

TEXAS VETERINARY LICENSE 23-113

IN THE MATTER OF	§	BEFORE THE
	§	ENFORCEMENT COMMITTEE
THE LICENSE OF	§	OF THE TEXAS BOARD
	§	OF VETERINARY MEDICAL
LINWOOD STARKS, D.V.M.	§	EXAMINERS

ORDER CONTINUING TEMPORARY SUSPENSION

On January 19, 2023, a panel of the Enforcement Committee (“EC”) of the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Linwood Starks, D.V.M. (“Respondent”).

On January 6, 2023 the Board’s Executive Disciplinary Committee (“EDC”) convened without notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35. The EDC entered an Order of Temporary Suspension.

On this day, the EC convened with notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35. Based on the evidence and information submitted, the Board, through this panel, makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Linwood Starks, D.V.M., of Grand Prairie, Texas, holds Texas veterinary license #11780.
2. The Respondent has violated the terms in Agreed Board Orders CP21-251, CP20-151, and 2014-160.
3. Respondent has committed gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine while operating a mobile veterinary lab named PetVet Relief from a trailer;
4. Under the terms of the above-mentioned orders, Respondent is required to adhere to the laws of the State of Texas and the United States and board rules of professional conduct and the terms of probation. Failure to comply with the terms of the Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

1. The above-referenced gross malpractice or pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine are as follows:

- a. TBVME received a complaint under CP20-151 where a patient had a neuter incision that was dripping blood after leaving Respondent's clinic. A subsequent treating veterinarian found the animal had a hematoma and the incision had an opening from the way that it was sutured. The patient underwent a scrotal ablation surgery to resolve the hematoma and close a vessel that had been left open. During the investigation of said complaint, Respondent failed to submit his response to the Board within 21 days after numerous reminders before the due date. The medical records Respondent provided to the board was only a form document with no specific details. The box was checked indicating it was a mid-scrotal incision, but it was later found that it was a pre-scrotal incision. The ends of the incision were open with only 1 intact SQ suture identified in the center of incision. The suture was removed, and the area explored. Large fresh blood clots were identified and removed on the left side tracking up into inguinal canal, but the pedicle could not be located.
- b. TBVME received another complaint. A feline patient died while having a routine neuter procedure. Luna was administered a low dose of Ketamine and Xylazine. Approximately 1 minute after the castration was completed, the patient stopped breathing, but the heart rate/ rhythm remained normal. CPR was performed and epinephrine was administered but was unsuccessful. There is no mention in the record of the concentration of isoflurane that was used, and no record of how the patient was monitored during or after the surgical procedure.
- c. TBVME received a complaint. A patient had a dental cleaning. Soon afterwards, the patient was drooling heavily, not eating or drinking on her own, and not barking. Later, the lips were found to be swollen considerably. The lips appeared to be burned in the pocket and in gum areas. The patient was found to have either a thermal or chemical burn. Respondent said he did not do an exam on the patient. Yet, his medical record show otherwise. Medical records includes numerous generic post-op instructions for surgery and vaccinations, but not any post-op instructions for a dental.
- d. TBVME received another complaint. A patient was dropped off for a dental surgery. He died in his kennel while waiting his turn for surgery. It was over 100 degrees that day. The patient showed signs of distress and barked excessively. One hour after later, the patient was found dead. There was no working air conditioning and it was extremely hot inside the trailer. Data suggests the patient died from complications associated with heat stress.
- e. On another complaint, on or about October 29, 2022, Dr. Starks performed a spay on a feline in Bonham, Texas. The feline patient was given double doses of reversal post-op for her to wake up. The patient was discharged with pale gums. A short time later the owner returned and the patient was no longer breathing. The patient was deceased, cold, and her tongue was purple on arrival. CPR was performed by a veterinary assistant for the next forty-five minutes under Respondent's

supervision. During the life saving measure, epinephrine and other drugs were given. Respondent reopened the patient to determine the cause of death. Respondent found that he did not “tie off” during the spay, which caused the feline to “bleed out” internally. He then ‘tied off’ the feline and re-sutured her. The Respondent did this in case the owner took the patient for a necropsy somewhere else.

- f. The above are a just a few complaints. TBVME has received others. Other complaints have indicated additional issues with the way the Respondent operates his mobile veterinary clinic in unsanitary conditions, patients left strewn post-op all over the floor overlapping each other with no one monitoring, cats stacked several crates high after surgery waiting to be picked up and no one monitory. Numerous spays and neuters being done the same day with inadequate space and no room to walk without stepping on patients laying on the floor in various stages of recovery.
- g. Additionally, a TBVME inspection was conducted on or about January 11, 2023 at Respondent’s temporary clinic that was being operated by Respondent in Mesquite, Texas. Prior to that, on January 6, 2023, TBVME temporarily suspended Respondent’s license and he was personally served with said suspension on January 6th. In the temporary suspension order, the terms state the following:
 - i. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
 - ii. Respondent shall not supervise nor give the appearance of supervising other licensees or unlicensed employees in the practice of veterinary medicine.
 - iii. Respondent’s clinic and facilities may be used by Respondent for administrative purposes only. Administrative purposes include opening mail, referring patients, accepting payments on accounts, and general office tasks. Respondent shall exercise extreme caution and not be persuaded, coerced, or otherwise drawn by anyone to practicing or even giving the appearance of practicing veterinary medicine.

During said inspection, five staff members were present and a veterinarian was present in the trailer operating on a patient. There were several patients that were in various stages of sedation. The investigator asked Respondent for his drug logs and he stated they were on his computer but he did not have his computer with him. Respondent admitted that he was providing a Ketamine and Xylazine compound to the relief veterinarian working on the premises. Responded stated he was loading the syringes with the controlled substance compound after mixing the two together. Approximately fifteen vials of Ketamine were found in two vehicles parked just outside the clinic’s trailer and were laying in the seats and were contained in a computer bag. Both vehicles were unlocked.

2. Respondent's continued practice of veterinary medicine constitutes a continuing of imminent threat to the public welfare.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Respondent has violated Board Rule 573.62, Violation of Board Orders/Negotiated Settlements, Rule 573.4, Adherence to law, Rule 573.22 Professional Standard of Care, Rule 573.50 Controlled Substances Records Keeping for Drugs on Hand, Rule 573.61 Minimum Security for Controlled Substances, Rule 573.52 Veterinary Patient Record Keeping, Rule 573.10 Supervision of Non-Veterinarians, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, engages in practices or conduct that violates the board's rules of professional conduct; Section 801.402(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry; Section 801.402(16) of the Veterinary Licensing Act, Texas Occupations Code, commits gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine or the practice of equine dentistry; 801.402(15) fails to keep the person's equipment and business premises in a sanitary condition.

4. Respondent is subject to temporary license suspension under Texas Occupations Code, Sections 801.409 and Board Rule 575.35.

TERMS OF ORDER

Now, therefore, the Board orders that Respondent comply with the following terms:

1. TEMPORARY SUSPENSION

- a. The temporary suspension of Respondent's license shall be continued and shall remain in effect until superseded by a subsequent Order or by operation of law. During the period of the suspension, the following terms shall apply:
 - i. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
 - ii. Respondent shall not supervise nor give the appearance of supervising other licensees or unlicensed employees in the practice of veterinary medicine.
 - iii. Respondent's clinic and facilities may be used by Respondent for administrative purposes only. Administrative purposes include opening

mail, referring patients, accepting payments on accounts, and general office tasks. Respondent shall exercise extreme caution and not be persuaded, coerced, or otherwise drawn by anyone to practicing or even giving the appearance of practicing veterinary medicine.

2. NOTICE AND OPPORTUNITY FOR HEARING

- a. The Board shall promptly provide a copy of this Order to Respondent's attorney. The Board shall also provide a copy of this Order to Respondent electronically or by facsimile, as necessary.
- b. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, if the parties are unable to enter into an agreed settlement order, a notice of hearing shall be forwarded to the State Office of Administrative Hearings for setting of an administrative hearing on the temporary suspension to be held no later than the 60th day after the date the EDC first ordered the temporary suspension of Respondent's license.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Enforcement Committee, does hereby adopt this Order. This Order is effective and final on this 19th day of January, 2023.

/s/Keith A. Pardue
Keith A. Pardue, J.D., Presiding Board Member