DOCKET NO. 2010-90

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

LORI STEELE-WEST, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 10th day of Sept., 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Lori Steele-West, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on June 29, 2010. The Respondent was represented by counsel, Lucas Mauro, at the informal settlement conference. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. On November 6, 2008, Jana Allen of Houston, Texas, presented her thirteen month-old female cat, "Miss Kitty" for an ovarian hysterectomy to Lori Steele-West, D.V.M., Alvin Animal Clinic in Alvin, Texas. Dr. Steele-West performed the spay surgery with no complications and released the cat.

2. On February 12, 2009, Ms. Allen presented "Miss Kitty" to Arezue Shokorollahi, D.V.M., a relief veterinarian at the Alvin Animal Clinic. According to Ms. Allen, Dr. Shokorollahi stated the described symptoms resembled an animal in heat, and if her cat was in heat, it would require a second surgery and the clinic would charge her the full price. According to the medical records by Dr. Shokorollahi, the cat had stopped the heat like behavior and there was a recommendation to return "Miss Kitty" during the next heat cycle and have the cat’s hormone levels checked.

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3. Ms. Allen opted for a second opinion and presented "Miss Kitty" to Randy F. Roof, D.V.M. at Forest Lake Animal Clinic in Seabrook, Texas on February 18, 2009. Dr. Roof examined "Miss Kitty" and determined through diagnostics that the cat was in estrus. A second spay surgery was performed on March 24, 2009. Dr. Roof removed ovarian tissue from both ovarian stump sites. A histopathologic examination confirmed the presence of ovarian tissue on both sides of the abdominal area.

4. Dr. Steele-West's failure to surgically remove all of the ovaries during a spay procedure does not represent the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Alvin, Texas, or similar communities.

Conclusions of Law

1. 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. Based on the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board's Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on the Findings of Fact and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

(1) refuse to examine an applicant or to issue or renew a license;

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(2) revoke or suspend a license;
(3) place on probation a license holder or person whose license has been suspended;
(4) reprimand a license holder; or
(5) impose an administrative penalty.

5. Based on Conclusions of Law 1 through 3, the Board may order the license holder to refund an amount not to exceed the amount a client paid to the license holder instead of or in addition to imposing an administrative penalty, under Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Lori Steele-West, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of TWO HUNDRED AND SIXTY EIGHT DOLLARS AND SEVENTY-SEVEN CENTS ($268.77). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be
represented by legal counsel in this matter.

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.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

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

Lori Steele-West, D.V.M.

STATE OF TEXAS
COUNTY OF

BEFORE ME, on this day, personally appeared LORI STEELE-WEST, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 23rd day of July, 2010.

Notary Public

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Lori Steele-West, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 10th day of Sept., 2010.

Bud E. Allredge, Jr., D.V.M.
President