

DOCKET NO. 2005-26

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

TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 9th day of June, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of THOMAS HOOPER, 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 February 18, 2005. Respondent waived his attendance. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed 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.

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TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

**Findings of Fact**

1. On June 11, 2004, Laurie Umphrey, Beaumont, Texas, presented her five-year old Toy Yorkie "Annie" to the Nederland Animal Clinic, Nederland, Texas for routine vaccinations. David Wille, D.V.M., suggested that the dog be spayed and have a tooth removed. After some discussion, Ms. Umphrey reluctantly consented to the spay.
2. On June 15<sup>th</sup>, Ms. Umphrey's daughter presented "Annie" to the clinic for the procedure. Ms. Umphrey assumed that Dr. Wille would do the surgery. However, Thomas Hooper, D.V.M., a relief veterinarian, was on duty on the 15<sup>th</sup> and performed the spay. Patient records indicate that "Annie" weighed 3.1 pounds prior to surgery. During recovery, the dog was extubated and began moving around and then collapsed. Efforts to revive her were unsuccessful.
3. The Board repeatedly sent letters to Dr. Hooper requesting a response to the complaint. He did not respond. On November 17, 2004, Investigator Michael Miller spoke with Dr. Hooper by telephone. Dr. Hooper said that he had responded to the first letter sent on June 30, 2004.

Mr. Miller told him the response had never been received. Dr. Hooper stated that he would send the Board a copy of his response on November 19<sup>th</sup>. The promised response was never received. The mailing address for Dr. Hooper listed in the Board records is no longer valid, and Dr. Hooper never informed the Board of his changed address.

4. Dr. Hooper's failure to respond to the Board's repeated requests for information resulted in protracted and unnecessary delays in processing the complaint.

#### **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 3 and 4, Dr. Hooper has violated Rule 573.74 DUTY TO COOPERATE WITH BOARD, of the Board's Rules of Professional Conduct, which requires a veterinarian to cooperate fully with a Board investigation and timely respond to requests for information.

3. Based on Finding of Fact 3, Dr. Hooper has violated Rule 573.75 NOTIFICATION OF LICENSEE ADDRESSES, of the Board's Rules of Professional Conduct, which requires each veterinarian to notify the Board of any change of name, address or name of clinic

4. Based on Conclusions of Law 1 through 3, Dr. Hooper 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.

5. Based on Conclusion of Law 4, 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 INFORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay within 45 days of the date of this Order, a

CIVIL PENALTY of FIVE HUNDRED DOLLARS (\$500.00). 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:

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 his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he 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 right to a formal hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

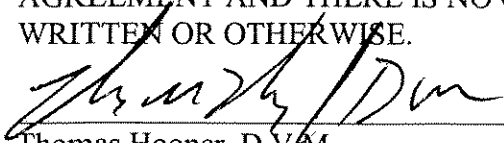
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION 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, **THOMAS HOOPER**, 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

Agreed Order 2005-26  
Thomas Hooper, D.V.M.  
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AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL,  
WRITTEN OR OTHERWISE.

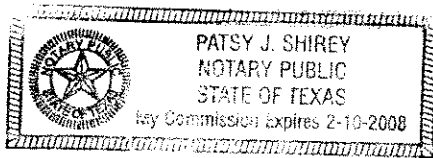
  
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Thomas Hooper, D.V.M.

4/11/05  
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DATE

STATE OF TEXAS  
COUNTY OF Panola

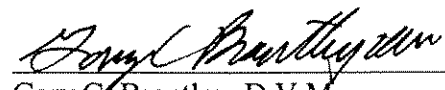
BEFORE ME, on this day, personally appeared THOMAS HOOPER, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 12<sup>th</sup> day of APRIL, 2005



  
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Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 9<sup>th</sup> day of June, 2005.

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



# TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

RON ALLEN, EXECUTIVE DIRECTOR

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June 15, 2005

Thomas M. Hooper, D.V.M.  
P. O. Box 344  
Gary, Texas 75643

RE: Investigative Case No. 04-287  
Docketed Case No. 2005-26  
Thomas M. Hooper, D.V.M.

Dear Dr. Hooper:

This letter is formal notification that the Board has completed its action on the complaint concerning your violation of Rule 573.74 – Duty To Cooperate With Board, and Rule 573.75 – Notification Of Licensee Addresses.

A copy of the Agreed Order for Docket No. 2005-26 is included for your reference. Please note that the forty-five days to pay the civil penalty of five hundred dollars (\$500.00) are from the date of the Board's approval of the Agreed Order. This requirement should be satisfied by July 25, 2005. Please be aware that if you fail to pay the penalty by that date, your license is suspended until the penalty is paid.

We are closing this case due to Board Order. If you have any questions, please contact me or investigator Michael Miller.

Sincerely,

Peter C. Hartline  
Director of Enforcement

PCH/mm

Enclosure