

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
333 Guadalupe, Suite 2-330  
Austin, Texas 78701-3998

DOCKET NUMBER 1997-01  
THOMAS R. HOFSTETTER, D.V.M.  
LICENSE NUMBER 5751

AGREED ORDER

This agreed order has been entered between Dr. Thomas R. Hofstetter and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this agreed order, the defendant, Dr. Thomas R. Hofstetter, will be granted a continuance at his option.

Dr. Hofstetter does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that (1) the Board may treat the allegations of fact and law as true and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

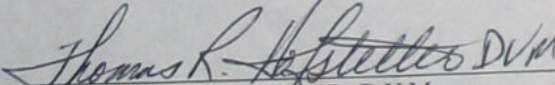
**SUMMARY OF CHARGES:** Dr. Thomas R. Hofstetter violated Rule of Professional Conduct: 573.22 Professional Standard of Human Treatment by failing to properly diagnose and treat a stomach torsion in a dog.

**RECOMMENDED DISCIPLINARY ACTION:**

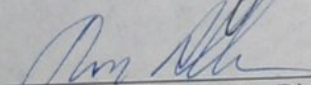
1. Official Reprimand
2. Administrative Penalty in the amount of \$250, to be paid within forty-five (45) days of the date the Board adopts this Agreed Order.

**CONDITIONS:**

Agree to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and the Laws of the State of Texas and the United States.

  
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THOMAS R. HOFSTETTER, D.V.M.

11-20-96  
Date

  
\_\_\_\_\_  
RON ALLEN, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

October 31, 1996  
Date

DOCKETED COMPLAINT NO. 1997-01

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 5751
vs.	§	1996 RENEWAL CERTIFICATE
THOMAS R. HOFSTETTER, DVM	§	NUMBER 2661

COMPLAINT AFFIDAVIT

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

On or about December 19, 1995, Mike Carroll, 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 Thomas R. Hofstetter, DVM, 6838 Addicks-Clodine, Houston, Texas, 77083, Veterinary License Number 5751, 1996 Renewal Certificate Number 2661, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Thomas R. Hofstetter, DVM.

I.

On or about December 5, 1995, Eileen Silverman took her fourteen year old female Australian Shepherd mix "Katie", to the Veterinary Emergency Referral Group, 8921 Katy Freeway, Houston, Texas. The dog was agitated, pacing around with her tongue hanging out and in apparent distress. Dr. Thomas Hofstetter examined the dog to determine its condition.

II.

After approximately forty-five minutes, Dr. Hofstetter came in to examine the dog. Dr. Hofstetter examined the dog's heart and lungs and briefly examined her abdomen.

III.

Dr. Hofstetter made a preliminary diagnose of heart and/or lung problems. Dr. Hofstetter ordered x-rays taken in order to determine the dog's condition.

IV.

After viewing the x-rays, Dr. Hofstetter stated that the dog's heart appeared to be enlarged and its lungs looked congested. Dr. Hofstetter diagnosed the dog as appearing to have a heart problem and prescribed medication. Dr. Hofstetter released the dog to Ms. Silverman with instructions to take the dog home and see her regular veterinarian the next morning.

V.

While waiting to receive the medication, the dog began to gag and attempted to vomit, but could not. Dr. Hofstetter recommended keeping the dog at the emergency clinic overnight. Ms. Silverman was hesitant since the clinic was very busy and Dr. Hofstetter was the only veterinarian there. Ms. Silverman agreed to let the dog remain at the emergency clinic.

VI.

Dr. Hofstetter notified Ms. Silverman about two hours later that "Katie" had died. He stated that heart failure was the cause of death.

VII.

On December 6, 1995, Ms. Silverman picked up the dog's x-rays, and treatment records and took them to her regular veterinarian, Dr. Greg Upton, Northwest Freeway Animal Clinic, 11530 Northwest Freeway, Houston, Texas. Dr. Upton reviewed the x-rays and told Ms. Silverman that they showed the dog had a stomach torsion.

VIII.

On December 6, 1995, Ms. Silverman requested a necropsy. Dr. Upton sent the dog's body to Texas A&M. The Necropsy Report confirmed that "Katie" had suffered a stomach torsion and that this had been the cause of death.

IX.

By failing to diagnose and treat "Katie" for a stomach torsion as described in paragraphs II through VIII, Dr. Hofstetter has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

X.

By violating the above listed Rule of Professional Conduct, Dr. Hofstetter has also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

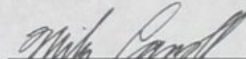
ARTICLE 8890, SECTION 14

(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:

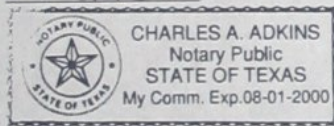
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with a law;

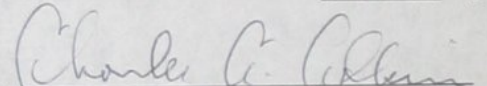
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 25TH day of OCTOBER, 1996.

Further, Affiant sayeth not.

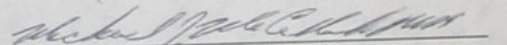
  
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 25TH day of OCTOBER, 1996.



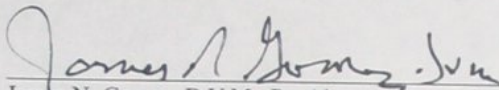
  
Charles A. Adkins, Notary Public in and for Texas

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. Thomas R. Hofstetter, D.V.M. under Docketed Number 1997-01 this the 25TH day of OCTOBER, 1996

  
Michael J. McCulloch, DVM, Board Secretary  
Texas State Board of Veterinary Medical Examiners

The foregoing Agreed Order, entered into between Dr. Thomas R. Hoffstetter and/or legal counsel representing Dr. Hofstetter, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 29th day of January 29, 1997, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 29th day of January, 1997.

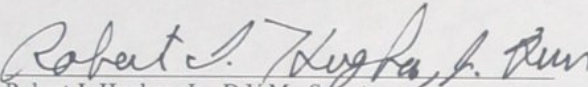
  
James N. Gomez, D.V.M., President

1-29-97  
Date

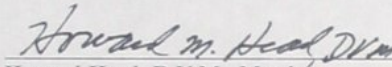
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Michael J. McCulloch, D.V.M., Vice-President

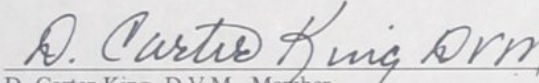
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Robert I. Hughes, Jr., D.V.M., Secretary

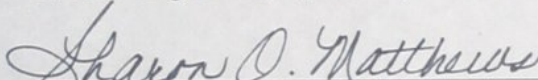
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Howard Head, D.V.M., Member

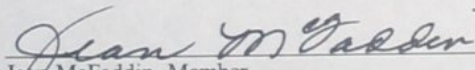
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D. Carter King, D.V.M., Member

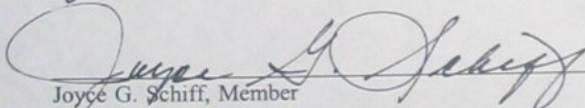
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Sharon O. Matthews, Member

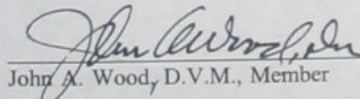
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Jean McFaddin, Member

1-29-97  
Date

  
Joyce G. Schiff, Member

1/29/97  
Date

  
John A. Wood, D.V.M., Member

1/29/97  
Date