AGREED ORDER

On this the 12th day of February, 2009, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Cheryl Staples, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 573.22 an informal conference was held on September 17, 2008. The Respondent was represented by counsel, Lucas Morrow. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his/her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him/her.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact


2. Ms. Treadwell dropped "Mikey Joe" off at the clinic for a dental cleaning. Ms. Treadwell received a call from the clinic informing her that "Mikey Joe" did well but six teeth had to be extracted. Ms. Treadwell stated the only authorization she gave to the EVC staff was to perform a dental cleaning. Dr. Staples stated "Mikey Joe" was anesthetized and Carla, the veterinary technician, started the dental cleaning. Dr. Staples stated when she approached the treatment table she noticed two of "Mikey Joe's" incisors had already been extracted without her knowledge. Dr. Staples questioned Carla about the extractions and Carla stated she would tell Ms. Treadwell about the teeth removal. Dr. Staples assumed she meant that an update would be
provided to Ms. Treadwell, but in fact no consent was ever received from Ms. Treadwell.

3. The veterinary technician’s removal of two teeth while under the supervision of Dr. Staples and the removal of four teeth by Dr. Staples without prior authorization by the owner was the performance of unauthorized treatment on an animal. Ms. Treadwell was denied the ability to take her dog to a specialist for a second opinion regarding the necessity of the extraction of six teeth in “Mikey Joe.”

4. Based on paragraphs 1 thru 3, Dr. Staples has violated section 801.402(12) of the Veterinary Licensing Act, Occupations Code, which prohibits the performance of unauthorized treatment and subjects a veterinarian to disciplinary action under section 801.401.

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 Fact 1 through 4, Respondent has violated Section 801.402 (12) of the Veterinary Licensing Act, Texas Occupations Code, 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:

   (12) performs or prescribes unnecessary or unauthorized treatment;

3. Based on Conclusions of Law 1 and 2, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

   801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

   (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.

Agreed Order 2009-04
Cheryl Staples, D.V.M.
NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Cheryl Staples, D.V.M., be INFORMALLY REPRIMANDED.

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 provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his/her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he/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 his/her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he/she had the right to be represented by legal counsel in this matter.

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.

The effective date of this Agreed Order shall be the date it is adopted by the Board.
I, CHERYL STAPLES, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

Cheryl Staples, D.V.M.  
11/10/09  
Date

STATE OF TEXAS  
COUNTY OF BRYAN  
§  
§

BEFORE ME, on this day, personally appeared CHERYL STAPLES, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 10th day of NOVEMBER, 2008.

Notary Public

NOTARY PUBLIC
Holly L. Burris
State of Texas  
My Commission Expires 9-25-2010

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of FEBRUARY, 2009.

Bud E. Aldredge, Jr. D.V.M., President

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