

**STATE OF NEW HAMPSHIRE
BOARD OF VETERINARY MEDICINE
CONCORD NH**

In the Matter of:
Lynn Fisher, DVM
License #422

Docket #23-VET-006

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of veterinary medicine, the New Hampshire Board of Veterinary Medicine ("Board") and Lynn Fisher, DVM ("Respondent"), a veterinarian licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board in accordance with the following terms and conditions:

1. Pursuant to RSA 332-B:7; RSA 332-B:15; RSA 332-B:16; RSA 541-A and Board of Veterinary Medicine Administrative Rule ("Vet") 201, 202, and 402, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by the Board's licensees. Pursuant to RSA 332-B:14, IV, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice in the state of New Hampshire on July 14, 1977. Respondent holds license number 422, which expires on December 31, 2024.
3. On March 12, 2021, the Board received a complaint against Respondent alleging that he had negligently performed a gelding procedure and provided inadequate after care for a miniature stallion in February 2021.

4. On June 23, 2023, the Board issued a Notice of Hearing against the Respondent.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would present evidence that could prove that Respondent engaged in professional misconduct, in violation of NH RSA 332-B:14, II(c), (d), and/or (f) (see Vet. 501.02 (Principles of Veterinary Medical Ethics, Part III)), by the following facts:
 - A. On or about February 18, 2021, the Respondent performed a castration procedure on a unilaterally cryptorchid miniature stallion with an undescended left testicle.
 - B. During the procedure, the Respondent suffered an “unexpected and severe” hypoglycemic episode that left him “wobbly on [his] feet with impaired hand eye coordination.”
 - C. The Respondent completed the procedure as no other veterinarian was available to take over prior to the completion of the procedure.
 - D. The miniature stallion died the following day.
 - E. A necropsy determined the cause of death to be “segmental necrosis of a herniated segment of the distal jejunum into the inguinal canal due to suturing of the jejunum wall into the inguinal canal.”
 - F. The Respondent did not note the hypoglycemic episode in his surgical notes, nor did he disclose or explain the episode to the horse’s owner.
6. The Board finds that Respondent committed the acts described above and concludes that, by engaging in such conduct, Respondent violated NH RSA 332-

B:14, II(c), (d), and/or (f) (see Vet. 501.02 (Principles of Veterinary Medical Ethics, Part III)).

7. Respondent acknowledges that the allegations and facts set forth in paragraph 5 constitutes grounds for the Board to impose disciplinary sanctions against Respondent's License to practice in the State of New Hampshire.
8. WHEREFORE, Respondent consents to the Board imposing the following discipline, pursuant to RSA 332-B:14, III:
 - A. Respondent is **REPRIMANDED**.
 - B. Within ninety (90) days of the effective date of this agreement, the Respondent shall complete **FIVE (5) hours of CONTINUING EDUCATION COURSES** in record keeping, client communication, and/or ethics and provide written notification to the New Hampshire Board of Veterinary Medicine of his successful completion of the course. These hours shall be in addition to the continuing education required under Board rules and statutes.
9. The Board agrees that in return for Respondent executing this *Settlement Agreement*, The Board will not proceed with the formal adjudicatory process based upon the facts described herein. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Settlement Agreement as a factor in determining appropriate discipline should any future misconduct be proven against Respondent in the future.

*N.H. Board of Veterinary Medicine
In the matter of Lynn Fisher
Settlement Agreement*

10. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute professional misconduct pursuant to RSA 332-B:14, II and shall serve as a separate and sufficient basis for further disciplinary action by the Board.
11. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made other than those terms and conditions expressly stated herein.
13. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
14. Respondent agrees to support the adoption of this agreement by the Board.
15. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
16. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.

*N.H. Board of Veterinary Medicine
In the matter of Lynn Fisher
Settlement Agreement*

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
19. This Settlement Agreement shall take effect as an Order of the Board 30 days after it is approved by the Board pursuant to RSA 310:10, VIII and Plc 205.04.

FOR RESPONDENT

Dated: Sept 4, 202~~1~~³

Lynn F Fisher DVM
Lynn Fisher, Respondent

*N.H. Board of Veterinary Medicine
In the matter of Lynn Fisher
Settlement Agreement*

FOR THE BOARD

ACCEPTED BY THE BOARD on this 20th day of September, 2023 (Effective Date).

Date: 9/20/2023

Traci Weber
(Signature)

Traci Weber, Administrator
Authorized Representative of the
NH Board of Veterinary Medicine