

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
TODD WESTIN, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Todd Westin, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Todd Westin, D.V.M., of Kountze, Texas, holds Texas veterinary license 9425.
2. On February 7, 2017, Brian and Catherine Latham presented their one year old female cat, Attie, to Respondent at Sherwood Animal Clinic in Silsbee, Texas for a spay and an ear cleaning. Respondent performed the spay procedure and directed a veterinary assistant to perform the ear cleaning while Attie awoke from anesthesia. Respondent’s medical records do not include details necessary to substantiate or document the examination, diagnosis, and treatment provided, and the surgical procedure performed.
3. On February 8, 2017, Ms. Latham returned to pick up Attie and was advised by Kathleen Wilkinson, D.V.M., that Attie’s left pupil was larger than the right. Dr. Wilkinson told Ms. Latham that while Attie’s ears were being cleaned, they had brushed up against a nerve.
4. On February 9, 2017, Ms. Latham observed that Attie’s third eyelid was covering most of her eye, which was watery and swollen, and that Attie was having difficulty walking and swallowing. Ms. Latham contracted the facility and was told this was normal.
5. Later that day, Ms. Latham presented Attie to Jay Benton, D.V.M., at Silsbee Animal Clinic, in Silsbee, Texas. Dr. Benton advised the Ms. Latham that the ear cleaning may have damaged a nerve. Dr. Benton diagnosed Attie with Horner’s syndrome and administered a steroid shot and oral antibiotics.
6. On February 12, 2017, Attie’s condition had not improved. Attie’s third eyelid continued to nearly cover her eye. Attie was vomiting, would fall when walking, would seldom eat or drink, and would shake her head.

7. On February 13, 2017, Ms. Latham presented Attie to Kimberly Foster, D.V.M., at Buna Animal Hospital, Buna, Texas. Dr. Foster diagnosed Attie with a ruptured tympanic membrane.

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. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.10, Supervision of Non-Veterinarians, of the Board's Rules of Professional Conduct.
5. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
6. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
7. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

- a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of one thousand and five hundred dollars (\$1,500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial

payments will not be accepted.

- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 17 day of MAY, 2018.


Todd Westin, D.V.M.


Sworn and subscribed before me this 17 day of MAY, 2018.

SEAL:




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.


Jessica Quillivan, D.V.M., Presiding Board Member