

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: LISA CHRISTINE MERRILL, M.D.**  
**License Number: 0101-248071**  
**Case Number: 221411**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine (“Board”) and Lisa Christine Merrill, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Merrill’s license to practice medicine in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Lisa Christine Merrill, M.D., was issued License Number 0101-248071 to practice medicine on July 21, 2010, which is scheduled to expire on January 31, 2026.

2. Dr. Merrill violated Virginia Code § 54.1-2915(A)(3) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that Dr. Merrill erroneously issued a Do Not Resuscitate/Do Not Intubate (“DNR/DNI”) order for Patient A, a 76-year-old male. Specifically:

a. According to his medical record, on June 5, 2021, Patient A, who was a paraplegic and nonverbal and suffered from Alzheimer’s disease with dementia, was admitted to the intensive care unit at Sentara Williamsburg Regional Medical Center for shortness of breath, decreased urine output, fever, and low oxygen saturation. He was diagnosed with sepsis and pneumonia secondary to the COVID-19 virus. He also was tachypneic and tachycardic, suffered a heart murmur, was in acute hypoxic and hypercarbic respiratory failure, and had multiple chronic stage 1-2 pressure ulcers at the heels, sacrum, calves, and scrotum. His written advance directive for health care dated February 10, 2018, that was included in his medical record, reflected that he appointed his wife as his agent for making health care

decisions on his behalf and that he gave the following instructions concerning his health care: "I want to live. My wife is to help me achieve this goal. She is to do all she can to sustain my life." Progress notes further reflected that from the date of his admission through June 13, 2021, Patient A's code status was "full."

b. In a progress note dated June 14, 2021, Dr. Merrill noted that she discussed with Patient A's wife that Patient A was not able to fight infection, continued to aspirate, was on high flow oxygen, was worsening, and would pass away soon and that "the best we can offer is comfort care at this point." Dr. Merrill also noted that Patient A's wife understood how poorly Patient A was doing and agreed to the administration of morphine (C-II) as needed but that Patient A's wife wanted to discuss comfort care and hospice with her daughters the next day, "prior to making too many changes." However, Dr. Merrill changed Patient A's code status in his medical record from "full" to "DNR/DNI" after misunderstanding that Patient A's wife agreed to such change. Later the same day, Patient A experienced no pulse or respirations, resuscitative efforts were withheld per the DNR/DNI order, and he expired. According to the Death Summary dated June 15, 2021, Dr. Merrill noted that although "[Patient A's wife] was upset that she was not called to come in before he passed and that he was not coded[,]" Patient A was "futile care and passed away quickly in the hospital."

c. Despite reporting to the investigator for the Department of Health Professions that "I explained that resuscitative efforts would likely be futile, and [Patient A's wife] agreed they were unnecessary given his condition[,]" Dr. Merrill did not document this discussion with Patient A's wife in Patient A's medical record.

3. Dr. Merrill provided documentation to the Board that she completed continuing medical education in the following subjects: Conflict Resolution Strategies: Patients and Families; Difficult Decision-Making: When, How, and With Whom; Documentation Risks: How to Defend the Care You

Provide; End of Life: Decision Making, Challenges, and Conflicts; and Documentation and Communication: Informed Consent and Appropriate Disclosure.

4. Dr. Merrill also informed the Board that she now ensures that she has a witness in the room when having code status discussions to make sure that all persons to such discussions are in agreement and that she documents such discussions and agreements in the patient's chart.

### CONSENT

Lisa Christine Merrill, M.D., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Dorinda P. Burton, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Lisa Christine Merrill, M.D., is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

A TRUE COPY TESTE:

Andrea Clark

VIRGINIA BOARD OF MEDICINE

Jennifer Deschenes  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director, Discipline  
Virginia Board of Medicine

ENTERED: 3/22/2024

SEEN AND AGREED TO:



\_\_\_\_\_  
Lisa Christine Merrill, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF James City, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large, on  
this 8 day of March, 2024.

  
\_\_\_\_\_  
Notary Public

My commission expires: 6/30/2025

Registration No.: 367952

**PETA ELIZABETH SCROGGINS**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2025  
COMMISSION # 367952



# COMMONWEALTH of VIRGINIA

*Department of Health Professions*

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
PHONE (804) 367-4400

Arne W. Owens  
Director

February 1, 2024

## UPS OVERNIGHT MAIL

Lisa Christine Merrill, M.D.  
100 Enclave Court  
Williamsburg, VA 23185

**RE: Case Number 221411**

Dear Dr. Merrill:

Attached is a Notice of Informal Conference and Statement of Allegations.

Information may be found at [https://www.dhp.virginia.gov/medicine/medicine\\_Hearings.htm](https://www.dhp.virginia.gov/medicine/medicine_Hearings.htm) regarding the following:

- Frequently Asked Questions about Disciplinary Proceedings;
- Directions to the Department of Health Professions Conference Center;
- Instructions for Requesting Subpoenas;
- The Board's Sanctioning Reference Points;
- The text of the Administrative Process Act;
- The text of all statutes and regulations cited herein.


The Board hereby offers to enter into the enclosed Consent Order with you in lieu of an informal conference in this matter. Please review this document, and should you consent to its terms, sign it in the presence of a notary public. In order for this Consent Order to become effective, you must return the entire document bearing your notarized signature to the Board office at the address above on or before February 23, 2024. Upon its receipt in the Board office, the Consent Order will be entered and the informal conference will be cancelled. Once the Consent Order is entered by the Board, you will receive a certified copy of the Consent Order, bearing the date of entry. Should the Board not receive this signed Consent Order from you by 5:00 p.m. on February 23, 2024, the Board will proceed with the informal conference as scheduled.

If you have any questions, you may contact Jennie Wood at (804) 367-4571 or [jennie.wood@dhp.virginia.gov](mailto:jennie.wood@dhp.virginia.gov). Please notify the Board office of your intent to attend this proceeding.

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers  
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy  
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine – Board of Health Professions

**Lisa Christine Merrill, M.D.**  
**RE: Case Number 221411**  
**January 31, 2024**  
**PAGE 2 OF 2**

Sincerely,

  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director, Discipline  
Virginia Board of Medicine

cc: J. Michael Parsons, Adjudication Consultant, Administrative Proceedings Division  
Lorraine B. McGehee, Deputy Director, Administrative Proceedings Division  
Kimberly H. Martin, R.N., Senior Investigator, Division of Enforcement (221411)  
Dorinda P. Burton, Esq., Counsel for Respondent

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: LISA CHRISTINE MERRILL, M.D.**  
**License Number: 0101-248071**  
**Issue Date: July 21, 2010**  
**Expiration Date: January 31, 2024**  
**Case Number: 221411**

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**NOTICE OF INFORMAL CONFERENCE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an informal conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
<b>DATE AND TIME:</b>	<b>March 14, 2024</b> <b>9:00 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Dismiss the case and exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Medicine for a formal administrative hearing.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you and/or your legal counsel do not appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.



## RESPONDENT'S LEGAL RIGHTS:

You have the following rights:

- The right to the information on which the Committee will rely in making its decision;
- The right to be represented by counsel at this proceeding;
- The right to subpoena witnesses and/or documents; and
- The right to present relevant evidence on your behalf.

## INFORMAL CONFERENCE MATERIALS:

- The informal conference materials (documents) serve as the basis for the allegations against you. The Committee will consider these materials at the informal conference.
  - **These materials have been sent to you via UPS Overnight Mail.**
  - **Bring this Notice and the documents with you to the informal conference.**

## FILING DEADLINES:

- The deadline for filing any materials you wish to have considered at the informal conference is **February 23, 2024**. *Please submit eight copies. Your documents may not be submitted by facsimile or email.*
  - Submit all correspondence to **Jennie F. Wood, Discipline Case Manager, at the Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.**
  - Include the case number in all correspondence.

## REQUEST FOR A CONTINUANCE

- Deadline for requesting a continuance: **February 20, 2024**
- Must be made in writing to **Jennifer Deschenes, Deputy Executive Director, at the Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.**
  - Will be granted only for good cause shown

**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Lisa Christine Merrill, M.D. (“Respondent”), was licensed to practice medicine in the Commonwealth of Virginia.

2. Respondent violated Virginia Code § 54.1-2915(A)(3), (12), (13), (16), and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that contrary to the expressed wishes and without the consent of Patient A, a 76-year-old male, or Patient A’s wife, Respondent issued a Do Not Resuscitate/Do Not Intubate (“DNR/DNI”) order for Patient A. Specifically:


a. According to his medical record, on June 5, 2021, Patient A, who was a paraplegic, was admitted to the intensive care unit at Sentara Williamsburg Regional Medical Center with a diagnosis of pneumonia due to the COVID-19 virus. He also was in acute hypoxic and hypercarbic respiratory failure and had multiple chronic stage 1-2 pressure ulcers at the heels, sacrum, and scrotum. His written advance directive for health care dated February 10, 2018, that was included in his medical record, reflected that he appointed his wife as his agent for making health care decisions on his behalf and that he gave the following instructions concerning his health care: “I want to live. My wife is to help me achieve this goal. She is to do all she can to sustain my life.” Progress notes further reflected that from the date of his admission through June 13, 2021, Patient A’s code status was “full.”

b. In a progress note dated June 14, 2021, Respondent noted that she discussed with Patient A’s wife that Patient A was not able to fight infection, continued to aspirate, was on high flow oxygen, was worsening, and would pass away soon. Respondent also noted that Patient A’s wife understood how poorly Patient A was doing and agreed to the administration of morphine (C-II) as needed but that Patient A’s wife wanted to discuss comfort care and hospice with her daughters the next day,

“prior to making too many changes.” Despite this, Respondent changed Patient A’s code status from full to DNR/DNI, even though neither Patient A nor Patient A’s wife expressed any agreement to this change. Later the same day, Patient A experienced no pulse or respirations, resuscitative efforts were withheld per the DNR/DNI order, and he expired. According to the Death Summary dated June 15, 2021, Respondent noted that although “[Patient A’s wife] was upset that she was not called to come in before he passed and that he was not coded[,]” Patient A was “futile care and passed away quickly in the hospital.”

c. Despite reporting to the investigator for the Department of Health Professions that “I explained that resuscitative efforts would likely be futile, and [Patient A’s wife] agreed they were unnecessary given his condition[,]” Respondent did not document this discussion with Patient A’s wife in Patient A’s medical record.

See Confidential Attachment for the name of the patient referenced above.

  
\_\_\_\_\_  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director, Discipline  
Virginia Board of Medicine

2/1/24  
\_\_\_\_\_  
Date