

TEXAS VETERINARY LICENSE #11780; COMPLAINT NO. CP23-113

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

**ORDER OF TEMPORARY SUSPENSION**

On this day the Executive Disciplinary Committee (“EDC”) of the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Linwood Starks, D.V.M. (“Respondent”).

The EDC convened without 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 and CP20-151;
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 Agreed Board Order, CP21-251, Respondent agreed to 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; The board order placed Respondent on a probated suspension for five years effective July 12, 2022.
5. Under the terms of said order, 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.
6. 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 otherwise. Medical records includes numerous generic post-op instructions for surgery and vaccinations, but no 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. 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 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 post-op status.

7. 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, 573.4, of the Board's Rules of Professional Conduct.
3. Respondent has violated 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.
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. Respondent's license shall be temporarily suspended, effective immediately upon signature by the EDC's presiding officer. The temporary suspension 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 address of record. 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, an informal conference will be scheduled not later than the 14<sup>th</sup> day after the effective date of this Order to determine if formal disciplinary proceedings should be initiated against Respondent. The informal conference will be conducted pursuant to Board Rules 575.35 and 575.29. The Board shall notify Respondent of the informal conference at least 72 hours prior to the informal conference.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Executive Disciplinary Committee, does hereby adopt this Order. This Order is effective and final on this 6<sup>th</sup> day of January, 2023

  
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Keith Pardue, J.D., Presiding Board Member