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

AGREED ORDER

On this, the 3d day of June, 2014, 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 Rules 575.29, an informal conference was held on February 19, 2014. The Respondent did attend the informal conference but was not represented by counsel. 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 issues without a formal adjudication. 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 provided 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.

Findings of Fact


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. Respondent failed to renew his veterinary license for calendar year 2013.

4. Respondent’s controlled substance registration with the Texas Department of Public Safety (“DPS”) was terminated on November 1, 2002.
5. On March 27, 2012, the Board entered Agreed Order 2012-39, disciplining Respondent by ordering him to pay a $1,000 administrative penalty by May 11, 2012, and attain 34 additional hours of continuing education by March 25, 2013.


7. Respondent also failed to provide proof having completed the ordered additional continuing education by March 25, 2013. Respondent indicated that he had only attained 12 hours of continuing education in calendar year 2011 and six hours of continuing education in calendar year 2012. Since 17 hours are required for each calendar year, and the Agreed Order 2012-39 required Respondent to complete 34 additional hours by March 27, 2013, Respondent failed to complete the required continuing education by the deadline. On August 22, 2013, the Board informed Respondent in writing that if Respondent could show proof that he attained the past due 35 hours (an additional hour of required continuing education had accrued since the time of the Agreed Order) before December 31, 2013, then the Board would renew his license. Respondent failed to submit such proof by December 31, 2013.

8. On June 5, 2013, a Board investigator visited the Tiller Veterinary Clinic in Waskom, Texas, and determined that Respondent was practicing veterinary medicine without a valid Texas veterinary license, and administering, prescribing and dispensing controlled substances without a valid DPS controlled substance registration.

9. On August 14, 2013, a Board investigator visited the Taylor Veterinary Clinic in Longview, Texas. At that time, the investigator was informed that Respondent was employed as a relief veterinarian and utilized controlled substances after March 1, 2013.

10. On August 14, 2013, a Board investigator contacted Dr. Mark Jousan with Shelby Veterinary Associates in Center, Texas and was informed that Respondent had been employed at that clinic and utilized controlled substances after March 1, 2013.

11. On August 14, 2013, a Board investigator contacted Dr. Sonya McClendon with McClendon Veterinary Services in Marshall, Texas and was informed that Respondent had been employed at that clinic, utilized controlled substances, and vaccinated cattle for brucellosis after March 1, 2013.

12. On September 16, 2013, Respondent was arrested at the McClendon Veterinary Services clinic for practicing without a license and possession of a dangerous drug as he was in possession of two bottles of 1mmiticide that belonged to that clinic.
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13. On September 17, 2013, a Board investigator contacted Dr. Robert Gribble with Hallsville Veterinary Hospital in Hallsville, Texas and was informed that Respondent had been employed at that clinic and utilized controlled substances after March 1, 2013.

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 3 and 8 through 13, Respondent has violated Section 801.251 of the Veterinary Licensing Act, Texas Occupations Code, by practicing veterinary medicine without a valid Texas license.

3. Based on Findings of Fact 4 and 8 through 13, Respondent has violated Rule 573.43 CONTROLLED SUBSTANCES 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.

4. Based on the Findings of Fact 5 through 7, Respondent has violated Rule 573.62, VIOLATION OF A BOARD ORDER, of the Board’s Rules of Professional Conduct, by failing to complete continuing education ordered in Agreed Order 2012-39, and by failing to pay the $1,000 administrative penalty under Agreed Order 2012-112 by the deadline set out in the order.

5. Based on Findings of Fact 5 through 7, Respondent has violated Rule 573.64, CONTINUING EDUCATION REQUIREMENTS, of the Board’s Rules of Professional Conduct, by failing to complete continuing education hours required for annual renewal for calendar years 2011 and 2012, and continuing education hours ordered by the Board under Agreed Order 2012-39.

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

7. 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: (a)

(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.

(d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

8. Based on Conclusions of Law 2 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 THOMAS HOOPER, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent’s license be SUSPENDED for two years, with said SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of five thousand dollars ($5000.00) by cashier’s check or money order. If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent’s license may be suspended until the penalty is paid.

The Board ORDERS Respondent to provide the Board with proof of his current DPS registration within six (6) months of his veterinary license renewal.

In addition, the Board ORDERS that Respondent complete an additional TWO (2) hours of continuing education prior to June 2014. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days of the end of the period to complete the continuing education. If Respondent fails to provide documentation of completion within
forty-five (45) days of the end of the period to complete the continuing education, further enforcement action will be taken.

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 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 in any hearing before the Board.

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. 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, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARIALLY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

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STATE OF TEXAS
COUNTY OF Johnson

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 31 day of March, 2014

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3 day of June, 2014.

[Signature]
Bud E. Allredge, Jr., D.V.M.
President of the Board