

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
DOYLE B. COOPER, D.V.M. §
§ VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 26th day of February, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of DOYLE B. COOPER, DVM, ("Respondent" or "Dr. COOPER"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and the Board Rules of Disciplinary Procedure 575.27, on November 14, 1997, Respondent chose not to appear at an Informal Conference in response to a letter of invitation from the Board. Dr. Cooper submitted a signed Waiver of Conference form dated October 28, 1997. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Doyle B. Cooper, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 2241, 1997 renewal certificate number 1195. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about February 26, 1997, at approximately 7:30 a.m., Mr. Glenn Larsen, San Antonio, Texas, took his dog "Leonardo", a six year old male Old English Sheepdog, to the Leon Springs Veterinary Hospital (LSVH), San Antonio, Texas, to be groomed.
4. On or about February 26, 1997, "Leonardo" was placed in a run until the groomer was ready for him. Dr. Cooper did not know that "Leonardo" was in the building. A short time later, a Great Pyrenees was admitted to be euthanized. Dr. Cooper was in surgery and directed that the dog be placed in a run until the animal could be euthanized later. Instead, the Great Pyrenees

was placed in a treatment ward cage. Both animals failed to have an ID card on their doors to determine disposition.

5. On or about February 26, 1997, after lunch, Dr. Cooper located "Leonardo" in the run and euthanized him. There was no ID card on the door or the run. When Dr. Cooper realized that he had euthanized the wrong dog, he called Mr. & Mrs. Larsen and explained the facts and circumstances to them.

6. Dr. Cooper's treatment of Leonardo did not constitute the exercise of the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in San Antonio, Texas or similar community.

7. On or about July 1, 1997, a monetary settlement was reached with the Larsen family. Centennial Insurance Company, Dallas, Texas, Dr. Cooper's insurance carrier and Dr. Cooper contributed to the settlement.

8. Dr. Cooper intends to change procedures at the Leon Springs Veterinary Hospital to insure that similar incidents will not occur in the future.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section § 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 4 through 6, Respondent has violated Rule 573.22 by accidentally euthanizing "Leonardo", a six year old male, Old English Sheepdog.
4. Based on Findings of Fact 4 through 6, Respondent has violated the Act §14 (a) (11) by performing or prescribing unnecessary or unauthorized treatment.
5. Based on Findings of Fact 4 through 6, Respondent has violated Act § 14 (a) (5) for engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.
6. Based on any one of the Conclusions of Law 3, 4, and 5, Respondent is subject to disciplinary action by the Board under Act § 14 (a).

Based on the above findings of fact and conclusions of law, the Board ORDERS that Dr. Cooper receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and 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 the Agreed Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Doyle B. Cooper, DVM, by signing this Agreed Order, agrees to the terms of this order, and acknowledges his understanding of the order and the notice, the findings of fact and conclusions of law herein set forth in the Agreed Order 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 of the Board.

Respondent, Doyle B. Cooper, DVM, by signing this Agreed Order waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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.

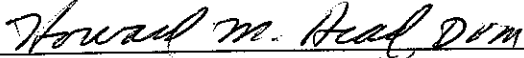
The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, DOYLE B. COOPER, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 1-13, 1998.


DOYLE B. COOPER, DVM
RESPONDENT

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Doyle B. Cooper, D.V.M. under Docketed Number 1998-01, this the 31st day of Dec, 1997.



Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 2241
vs. § 1997 RENEWAL CERTIFICATE
DOYLE B. COOPER, DVM § NUMBER 1195

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about March 7, 1997, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Doyle B. Cooper, D.V.M., 24125 Boerne Stage Road, San Antonio, Texas, 78255, Veterinary License Number 2241, 1997, Renewal Certificate Number 1195, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Doyle B. Cooper, DVM.

I.

On or about February 26, 1997, at approximately 7:30 a.m., Mr. Glen Larsen, San Antonio, Texas, took his dog "Leonardo", a six year old male Old English Sheepdog, to the Leon Springs Veterinary Hospital (LSVH), San Antonio, Texas, to be groomed.

II.

On or about February 26, 1997, "Leonardo" was placed in a run until the groomer was ready for him. Dr. Cooper did not know that "Leonardo" was in the building. A short time later, a Great Pyrenees was admitted to be euthanized. Dr. Cooper was in surgery and directed that the dog be placed in a run until the animal could be euthanized later. Instead, the Great Pyrenees was placed in a treatment ward cage. Both animals failed to have an ID card on their doors to determine disposition.

III.

On or about February 26, 1997, after lunch, Dr. Cooper located "Leonardo" in the run and euthanized him. There was no ID card on the door of the run. When Dr. Cooper realized that he had euthanized the wrong dog, he called Mr. & Mrs. Larsen and explained the facts and circumstances to them.

IV.

Mr. & Mrs. Larsen allege that Dr. Cooper was negligent in euthanizing their dog. The dog had an ID tag on the collar and Dr. Cooper had seen "Leonardo" twice just prior to this grooming appointment.

V.

On or about July 1, 1997, a monetary settlement was reached with the Larsen family. Centennial Insurance Company, Dallas, Texas, Dr. Cooper's insurance carrier and Dr. Cooper contributed to the settlement.

VI

Dr. Cooper asserts that he has instituted procedures at LSVH to prevent a reoccurrence of the events alleged in this complaint.

VII.

The acts and/or failures to act alleged in paragraphs II through IV do not constitute the exercise of the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by members of the veterinary medical profession in good standing in San Antonio, Texas or similar community.

VIII.

Based on the above, Dr. Cooper has violated rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

IX.

Based on the allegations described in paragraph VII, Dr. Cooper also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

X.

Based on paragraph III, Dr. Cooper also violated Section 14 (a) (11) of the Veterinary Licensing Act, article 8890.

ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices of conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

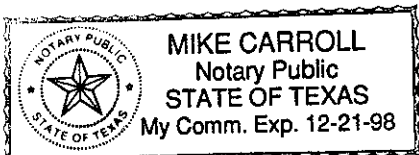
(11) has performed or prescribed unnecessary or unauthorized treatment.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 23rd day of DECEMBER, 1997.

Further, Affiant sayeth not.

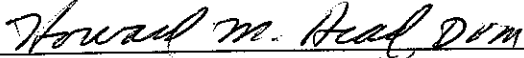

Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 23rd day of DECEMBER, 1997




Mike Carroll, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Doyle B. Cooper, D.V.M. under Docketed Number 1998-01, this the 31st day of Dec, 1997.



Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners