

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Department of Investigations
Telephone: (504) 568-6820
FAX: (504) 568-5754

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In The Matter Of	:	No. 12-I-984
COLE EVAN LIBBY, ATH	:	CONSENT ORDER FOR
<i>Applicant</i>	:	ISSUANCE OF CERTIFICATION
	:	_____

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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of Cole Evan Libby's application for certification by the Board to practice as an athletic trainer ("ATH") in this state. While it appears from information available as supplied by Mr. Libby's application and otherwise that he is generally qualified for issuance of such certification, as acknowledged by him in his application, he reported that he has been holding himself out as and/or working as an athletic trainer in Louisiana since August 2012 without Board certification.

On his own behalf, Mr. Libby advised the Board that he was under the understanding that certification by the National Association of Athletic Trainers was sufficient to practice as an athletic trainer in this state. When he discovered that certification by the Board is required to practice, he submitted an application for certification. He now acknowledges that his understanding was in error and has accepted his responsibility to understand and comply with all rules and regulations regarding certification in this state.

As evidenced by his subscription to this Order Mr. Libby acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny his application pursuant to the Law and/or the Board's rules respecting athletic trainers.¹

Investigation of the captioned matter was assigned to the Director of Investigations ("I/O") for the Board. While it appears to the I/O that Mr. Libby is a conscientious and well-

¹La. Rev. Stat. §37:3305, 3308; La. Adm. C. 46XLV.5709.

trained athletic trainer, the I/O's review and analysis of the matter confirms to her satisfaction that sufficient cause exists to charge Mr. Libby with one or more violations of the Louisiana Athletic Trainers Law (the "Law"), La. Rev. Stat. §37:3305, 3308 and/or the Board's rules respecting athletic trainers, La. Adm. C. 46XLV.5709.

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et. seq.*, Mr. Libby, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Mr. Libby further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto Mr. Libby also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Libby expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3303, will be effectively served by entry of the order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3303 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Cole Evan Libby is hereby OFFICIALLY REPRIMANDED for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that certification to practice as an athletic trainer in the state of Louisiana shall be issued to Cole Evan Libby.

IT IS FURTHER ORDERED that within three (3) months of the date of this Order Mr. Libby shall pay the Board a fine in the amount of Two Hundred (\$200.00) Dollars, which represents the certification fees for the past year, plus a penalty of an equal amount.


IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Libby shall be deemed adequate and sufficient cause, upon proof of such violation

or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3308.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective this 3rd day of December
2012.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: 
MELVIN G. BOUREGOIS, M.D.
President

***Acknowledgement and Consent
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STATE OF LOUISIANA

PARISH OF LAFAYETTE

**ACKNOWLEDGMENT
AND CONSENT**

I, COLE EVAN LIBBY, ATH, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21st day of November, 2012.

[Signature]
COLE EVAN LIBBY, ATH

[Signature]

Signature

Cathy Driscoll

Printed Name

127 ARNOULD BLVD LAF, LA 70506

Address

WITNESSES:

[Signature]

Signature

VICKIE HARGRAVE

Printed Name

127 ARNOULD BLVD LAF, LA 70506

Address

Sworn to and subscribed before me at LAFAYETTE, Louisiana this 27th day of November, 2012, in the presence of the two stated witnesses.

Jill Breau

Notary Public (Printed Name) and

[Signature]
Notary (Signature) & Bar/Notary No.

65299
Bar/Notary No

