DOCKET NO. 2011-72

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
DOUGLAS STRIBLING, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 13th day of October, 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Douglas Stribling, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on June 27, 2011. The Respondent was not represented by legal counsel at the informal settlement conference. 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 understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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

1. Respondent, Douglas Stribling, D.V.M. of La Grange, Texas, holds Texas veterinary License 6877.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).

3. On October 5, 2010, the Board received a complaint from Misty Blanchard against Respondent regarding his treatment of her one-year old female Miniature Dachshund named
“Ella.” Ms. Blanchard alleged that Respondent had misdiagnosed the cause of injuries “Ella” sustained, including a fractured pelvis and femur, as having been caused by “Ella” being hit by a car rather than by “Ella” being attacked by another dog. Board staff sent Ms. Blanchard’s complaint to Respondent and requested that he respond to her allegations.

4. On October 18, 2010, the Board received a response from Respondent. In relevant part, Respondent stated that he discussed his diagnosis of the cause of “Ella’s” injuries with Ms. Blanchard’s neighbor, who is the owner of the dog that Ms. Blanchard said had attacked “Ella.” According to Respondent’s response letter, “I told [Ms. Blanchard’s neighbor] that in my opinion the injuries to the dog are more consistent with [being hit by a vehicle] than by being pulled through a cattle panel.”

5. By disclosing to Ms. Blanchard’s neighbor his diagnosis of the cause of “Ella’s” injuries, Respondent violated his confidential relationship with his client, Ms. Blanchard.

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 5, Respondent has violated Rule 573.27, OBSERVANCE OF CONFIDENTIALITY, which requires that a veterinarian not disclose any information concerning the veterinarians’ care for an animal without authorization from his client or on receipt of a court order or subpoena.

3. Based on the above Findings of Fact 1 through 5 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) 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:

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

4. Based on Conclusions of Law 1 through 3, 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

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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

(d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Douglas Stribling, 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 understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he 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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

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The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, DOUGLAS STIBLING, 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.

[Signature]
Douglas Stribling, D.V.M.

Date
7/24/11

STATE OF TEXAS §
COUNTY OF Fayette §

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

Given under the hand and seal of office this 21 day of July, 2011.

[Notary Public]
N. Powell
My Commission Expires
09/28/2013

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18 day of Oct., 2011.

[Bud E. Alldredge, Jr., D.V.M.]
President

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