 8. On July 27, 2008 the Board obtained a police report from the  
20 Oregon State Police which stated that on January 18, 2007, Licensee was  
21 observed to be driving erratically and showing signs of extreme impairment.  
22 Two hypodermic needles including a syringe containing blood were found on  
23 the center console of Licensee's vehicle, and there were recent injection  
24 sites on both of Licensee's arms. Licensee told officers that he was on his  
25 way to a clinic to perform surgery. Licensee was administered, Field  
Sobriety Tests, which he failed. Licensee was then arrested and charged

1 with DUII. Licensee volunteered a urine sample and tested positive for  
2 morphine. Licensee was administered the Drug Influence Evaluation, which  
3 concluded he was under the influence of a narcotic.

4 9. On September 12, 2008, the Board issued an Order requiring  
5 Licensee to undergo a physical, mental and chemical addiction evaluation to  
6 determine if he could practice veterinary medicine safely and to assess the  
7 risk of harm to animals resulting from his alleged illegal use of controlled  
8 drugs.

9 10. On September 27, 2008, the Board received a psychiatric evaluation  
10 performed on Licensee on September 15, 2008. The evaluation provided the  
11 following information:

12 a. Licensee admitted during an intake evaluation at a rehab  
13 clinic that he has used Telazol since the age of thirty-four, and he has not  
14 attempted to quit.

15 b. On February 19, 2002, Licensee was on the telephone with a  
16 client who raised concerns that he did not sound right. Emergency medical  
17 service providers were called and found him confused with slurred speech  
18 and fresh needle tracks in his right antecubital fossa.

19 c. The evaluator determined that Licensee suffered from an  
20 antisocial condition and sedative and hypnotic abuse and intoxication  
21 (Telazol).

22 d. The evaluator concluded that Licensee was unfit to practice  
23 veterinary medicine.

24 11. On October 6, 2008, the Board voted to issue Licensee this Notice  
25 of Emergency Suspension

## CONCLUSION

Based on the above findings, the Board concludes that Licensee's Habitual illegal use of controlled substances and history of evading Monitoring and treatment requirements violated the statutes and rules of The Board, and Licensee poses a serious danger to the public health and Safety unless his license is immediately suspended pursuant to ORS 183.430 (2)

## ORDER

IT IS HEREBY ORDERED that the license of Daniel G. Koller, DVM is suspended Effective immediately upon the execution of this document and shall remain Suspended pending further order of the Board.

Dated this 7<sup>th</sup> day of October, 2008.

VETERINARY MEDICAL EXAMINING BOARD  
FOR THE STATE OF OREGON

By: Lori Makinen, Executive Director

**NOTICE OF RIGHTS**

1. You have the right to contest the Board's action in immediately suspending your license by having a hearing before the Board.

2. To have a hearing, you must request one in writing within 90 days of the date this Order is mailed to you. If you request a hearing, one will be scheduled as soon as practicable before a hearing officer to review this matter. Following a hearing, the Board will determine whether this Order should be affirmed, altered or revoked.

3. If you do not request a hearing within 90 days of the date of this Order, you waive your right to a hearing.

4. If you request a hearing, you are entitled to appear at the hearing, to be represented by counsel, to testify and to call witnesses on your behalf.

5. Following the hearing, the Board will issue an Order containing the Board's final decision. You may appeal that Order to the Oregon Court of Appeals.