

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

FRANK A. HOOPER
License No. VET. 1114

OGC # 09-0002
OIE # 2007-5

Respondent.

CONSENT AGREEMENT

By agreement of the State of South Carolina, Board of Veterinary Medical Examiners (hereinafter "the Board") and the above-named Respondent, the following disposition of this matter is entered pursuant to Section 1-23-320(f) of the South Carolina Administrative Procedures Act (APA), S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended).

FINDINGS OF FACT

1. Respondent admits that he is licensed to practice veterinary medicine in the State of South Carolina and was so licensed at all times relevant to the matters asserted in this case and that the South Carolina Board of Veterinary Medical Examiners has jurisdiction over this matter.
2. Respondent further admits that he failed to meet the appropriate standard of care in his treatment of Patch Parker as alleged in the Formal Complaint, a copy of which is attached hereto and incorporated herein as **Exhibit 1**. Respondent has documented the dose and route of administration of Telazol; therefore, allegations related to thereto are dismissed.
3. Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code Ann. § 40-69-110(A)(1), (8), (11) and (12) and S.C. Code Ann. Regs. 120-8.2(C) and 120-10.3 as alleged.
4. Respondent waives any further findings of fact in this matter.

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under S.C. Code Ann. § 40-69-5, *et seq.*
2. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this

Consent Agreement he voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the General Counsel's Office may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

THEREFORE, IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent's license to practice in this State shall be suspended for a period of one (1) year from the effective date of this Consent Order; however, Respondent's suspension shall be immediately stayed and Respondent's license shall be continued uninterrupted in a probationary status for at least one (1) year, provided that Respondent faithfully complies with the following terms and conditions, which shall continue in effect until further Order of the Board:
 - a. Respondent shall pay a fine of One Thousand Dollars (\$1,000.00). The said fine shall be due at such time as this Agreement is submitted to the full Board for approval. Payment must be in the form of a cashier's check, money order, or other good funds. Failure to pay the said fine shall result in the immediate temporary suspension of the Respondent's license to practice veterinary medicine in this State until such amount is paid in full.
 - b. Respondent shall complete eight (8) hours of continuing education in critical care within six (6) months of the effective date of this Agreement. These hours used for the deficiency shall be completed at Respondent's expense and cannot be used for the current renewal period's continuing education requirements.
 - c. Respondent shall pay, within sixty (60) days of the execution of this Agreement by the Board Chairman, the costs of investigation. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Respondent's license to practice veterinary medicine until such time as full compliance has been made by Respondent.
2. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
3. Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et seq.*, as amended, this Consent Agreement, with attachments, is a public document, and this

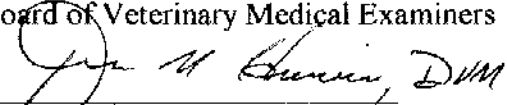
action will be reported to the National Practitioner Data Bank in accordance with 42 U.S.C. § 11101, *et seq.*

4. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of veterinary medicine.
5. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.
6. Respondent enters into this Consent Agreement freely and voluntarily, and not under duress, restraint or compulsion.
7. It is understood and agreed that by executing this Agreement, Respondent specifically consents to waive the procedural requirements of S.C. Code Ann. § 40-69-190 and S.C. Code Ann. Regs. 120-11.2.
8. It is further understood and agreed that this Agreement does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or which may be filed in the future.
9. This Consent Agreement shall take effect immediately upon acceptance by the Board.

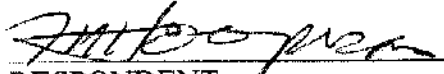
AND IT IS SO AGREED.

April 21, 2009

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION
Board of Veterinary Medical Examiners


CHAIRMAN OF THE BOARD

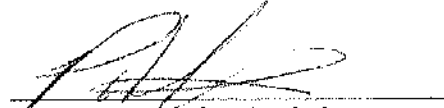
WE CONSENT:


RESPONDENT

March 11, 2009


WITNESS OR ATTORNEY

03/11, 2009


ATTORNEY for the S.C. Dept. of
Labor, Licensing & Regulation

04-21, 2009

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FRANK A HOOPER
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Respondent.

FORMAL COMPLAINT

I.

Respondent is a veterinarian licensed by the State Board of Veterinary Medical Examiners (hereinafter "the Board") to practice veterinary medicine in South Carolina, and was so licensed at all times relevant to this action.

II.

The Board received a complaint from a member of the public against Respondent and conducted an investigation into this matter.

III.

Upon information and belief, Respondent has engaged in certain conduct that violates provisions of the South Carolina Veterinary Medicine Practice Act (S.C. Code Ann. § 40-69-5, *et seq.* (1976, as amended)) and the Rules and Regulations of the Board (S.C. Code Ann. Regs. 120-1.1, *et seq.*), including commission of the following acts:

- A. On January 16, 2007, an American Pit Bull named "Patch" was presented to Guingnard Veterinary Clinic incident to a severe limp. Patch could not place weight upon his front right leg. Patch was examined by another veterinarian. The owner reports that the other veterinarian opined that the leg was fractured and required surgery. The owner provided consent to repair the fracture.
- B. On or about January 18, 2007, Respondent conducted surgery on this patient. The Respondent's records do not document the completion of a physical examination of Patch before commencing surgery. Respondent did not notify Patch's owner (J.P.) that Patch's surgery would be more extensive than originally assumed by the other veterinarian. Respondent did not have any contact with the owner prior to the procedure.

- C. The surgical procedure was extended due to the unavailability of certain equipment, a personnel shortage, and the complexity of the procedure. Respondent interrupted the surgical process while the animal remained under anesthesia. Respondent permitted his technician to depart from the area without ensuring that someone monitored the animal. Respondent failed to ensure that the oxygen supplies for Patch's surgery were adequate and to ensure the availability of equipment that was necessary for Patch's surgery.
- D. A review of Respondent's records relating to this matter reveal that a physical examination was not conducted prior to the procedure. Respondent further failed to record the route of administration of Telazol, a controlled substance. Respondent did not record the dose and route of administration of Atropine.

IV.

As a result of the above, Respondent has violated the laws and regulations governing the practice of veterinary medicine in the following particulars:

- A. Respondent violated S.C. Code Ann. § 40-69-110(A)(1), (8), (11) and (12) in that Respondent violated the Veterinary Medical Practice Act and the regulations of the Board, failed to provide and maintain proper facilities, engaged in unprofessional or unethical conduct, and engaged in incompetent or negligent conduct.
- B. Respondent violated S.C. Code Ann. Regs. 120-6.1(B), 120-7.5, 120-8.2(C) and 120-10.3 in that Respondent failed to maintain proper records of Patch's treatment and drug administration, failed to meet the minimum standards for facilities, and failed to properly supervise his veterinary technician.

V.

PURSUANT to S.C. Code Ann. §§ 40-1-110 and -120 and 40-69-110 and -120, the Board may take disciplinary action against a veterinarian's license if it finds the veterinarian guilty of committing a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public.

WHEREFORE, the Board of Veterinary Medical Examiners shall consider these allegations and make such disposition as may be appropriate. You may respond and present evidence and argument on all issues involved. You may appear alone or with legal counsel.

**SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING AND REGULATION**

BOARD OF VETERINARY MEDICAL EXAMINERS

BY: _____


PATRICK D. HANKS

Post Office Box 11329

Columbia, South Carolina 29211

ATTORNEY for the S.C.

Department of Labor, Licensing and Regulation

Columbia, South Carolina

13 Aug, 2008