

AGREED ORDER 2009-72

IN THE MATTER	§	TEXAS BOARD
	§	
OF THE LICENSE OF	§	OF VETERINARY
	§	
MELISSA C. LIBAL, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this, the ²⁶8th day of October, 2009, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of MELISSA C. LIBAL, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on June 24, 2009, to consider alleged violations of the Veterinary Licensing Act and the Board's Rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive an informal conference under §801.408 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges her understanding of the alleged violations and adequacy and sufficiency of the notice mailed to her.

Upon the recommendation of the staff committee, and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as follows:

Findings of Fact

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. On January 20, 2009, the Board determined that Respondent failed to obtain the required Continuing Education (CE) for calendar year 2008. Board Investigator, Charles Adkins, found that Respondent lacked seventeen (17) CE hours for calendar year 2008, renewal year 2009.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Facts 1 and 2, Respondent has violated Rule of Professional Conduct §573.64, CONTINUING EDUCATION REQUIREMENTS, which requires a veterinarian to annually complete 17 hours of acceptable CE.

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3. Based on Conclusions of Law 1 and 2, Respondent has violated §801.402(6) of the Veterinary Licensing Act and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

- (6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusions of Law 2 and 3, Respondent may be disciplined in the manner set out in §801.401 of the Veterinary Licensing Act DISCIPLINARY POWERS OF THE BOARD, which authorizes the Board to:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

5. Based on Conclusions of Law 2 and 3, Respondent may also be disciplined in the manner set out in §801.307, CONTINUING EDUCATION, of the Veterinary Licensing Act, which requires a licensee to make up missed CE hours in addition to the hours normally required to be completed in that calendar year.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS Respondent to pay an ADMINISTRATIVE PENALTY in the amount of five hundred dollars (\$500.00) within 45 days of the date of this Order. Also, within one year of the date of this Order, Respondent must complete seventeen (17) hours of CE in addition to the seventeen (17) hours of CE required for calendar year 2009, renewal year 2010, and submit proof of same to the Board. If Respondent fails to comply with the terms of this Order, an enforcement action, provided for by the Act and Rules, will be initiated against Respondent.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

MELISSA C. LIBAL, D.V.M.

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Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board. Respondent, by signing this Agreed Order, waives her right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that she is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board. The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

I, MELISSA C. LIBAL, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Melissa C Libal
MELISSA C. LIBAL, D.V.M.

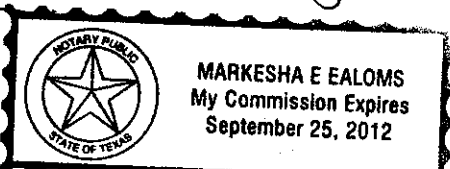
7/21/09
Date

STATE OF TEXAS ¹⁹
COUNTY OF ~~Texas~~ Brazos

BEFORE ME, on this day, personally appeared MELISSA C. LIBAL, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 21st day of July, 2009.

[Signature]
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the ²⁶ 8th day of October, 2009.

[Signature]
Bud E. Alldredge, Jr., D.V.M.
President of the Board