STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
HOOMAN A. POOYA, DVM	*	DOCKET NO. 14-49
LICENSE NO. 5970	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 25 day of November 2014, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Hooman A. Pooya, DVM (Dr. Pooya), License No. 5970. This Consent Agreement resolves the charge filed by the Board on March 31. 2014 in Docket No. 14-49. The charge alleged that Dr. Pooya violated Code of Maryland Regulation (COMAR) 15.14.01.04 pertaining to professional conduct by reporting to the Board that he had completed certain required continuing education, when he had not completed the full 15-hour program and had missed the deadline. Subsequently, the parties reached a resolution in this matter. By entering into this Consent Agreement, Dr. Pooya waives the right to a hearing and appeal on the charge in Docket No. 14-49. Dr. Pooya has a disciplinary history with the Board since being licensed in 2006.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 - 2-316, Annotated Code of Maryland and related Code of Maryland Regulations 15.14.01 - 15.14.17. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license[.]" Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may impose a civil penalty of not more than $5,000 for a first offense, or $10,000 for a second or subsequent offense, in lieu of or in addition to suspending, or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. Art., § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Hooman A. Pooya, DVM, License No. 5970, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this matter, agrees to the provisions of this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate COMAR 15.14.01.04 pertaining to professional conduct by dishonestly reporting to the Board that he had completed a 15-hour CE program, specifically, Dr. James

Wilson's online Veterinary Law and Ethics course as required under a Consent Agreement in Docket No. 11-08A. Additionally, Dr. Pooya failed to meet the CE deadline of December 31, 2013.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Pooya's prior disciplinary history with the Board, and Dr. Pooya's good faith effort to resolve this matter, the Board concluded that the most reasonable and appropriate resolution in these matters included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of December, 2014, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

A. For the violation of COMAR 15.14.01.04 Professional Conduct, Dr. Pooya is assessed a civil penalty in the amount of $6,000. Payment shall be made by paper checks in the amount of $500 each month to the "Maryland Department of Agriculture" with the notation "SBVME – 14-49" with the first$500 check due within 30 days of the date of this Order, and the final $500 check due 13 months from the date of this Order.

B. Dr. Pooya's License No. 5970 shall be suspended for two months (both months of which are stayed). The stay of suspension of the license is contingent upon compliance with the conditions of probation, in particular, with the CE condition in Paragraph D of this Order.

C. Dr. Pooya shall serve a period of probation of five years. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation. Violation of probation will result in any stay of sanctions being lifted, and the Board ordering the veterinarian to comply with the sanctions; in this case, suspension of the license for up to two months. This condition does not include any pending complaints currently under investigation by the Board, including but not limited to Docket Nos. 13-73 and 15-14.

D. As a condition of probation, Dr. Pooya shall retake Dr. James Wilson's course, Veterinary Law and Ethics, in person at Iowa State University in January 2015. Within 30 days of completion of the CE, the veterinarian shall forward to the Board documentation from Dr. James Wilson, showing proof of completion of the CE credits required under this Order. Proof from the CE provider shall include Dr. Pooya's name, the number of hours of CE completed, the topics covered, and the dates the CE were given. Completion of this CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license.

Heather M. Hendler, VMD

Heather M. Hendler, VMD
Vice President
State Board of Veterinary Medical Examiners

Cc: James F. Wilson, DVM, JD

CONSENT

I, Hooman A. Pooya, DVM, acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of three pages, including this page. I sign this Consent without reservation as my voluntary act after having had an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

11/25/14
Date

_____, DVM

NOTARY

STATE OF Maryland

CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 25 day of November, 2014, before me, a Notary Public of the State and City/County aforesaid, personally appeared Hooman A. Pooya, DVM, and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

_____
Notary Public
My Commission expires:

JESSICA CHRISTIE FINNEGAN
Notary Public
Frederick County
Maryland
My Commission Expires November 30, 20__