

**STATE OF CONNECTICUT**  
**CONNECTICUT BOARD OF VETERINARY MEDICINE**

Stephen Tobin, D.V.M.

Petition No. 2001-0919-047-027

**MEMORANDUM OF DECISION**

*Procedural Background*

On July 26, 2002, the Department of Public Health ("the Department") presented the Connecticut Board of Veterinary Medicine ("the Board") with a Statement of Charges ("the Charges") dated July 26, 2002, against Stephen Tobin, D.V.M. ("respondent"). Board. Exh. 1. The Charges, along with the Notice of Hearing, was sent to respondent by certified mail, return receipt requested, and first class mail on August 29, 2002. The Notice of Hearing notified the parties that a hearing was scheduled for October 23, 2002 and that the hearing would be held before the Board. Board Exh. 1.

On September 10, 2002, respondent filed an Answer. Board Exh. 5.

On October 23, 2002, the Board held an administrative hearing to adjudicate respondent's case. Respondent appeared with his Attorney Karen E. Souza. The Department was represented by Attorney Leslie Scoville.

The Board conducted the hearing in accordance with Chapter 54 of the Connecticut General Statutes (the Uniform Administrative Procedure Act) and Regulations of Conn. State Ag. §§19a-9-1, et seq. All Board members involved in this decision received copies of the entire record and attest that they have either heard the case or read the record in its entirety. This decision is based entirely on the record.

*Allegations*

1. In Paragraphs 1 and 5 of the Charges, the Department alleges that respondent is, and has been at all times referenced therein, the holder of Connecticut veterinarian license number 001935.
2. In Paragraphs 2 and 5 of the Charges, the Department alleges that on or about June 5, 2001, respondent performed surgery and provided post-surgical treatment to a female West Highland white terrier, H.S.

The Department alleges that respondent violated Conn. Gen. Stat. § 20-202(2) in the following respects:

In Count One, Paragraph 3 of the Charges, the Department alleges that during surgery on H.S. respondent failed to secure the uterine stump with two ligatures.

In Count Two, Paragraph 6 of the Charges, the Department alleges that after respondent performed surgery on H.S., respondent failed to:

- a. provide adequate intravenous fluid support;
- b. conduct tests to diagnose blood in H.S.' abdomen;
- c. administer adequate amounts of pain medication to H.S.;
- d. transfer H.S. to a critical care facility;
- e. adequately monitor by releasing H.S. to her owner; and/or,
- f. maintain adequate records regarding medication administration to H.S.

#### *Findings of Fact*

1. Stephen Tobin of Meriden, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut veterinarian license number 001935. Board Exh. 5.
2. Sometime in May and June of 2001, respondent provided care to H.S., a female West Highland white terrier. Board Exh. 5.
3. Sometime in May 2001, H.S.' owner ("the owner") took her to see respondent because the owner had found a mass on H.S.' left side near the kidney area. Tr. p. 14.
4. On May 25, 2001, respondent performed a physical exam and, by palpating H.S.' abdomen, found the mass. He prescribed Pulsatilla, a homeopathic medication, 1 milliliter for three days. Dept. Exh. 1-B4; Tr. p. 14.
5. After three days of treatment, H.S. failed to improve. On May 31, 2001, the owner called and reported to respondent that the mass had not decreased, and scheduled an appointment for spaying. The owner directed respondent to remove the mass if respondent deemed it appropriate and he could identify the location and nature of it. Dept. Exh. 1; Tr. pp. 14-15, 52-53.
6. On or about June 5, 2001, sometime after 8:30 a.m., respondent performed surgery and provided post-surgical treatment to H.S. Board Exh. 5; Dept. Exh. 1; Tr. p. 15.

7. The surgery lasted for two hours, respondent removed a mass about the size of a tennis ball, and performed the spaying. However, respondent failed to secure the uterine stump with the necessary two ligatures. The only ligature that was used became loose shortly after the surgery. H.S. lost a significant amount of blood through the uterine stump and the pedicle that was left after the mass was removed. Dept. Exh. 1; Tr. pp. 32, 35, 36-37, 40, 46, 53, 54.
8. Respondent placed H.S. on oxygen, and provided 200 milliliters of Lactated Ringers solution (subcutaneous fluid). Dept. Exh. 1; Tr. pp. 59, 60.
9. On June 5, 2001, at around 5:00 p.m., respondent released H.S. to her owner. At that time, H.S. was unresponsive. Dept. Exh. 1; Tr. pp. 15-16, 21, 62.
10. On June 5, 2001, approximately 15-20 minutes after H.S. arrived home, she stopped breathing, and was seeping blood through the incision. Tr. p. 17-18.
11. The owner took H.S. to Bristol Veterinary Associates; however, when they arrived at the hospital seven minutes later, H.S. had expired. H.S. expired as a result of abdominal bleeding. Dept. Exh. 1-A, p. 22; Tr. p. 18.
12. Because H.S. weighed 18 pounds and she lost a significant amount of blood during the surgery, 200 milliliters of fluid administered subcutaneously was insufficient to compensate for H.S.' hypovolemic condition. Thus, respondent failed to provide adequate intravenous fluid support. Tr. p. 33, 37.
13. Respondent failed to conduct tests to diagnose blood lost and abdominal bleeding. Tr. pp. 36-37.
14. The anesthetic that respondent provided to H.S. for the surgery was 0.5 milliliters of Ace-Ketacet. Such anesthetic is inadequate for visceral pain. Tr. p. 34.
15. Respondent failed to transfer H.S. to a critical care facility when she looked pale, weak and tired from the surgery and experienced significant amount of blood loss. Dept. Exh. B, p. 4; Tr. pp. 61-62, 72-74.
16. Respondent exercised poor judgment and failed to monitor H.S. when he released H.S. to the owner on the premise that the owner had been a veterinarian technician for ten years. Tr. p. 62.
17. The evidence is insufficient to establish that respondent failed to maintain adequate records. Dept. Exh. 1B.

### *Discussion and Conclusions of Law*

Section 20-202 of the Connecticut General Statutes provides, in pertinent part, that the Connecticut Board of Veterinary Medicine “may take any of the actions set forth in § 19a-17 for any of the following causes . . . (2) proof that the holder of such license or certificate has been unfit or incompetent or has been guilty of cruelty, unskillfulness or negligence toward animals and birds; . . .” The Department bears the burden of proving one or more of these causes by a preponderance of the evidence. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S. Ct. 999, *reh’g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, 15 Conn. Law Rptr. No.16, 532 (January 29, 1996).

The Board relied on the training and experience of its members in making its findings of facts and conclusions of law. *Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

With regard to the First Count of the Charges, the Department sustained its burden of proof. Respondent admits that on June 5, 2001, sometime after 8:30 a.m., respondent performed surgery and provided post-surgical treatment to H.S. The evidence establishes that the surgery lasted for two hours, respondent removed a mass of the size of a tennis ball, and performed the spaying. However, respondent failed to secure the uterine stump with the necessary two ligatures. The only ligature that was used became loose shortly after the surgery. H.S. lost a significant amount of blood through the uterine stump and the pedicle that was left after the mass was removed. FF 1-7. The Board finds that the above-described conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-202, including but not limited to § 20-202(2).

With regard to paragraphs 6(a) to 6(d) of the Second Count of the Charges, the Department met its burden of proof. The standard of care required that respondent determine that H.S. was not recovering from the anesthesia, and that critical care procedures be provided beyond the administration of nasal oxygen and subcutaneous fluids. Intravenous fluid support should have been started at the very least. Additional diagnostics should have been performed, such as laboratory tests to determine hematocrit

and abdominocentesis to determine free blood in the abdomen. Moreover, a semi-conscious dog should not be released to the care of the owner. Since a critical care facility was available, respondent should have referred H.S. to the critical care facility.

Respondent exercised poor judgment and failed to monitor H.S. when he released H.S. to the owner on the premise that the owner had been a veterinarian technician for ten years. Respondent's conduct was negligent, unskillful, and showed poor judgment. Dept. Exh. 1-E; Tr. pp. 32, 33; FF 7-16. Therefore, the Department met its burden of proof with regard to the allegations contained in these paragraphs.

With regard to paragraph 6(e) of Count Two of the Charges, the Department failed to meet its burden of proof. The Board finds that respondent medical records in H.S.' case were adequate. FF 17.

#### *Order*

Based upon the record in this case, the above findings of fact and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17 and 20-202, the Board orders the following in the case of Stephen Tobin, D.V.M., Petition number 2001-0919-047-027, who holds Connecticut veterinarian license number 001935:

1. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the petition number on the face of the check, and shall be payable within thirty days of the effective date of this Memorandum of Decision.
2. Respondent's license shall be placed on probation for a period of two years under the following terms and conditions:
  - a. Respondent shall not perform any anesthesia and surgery until such time as the Board finds (1) there are no deficiencies in respondent's ability to perform anesthesia and surgery, and (2) respondent has successfully completed the retraining set forth in paragraph 2b below.
  - b. Within the first year of the probationary period, respondent shall attend and successfully complete a course in anesthesia and surgery, pre-approved by

the Board. Within 90 days of the completion of such coursework, respondent shall provide the Board with proof, to the Board's satisfaction, of the successful completion of such courses.

- c. Respondent shall not perform anesthesia and surgery until he has provided proof to the satisfaction of the Board of completion of such coursework required in paragraph 2b above.
3. After completing the retraining and coursework required in paragraph 2 above, respondent shall have a Connecticut licensed veterinarian approved by the Board ("the evaluator") present for the first two (2) surgical procedures that include anesthesia and monitoring that respondent performs. After observing such procedures, the evaluator shall, within 90 days, report in writing to the Board or a quorum of the Board, that he or she has personally observed two such procedures, and that such procedures were performed with reasonable skill and safety. Thereafter, respondent may perform anesthesia and surgery without direct supervision. If the evaluator reports that such procedures were not performed with reasonable skill and safety, respondent shall be permanently prohibited from using anesthesia and performing surgery.
4. All reports, correspondence and/or other communication with the Department and/or the Board required pursuant to this Order shall be sent to:  

Bonnie Pinkerton  
Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, Connecticut 06134-0308
5. Respondent shall be responsible for all costs associated with the satisfaction of the terms of this Memorandum of Decision.

6. This Order shall become effective upon the signature of the Board Chairperson.

Connecticut Board of Veterinary Medicine

7/23/2003  
Date

Jordan R. Dann  
by: Jordan R. Dann, D.V.M., Chairman



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 2, 2005

Stephen Tobin, DVM  
26 Pleasant Street  
Meriden, CT 06450

Re: Memorandum of Decision  
Petition No. 2001-0919-047-027  
License No. 001935

Dear Dr. Tobin:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective July 24, 2005.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

A handwritten signature in cursive script, appearing to read "Olive Tronchin".

Olive Tronchin, HPA  
Office of Practitioner Licensing and Investigation

cc: Jennifer Fillippone



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