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

IN THE MATTER OF:	*	
HOOMAN A. POOYA, D.V.M.	*	DOCKET NO. 11-08A
LICENSE NO. 5970	*	

* * * * * * * * * * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 3/11th JLH day of April, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Hooman A. Pooya, D.V.M. (Dr. Pooya), License No. 5970. This Consent Agreement resolves the charges filed by the Board on February 16, 2012, in Docket No. 11-08A, alleging that Dr. Pooya violated COMAR 15.14.01.10 pertaining to record keeping on or about April 2, 2010, by failing to maintain adequate medical records relating to his care and treatment of his five-year-old neutered male Terrier Mix, "Calvin," and three-year-old neutered male Shibu Inu, "Max," who were presented by Dr. Pooya's wife, Nazie Pooya, for physical examination, evaluation, and treatment following a motor vehicle collision on or about March 29, 2010. The Board also alleged that Dr. Pooya violated COMAR 15.14.01.04 pertaining to professional conduct on or about April 7, 2010, in directing the creation of false records and verification of those false records for "Calvin" and "Max" in a conversation with the Pooyas' motor vehicle insurance company. On or about February 27, 2012, Dr. Pooya requested to resolve the charges informally. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Pooya waives the right to a hearing and appeal on the charges in Docket No. 12-08A. Dr. Pooya has no disciplinary history with the Board.

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 *et seq.*, Annotated Code of Maryland and related regulations. 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 . . . [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 a veterinarian's license. 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

Dr. Pooya, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, 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 certain regulations adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.10 pertaining to record keeping, and COMAR 15.14.01.04 pertaining to professional conduct. On or about April 2, 2010, Dr. Pooya failed to maintain adequate records for a companion animal when he ordered several radiographs of his dogs, "Calvin" and "Max," but did not record having taken or interpreted these radiographs. Additionally, on or about April 7, 2010, Dr. Pooya failed to conduct himself in a professional manner when he directed Hospital staff to enter information that he knew to be false on records for his dogs, "Calvin" and "Max," and verified false records for those dogs as true to a representative of State Farm, the Pooyas' motor vehicle insurance company.

Taking all the facts and circumstances into consideration, including the severity of the violations, Dr. Pooya's lack of a disciplinary history, and Dr. Pooya's good faith effort to resolve this matter promptly, 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 11th JLH day of April, 2012, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violations of COMAR 15.14.01.10 Record Keeping and COMAR 15.14.01.04 Professional Conduct, Dr. Pooya is assessed a civil penalty in the total amount of $5,000 ($500 for each of two record-keeping violations and $1,000 for each of four unprofessional conduct violations), payment to the Maryland State Board of Veterinary Medical Examiners ("SBVME") to be made in ten monthly $500 increments within **10** months of the date of the Order.

b. Dr. Pooya's License No. 5970 shall be suspended for 90 days (30 days of the suspension are stayed). The dates of suspension, if served in portions, are to be preapproved by the Board and may begin on March 5, 2012. The 30-day stay of suspension of the license is contingent upon compliance with the conditions of probation.

c. Dr. Pooya shall serve a period of probation of two years (one year of the probation is stayed) from the date of this Order. 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 the stay being lifted, and the Board ordering the veterinarian to comply with the sanction; in this case, suspension of the license for up to one week.

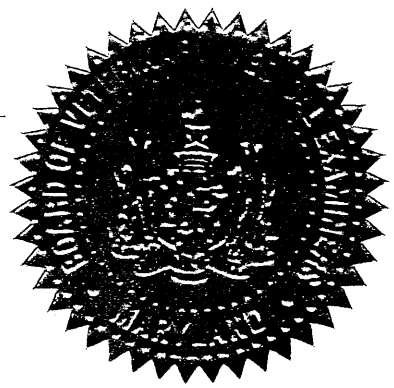
d. As a condition of probation, Dr. Pooya shall complete 15 credit hours of continuing education (CE) in Dr. James Wilson's on-line course, Veterinary Law and Ethic, to be completed within one year from the date of this Order. The veterinarian shall forward to the Board documentation from the CE provider 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.

e. As a condition of probation, Dr. Pooya shall perform community service at the Montgomery County Humane Society or the ASPCA in Maryland that is equivalent to $2,000 worth of veterinary services within one year of the date of this Order, to be documented to the Board by the organization, showing dates, times, services, fees, Dr.Pooya's name, and any other pertinent information.

John L. Heizer, DVM

John L. Heizer, D.V.M.
Vice President
State Board of Veterinary Medical Examiners



CONSENT

I, Hooman Pooya, 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 five 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.

4/3/12
Date

_____, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this day of 3rd day of April, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Hooman Pooya, D.V.M., 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: 2/1/2013