

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

**AGREED ORDER**

On this the 21 day of July, 2015 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Richard Hoekstra, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on January 15, 2015, to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the Staff 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, Richard Hoekstra, D.V.M. of League City, Texas, holds Texas veterinary license 6442.
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 July 8, 2014, Investigator Michael Miller of the Board conducted a compliance inspection on Respondent at the Animal House Veterinary Hospital ("Hospital") in League City, Texas. Respondent is the owner of the Hospital.

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Texas State Board  
of Veterinary Medical Examiners

4. The compliance inspection found that Respondent failed to maintain suitable controlled substances logs by not maintaining the required data, including the correct balance on hand for his controlled substances. Respondent admitted that his controlled substance log was not keeping a running balance for his controlled substances.

5. The compliance inspection also found that Respondent also ordered and dispensed prescription medication for his own personal use and for the use of an employee, Tiffany Cummings. Respondent stated that he ordered and dispensed the anti-anxiety drug Lexapro for his own personal use after it was prescribed by his physician. Respondent stated that he ordered and dispensed the anti-migraine medication Flexeril for Tiffany Cummings after Ms. Cummings had been prescribed the medication by her physician. He contends that he did not prescribe the drugs, but rather solely filled the prescriptions.

### **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 573.41, USE OF PRESCRIPTION DRUGS, of the Board's Rules of Professional Conduct, by prescribing, providing, obtaining, ordering, administering, possessing, dispensing, giving, or delivering to or for any person prescription drugs that are not necessary or required for the medical care of animals.

3. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board's Rules of Professional Conduct, by failing to record the balance on hand for controlled substances.

4. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.60, PROHIBITION OF TREATMENT OF HUMANS, of the Board's Rules of Professional Conduct, by provide care and treatment of humans including dispensing prescription medication for personal use by a human.

5. Based on Finding of Facts 1 through 5 and Conclusions of Law 1 through 4, 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.

6. Based on Conclusions of Law 1 through 5, 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 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.

7. Based on Conclusions of Law 1 through 6, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent, be FORMALLY REPRIMANDED.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$2500.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Order, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

In addition, the Board ORDERS that Respondent to submit to and complete an evaluation with the Board's Peer Assistance Program within 90 days of the date the Board approves this Order. Respondent must comply with all of the recommendations of the Board's Peer Assistance Program. Further and immediate disciplinary action may be taken by the Board and is considered a violation of this Board Order if Respondent does not submit to an evaluation within 90 days of the date the Board approves this Order and follows all of the recommendations of the Board's Peer Assistance Program.

The Board further ORDERS that Respondent shall take and pass the Texas jurisprudence examination within 90 days from the date the Board approves this Agreed Order.

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.

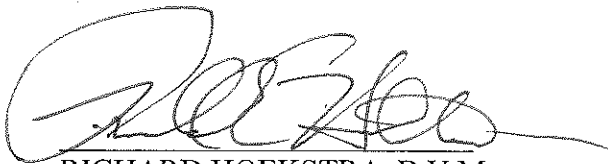
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate 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 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. 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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, RICHARD HOEKSTRA, 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.

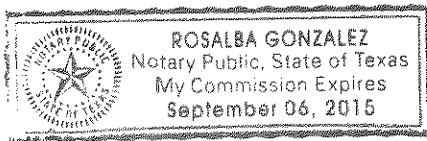
  
RICHARD HOEKSTRA, D.V.M.

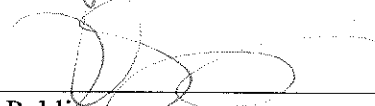
17 Feb 2015  
Date

STATE OF TEXAS       §  
COUNTY OF Harris   §

BEFORE ME, on this day, personally appeared RICHARD HOEKSTRA, 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 17<sup>th</sup> day of February, 2015.



  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of July, 2015.

  
Bud E. Alldredge, Jr., D.V.M.  
President of the Board