

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

**Received**

**MAY 20 2015**

Texas State Board of  
Veterinary 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 JIMMY ROOK, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on April 20, 2015. Respondent did attend the informal conference. 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**

1. Respondent, JIMMY ROOK, D.V.M. of Midlothian, Texas, holds Texas veterinary license 5424.
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 owns the 14<sup>th</sup> Street Veterinary Clinic (the "Clinic") in Midlothian, Texas.

## Bo

4. On July 21, 2014, Christopher Nagy's thirteen year old Labrador retriever named Bo was transported by the Midlothian Animal Control officer to the Clinic for a mandatory rabies quarantine after Bo bit Mr. Nagy's grandson. The quarantine was for a ten day time period.

5. On July 29, 2014, Mr. Nagy picked up Bo from the Clinic. Respondent failed to examine Bo prior to Mr. Nagy picking up Bo. At that time, Mr. Nagy found Bo was in poor condition. Bo's eyes were matted, his right eye had a film covering it, his hair was shedding, he had sores on his hind legs, and he appeared to have lost approximately ten pounds.

6. On July 29, 2014, Mr. Nagy presented Bo to his regular veterinarian, A. Reese Tipton, D.V.M. at the Midlothian Veterinary Clinic. Dr. Tipton diagnosed Bo with mild-moderate depression, pyrexia (temperature of 104 degrees), and several areas of dermatitis. Dr. Tipton stated that it was his opinion that the standard of care provided by Respondent was poor as the lesions should have been noted and addressed, which would have led to a full examination where pyrexia and other findings would have been noticed. Dr. Tipton further noted that the lesions were easily visible, even from a distance.

7. Respondent's patient record for Bo did not include any information about Respondent's daily observations of Bo, when Respondent was watching for signs of possible rabies. The patient records only indicate the dates that Bo came and left the clinic.

## Sophie

8. Roxanne Struve presented her two year old female, Jack Russell terrier named Sophie to Respondent after Sophie was attacked by a larger dog. Sophie had three lacerations to her right hip, two large lacerations on her left hip, and a puncture wound to the rib area. Ms. Struve was told that Sophie would stay at the Clinic for the weekend and was asked to call the Clinic the following Monday. Ms. Struve did not speak with Respondent when she presented Sophie.

9. On February 10, 2014 (the following Monday), Ms. Struve called the Clinic. She was informed that Sophie was being prepped for surgery. She was later informed that Sophie would need to stay overnight but that she could pick up Sophie the following day. Respondent did not obtain consent from Ms. Struve prior to performing the surgery. The patient records do not reflect Sophie's temperature during treatment.

10. On February 11, 2014, Sophie was discharged to Ms. Struve's boyfriend, Rusty Proffit with instructions to return in two weeks. Respondent asserts that he encouraged Mr. Proffit to allow Sophie to stay longer; however, Mr. Proffit declined. Respondent states that Sophie was released to Mr. Proffit with Otomax ointment and Amoxicillin with instructions for their use. Respondent further states that he told Mr. Proffit that "there was a lot of crushed tissue and some of it may necrose and need debriding over the next several days to observe and return if there was any question." Ms. Struve does not recall any requests for Sophie to stay longer in Respondent's care as Respondent's staff had instructed her to pick Sophie up that day. Such communications and instructions do not appear in the patient medical records.

## 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 the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to examine Bo and failing to obtain client consent to perform surgery on Sophie and failing to document client communications regarding Sophie's care and follow up instructions, and, thus, failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.
3. Based on the above Findings of Fact, Respondent violated Rule 573.52, VETERINARY PATIENT RECORDKEEPING, of the Board's Rules of Professional Conduct, by failing to include the temperature of the patient and details necessary to substantiate each examination, differential diagnosis and/or treatment.
4. Based on the above Findings of Fact and Conclusions of Law, Respondent has violated Sections 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 practice or conduct that violates the board's rules of professional conduct.

5. Based on Conclusions of Law 1 through 3, 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.

6. Based on the above Conclusions of Law, 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 receive an INFORMAL REPRIMAND.

The Board further ORDERS that Respondent pay, within forty-five (45) days of the date the Board approves this Order, and administrative penalty in the amount of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the restitution within forty-five (45) days of the date of this Order, enforcement action will be taken. Further, if Respondent fails to pay the administrative penalty within 45 days of the date that the Board approves this Agreed 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 complete an additional SIX (6) hours of continuing education, three (3) hours in RECORDKEEPING and three (3) hours in trauma, within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed 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 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. 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, JIMMY ROOK, 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, VERBAL, WRITTEN OR OTHERWISE.**

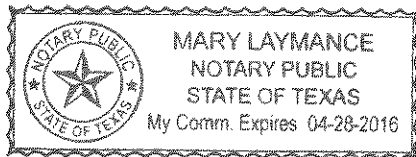
  
JIMMY ROOK, D.V.M.

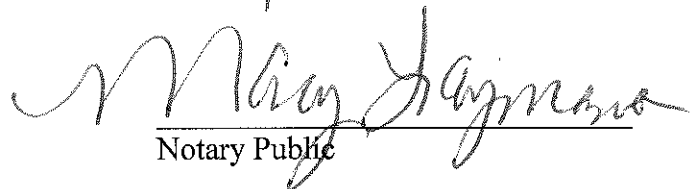
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STATE OF TEXAS §  
COUNTY OF ELLIS §

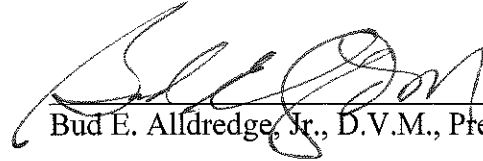
BEFORE ME, on this day, personally appeared JIMMY ROOK, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 19<sup>th</sup> day of May, 2015



  
Notary Public

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

  
Bud E. Alldredge, Jr., D.V.M., President