

DOCKET NO. 2005-11

IN THE MATTER	§	TEXAS STATE BOARD OF
OF THE LICENSE OF	§	
SHELLEY HEMPEL, D.V.M.	§	VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 17th day of February, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of SHELLEY HEMPEL, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, Respondent was invited to an informal conference held on November 9, 2004. Respondent waived her appearance. 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 compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to 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

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.
2. During a compliance inspection on August 24, 2004, a Board investigator determined that Shelley Hempel, D.V.M., Sachse, Texas, did not possess a controlled substance registration from the Texas Department of Public Safety (DPS). On September 23, 2004, the Department of Public Safety advised that Dr. Hempel had not been previously registered under her current name. From November 16, 1983 until August 3, 1998, she had been registered under the last name of "Byerley." Dr. Hempel has not been registered since that time. Dr. Hempel obtained her DPS registration on September 17, 2004.
3. Dr. Hempel's patient records and controlled substances records revealed that she had administered controlled substances to patients during the past 12 months prior to obtaining her

registration.

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 2 and 3, Respondent has violated Rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, of the Board's Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.

3. Based on 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 801.402 if the person:

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

4. Based on Conclusion of Law 3, Respondent may be disciplined in the manner set out in Section 801.401, DISCIPLINARY POWERS OF BOARD, of the Veterinary Licensing Act, Texas Occupations Code, which may include revocation or suspension of a license, probation of a person whose license has been suspended, a reprimand, or a civil penalty.

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

The Board ORDERS that Respondent be officially REPRIMANDED.

The Board further ORDERS that Respondent pay within 45 days of the date of this Order, a CIVIL PENALTY of seven hundred and fifty dollars (\$750.00). If Respondent fails to pay the civil penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the civil penalty is paid.

The Board further ORDERS that the Respondent take and pass the Board's Jurisprudence Examination within 45 days of the date of this Order. If Respondent fails to take and pass the jurisprudence examination within 45 days of the date of this Order, Respondent's license shall be suspended until Respondent does take and pass the examination. Respondent may not re-take the examination more frequently than 10 working days from the date of her last sitting for the examination. Should Respondent engage in the practice of veterinary medicine when under

suspension, she will be subject to immediate disciplinary action.

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.

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 formal 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. Respondent has voluntarily represented herself.

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 Board of Veterinary Medical Examiners.

I, SHELLEY HEMPEL, 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,

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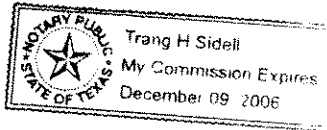
VERBAL, WRITTEN OR OTHERWISE.

Shelley Hempel D.V.M. 12/06/04
Shelley Hempel, D.V.M. DATE

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, on this day, personally appeared Shelley Hempel, 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 06TH day of DECEMBER, 2004.



Trang H Sidell
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of February, 2005

Gary C Brantley M.D.
Gary C. Brantley, D.V.M.
President of the Board

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STATE BOARD OF
VETERINARY MEDICAL EXAMINERS