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DOCKET NO. 2004-28

TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

IN THE MATTER

OF THE LICENSE OF

VIRGINIA B. ELLSWORTH, D.V.M.

§

TEXAS STATE BOARD OF

§

§

VETERINARY MEDICAL EXAMINERS

### AGREED ORDER

On this the 17th day of June, 2004, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Virginia Ellsworth, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act (Act), §801.408, Texas Occupations Code, and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on April 28, 2004. Respondent waived her appearance. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent understands the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon 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. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.

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In the Matter of the License of Virginia Ellsworth, D.V.M.  
Docket No. 2004-28

2. On February 13, 2004, the Board received a letter from Virginia Ellsworth, D.V.M., which disclosed that Dr. Ellsworth did not obtain all the required 17 hours of continuing education (CE) hours in 2003, renewal year 2004. Dr. Ellsworth stated that she mistakenly thought that no CE hours would be required for her first full year after graduating from veterinary school. She obtained 3.5 hours in 2003.
3. Dr. Ellsworth did not request a hardship extension of the CE requirements for the year 2003.

#### **Conclusions of Law**

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Board Rule 573.64 of the Rules of Professional Conduct requires each license holder to acquire 17 hours of approved continuing education each year.
3. Based on Findings of Fact 2 and 3, Respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.64.
4. Based on Findings of Fact 2 and 3 and Conclusions of Law 1 through 3, Respondent is subject to disciplinary action by the Board under Section 801.402 (6) of the Texas Occupations Code for engaging in "practices or conduct that violates the board's rules of professional conduct . . . ." and is therefore subject to a civil penalty under Sec. 801.401.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Virginia Ellsworth, D.V.M., be assessed a civil penalty of TWO HUNDRED AND FIFTY dollars (\$250.00) under the following terms and conditions:

1. Respondent shall pay the penalty within forty-five (45) days of the Board's approval of the Agreed Order.
2. 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.
3. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with

this order.

4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.


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 of the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, VIRGINIA B. ELLSWORTH, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

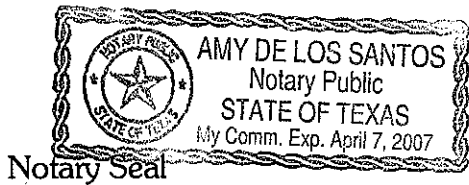
  
Virginia Ellsworth, D.V.M.

5/25/04  
DATE

STATE OF TEXAS §  
COUNTY OF Harris §

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

Given under the hand and seal of office this 25<sup>th</sup> day of MAY, 2004.



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17 day of June, 2004.

[Signature]  
Dee Pederson, D.V.M.  
President