

Received

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IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
MICHELLE KAY GILBERTSON, D.V.M. § MEDICAL EXAMINERS

Texas State Board of
Veterinary Medical Examiners

AGREED LICENSURE ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Michelle Kay Gilbertson, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Licensure Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. On January 19, 2017, Respondent presented an application for a veterinary license to the Board. On the application, Respondent disclosed a history of chemical dependency, criminal convictions, and related disciplinary action by the California Veterinary Medical Board.
2. In 1998, the California Veterinary Medical Board issued a veterinary license to Respondent. In 2002, Respondent was convicted twice for driving while intoxicated and once for public intoxication. In 2003, Respondent was convicted for driving with a suspended or revoked license. On March 1, 2007, the California Veterinary Medical Board issued an order revoking Respondent’s veterinary license based on these convictions. The order stayed the revocation and placed Respondent’s license on probation for five years.
3. On January 31, 2009, Respondent was arrested for driving while intoxicated. On July 27, 2009, Respondent pleaded guilty to this charge. On November 9, 2011, the California Veterinary Medical Board issued an order in which Respondent agreed to surrender her veterinary license. Respondent subsequently moved to Texas.
4. On August 6, 2015, Respondent was arrested for driving while intoxicated. On December 17, 2015, Respondent pleaded guilty and was sentenced to 9 days in jail.
5. In May of 2016, Respondent voluntarily entered into the Board’s Peer Assistance Program. Respondent has fully complied with all recommendations and requirements of that program. Respondent has been sober since January 13, 2016.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.
2. Respondent has violated Sections 801.402(3),(4), and (17) of the Veterinary Licensing Act, Texas Occupations Code.
3. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a) and (e).

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for five years, effective the date the Board issues the veterinary license, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.
- b. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36.

2. PEER ASSISTANCE PROGRAM PARTICIPATION

- a. Respondent shall enter into a contract with the Board's Peer Assistance Program (PAP) with a duration of five years, effective the date the Board issues the veterinary license. Respondent shall enter into this contract and submit documentation of the contract to the Board within 30 days of the date the Board issues the veterinary license. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
- b. For the duration of the PAP contract, Respondent shall abstain from the consumption of or intentional exposure to prohibited substances, except as prescribed by a physician to Respondent for legitimate and documented therapeutic purposes. Any such prescribed substances must be reported to the PAP. Prohibited substances include:
 - i. Alcohol in any form;
 - ii. Dangerous drugs, as defined by Health and Safety Code, Chapter 483;

- iii. Controlled substances, as defined by Health and Safety Code, Chapter 481;
 - iv. Any substance, including over-the-counter agents and food products, which may cause a positive result in a drug or alcohol screening; and
 - v. Any other substance designated as a prohibited substance by the PAP.
- c. For the duration of the PAP contract, Respondent shall timely and satisfactorily submit to periodic screenings for prohibited substances as directed by the PAP Coordinator. Screenings may be through saliva, urine, blood, sweat, or hair testing. Respondent may be required to re-submit to inconclusive screenings. The following actions by Respondent shall constitute a violation of this Order:
- i. Submitting a positive or positive-dilute specimen;
 - ii. Submitting an adulterated specimen;
 - iii. Submitting a substituted specimen; or
 - iv. Refusing or failing to submit to a screening as directed by the PAP Coordinator.
- d. For the duration of the PAP contract, Respondent shall timely and satisfactorily comply with all recommendations of the PAP Coordinator, which may include, but are not limited to:
- i. In-patient or out-patient rehabilitation, treatment, and counselling;
 - ii. Limitations in scope of veterinary practice, access to controlled substances, and number of working hours;
 - iii. Limitations in the type of facility in which Respondent may practice and the number of veterinarians associated with a facility or practice; and
 - iv. Pre-approval by the PAP and the Board of Respondent's employers or supervisors.
- e. Respondent shall timely pay all costs associated with participation in the PAP, including the costs of all testing, examinations, and treatment.
- f. Respondent shall execute all releases for medical records necessary for the PAP and the Board to evaluate Respondent's compliance with the PAP Coordinator's recommendations and this Order.

3. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas

Veterinary Licensing Act, and the laws of the State of Texas and the United States.

- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and Signature Page Follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

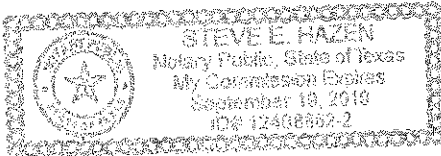
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 22 day of Feb, 2017.

Michelle Kay Gilbertson DVM
Michelle Kay Gilbertson, D.V.M.

Sworn and subscribed before me this 22nd day of Feb, 2017.

SEAL:



[Signature]
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 4th day of April, 2017.

[Signature]
Jessica Quillivan, D.V.M., Presiding Board Member