IN THE MATTER OF  
THE LICENSE OF  
DENNIS GLENN HOOPER, M.D.  

BEFORE THE  
TEXAS MEDICAL BOARD  

AGREED ORDER

On the 13 day of April, 2007, came on to be heard before the Texas Medical Board (the “Board”), duly in session, the matter of the license of Dennis Glenn Hooper, M.D. (“Respondent”).

On August 11, 2006, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Katie Johnsonius represented Board staff at the ISC and Sherry Statman represented Board staff in the preparation of the Order. The Board’s representatives were Roberta Kalafut, D.O., a member of the Board, and David Baucom, a member of the District Review Committee.

Upon the recommendation of the Board’s representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the “Act”) or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. L-3344. Respondent was originally issued this license to practice medicine in Texas on February 8, 2002. Respondent is also licensed to practice in Nevada and California.
3. Respondent is primarily engaged in the practice of pathology. Respondent is Board certified by the American Board of Pathology.

4. Respondent is 57 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. On October 31, 2003, The Medical Board of California filed a complaint against Respondent “on the grounds of alleged gross negligence, repeated negligent acts, and incompetence in connection with the care and treatment provided to six patients” in the area of Anatomical Pathology and entered a disciplinary action against Respondent for “extreme departure” from the standard of practice and for a demonstrative lack of medical knowledge, skill and judgment in the care and treatment of six patients.

7. The Medical Board of California (CMB) reviewed the following errors: Respondent relied on a mislabeled biopsy specimen slide to render a diagnosis that resulted in a misdiagnosis of the patient’s condition; Respondent failed to accurately diagnose the presence of prostate cancer from a biopsy sample; Respondent failed to accurately diagnose the present of malignant cells indicating carcinoma from a urine cytology sample; Respondent failed to detect the presence of adenocarcinoma in the patient’s muscle tissue and failed to reach a diagnosis within two months; Respondent failed to distinguish between reactive lymphocytes and blast forms in a patient with acute lymphoblastic leukemia and failed to document this distinction; and Respondent failed to investigate in a situation where a reasonably prudent practitioner would have suspected that a specimen was mislabeled.

8. On January 11, 2006, the CMB entered an Order that revoked and immediately probated Respondent’s license. The Order requires that: Respondent enroll in a clinical education or training program; not engage in the clinical practice of pathology unless all final
diagnoses are reviewed by a second licensed and competent physician; and Respondent is prohibited from supervising Physician Assistants.

9. In June of 2003, following the CMB action, Respondent was employed as a contract pathologist with AmeriPath of South Texas (APST) and provided pathology services to various hospital systems including Baptist Hospital System (BHS), TexSan Heart Hospital, Nix Healthcare System, Metropolitan Methodist Hospital, and Southwest General Hospital, all located in San Antonio, Texas. In October 2004, complaints were pending with the CMB and BHS became aware of the Medical Board of California actions and notified APST. Subsequently, Respondent did not perform anatomic pathology for BHS.

10. On December 7, 2004, BHS and Ameripath placed Respondent on Administrative Leave pending further investigation. On December 14, 2004, Respondent resigned from BHS. In a letter dated December 14, 2004, APST informed Respondent that he was to be terminated from his employment with their group. On that same date, Respondent submitted letters of resignation to all hospitals in which he had privileges.

11. BHS conducted an external peer review of over 300 surgical pathology cases read by Respondent. These cases were initially reviewed by a second pathologist from APST. Four cases were identified as having significant discrepancies in diagnosis between the Respondent’s opinion and the APST’s reviewer. These cases were later reviewed by two additional APST reviewers who concurred that there were discrepancies and that Respondent’s diagnoses were incorrect.

12. Respondent has informed the Board that he is currently appealing the CMB actions.

13. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.
CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

3. Section 164.051(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action against Respondent by another state or the uniformed services of the United States.

4. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.

5. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

6. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

7. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.
ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS:

1. Respondent's Texas license is hereby REVOKED; however, the revocation is STAYED and Respondent is placed on PROBATION under the following terms and conditions at least until such time any appeal of the CMB Order is resolved and that Order is final.

2. The Respondent shall limit his practice to the area of pathology. The Respondent may immediately begin practice in the area of clinical pathology. Respondent shall not practice as an surgical/anatomical pathologist in Texas until (a) Respondent requests permission in writing to resume practice in Texas, (b) personally appears before the Board to orally petition for permission to resume such practice, and (c) provides sufficient evidence and information, which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice. Upon an adequate showing before the Board that Respondent is able to safely practice, Respondent shall be granted permission to practice in Texas under such terms and conditions and for such time that the Board, in its discretion, determines are necessary to adequately protect the public. Respondent may not request to resume practice as an anatomical pathologist until the CMB order is final.

3. Respondent shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

4. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order.
Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.
THIS ORDER IS A PUBLIC RECORD.

I, DENNIS GLENN HOOPER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


Dennis Glenn Hooper, M.D.
Respondent

STATE OF Texas
COUNTY OF Dallas

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 17th day of August, 2007.

Toni L. Wilson
Signature of Notary Public
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 24 day of August, 2007.

Roberta M. Kalafut, D.O., President
Texas Medical Board