IN THE MATTER OF $ TEXAS BOARD OF
THE LICENSE OF $ VETERINARY
IVAN MUENNNINK, D.V.M. $ MEDICAL EXAMINERS

AGREED ORDER:

On this the 21 day of October, 2014, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of IVAN MUENNNINK, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 375.29, an informal conference was held on July 14, 2014. Respondent attended the informal conference and was represented by counsel, Don Farrill, D.V.M. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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. Respondent, IVAN MUENNNINK, D.V.M. of Seminole, Texas, holds Texas veterinary License 6285.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 375).

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3. Ms. Corinna Shupp contacted Respondent to inquire about sedatives for her pet, Dani, a five (5) year old, female, Great Dane canine. Ms. Shupp explained that Dani became severely stressed due to the sounds of fireworks, several days prior to the July 4th holiday.

4. Respondent is the owner of the Seminole Veterinary Hospital (the “Hospital”) in Seminole, Texas. Ms. Shupp is Respondent’s former employee.

5. On July 2, 2013, Ms. Shupp went to the Hospital to pick up a sedative. The Hospital staff informed Ms. Shupp that they did not have a pill form of the sedative acepromazine. Ms. Shupp was offered acepromazine injections. Ms. Shupp was provided a three (3) ml syringe containing one half cc of the sedative. Ms. Shupp then requested enough sedative to last for the remainder of the days surrounding the July 4th holiday. Respondent asked Ms. Shupp if Dani weighed 115 pounds. Ms. Shupp confirmed that Dani weighed 115 pounds. Respondent explained that he had not provided Ms. Shupp with enough sedative; therefore, he took back the original syringe and filled it to the three (3) cc mark and provided two (2) additional syringes containing three (3) ccs each of the sedative. Respondent instructed Ms. Shupp to administer the first injection at 6:30 that evening and the other two additional injections at the same time on July 3rd and July 4th. Respondent further informed Ms. Shupp that the sedative would wear off in six to eight hours.

6. The syringes provided by Respondent to Ms. Shupp did not contain labels. Respondent’s records for Dani do not include a weight for Dani at the time the sedative was prescribed.

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 paragraphs, Respondent has violated Rule 573.40 LABELING OF MEDICATIONS DISPENSED, of the Board’s Rules of Professional Conduct.

3. Based on the above paragraphs, Respondent has violated Rule 573.52 VETERINARIAN PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct.

4. Based on Conclusions of Law 1 through 3, 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
5. Based on Conclusions of Law 1 through 4, 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;
(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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent be INFORMALLY REPRIMANDED.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in recordkeeping within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days of the end of the period to complete the continuing education. If Respondent fails to provide documentation of completion within forty-five (45) days of the end of the period to complete the continuing education, further enforcement action will be taken.

The Board furthermore 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 his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that

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be 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 his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HERNIN. 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, IVAN MUENNINK, 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.

 Iván Muennink, D.V.M.  

IVAN MUENNINK, D.V.M.  

8-5-14  

Date  

STATE OF TEXAS  

COUNTY OF COLUMBUS  

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

Given under the hand and seal of office this 5th day of August, 2014.

MAYRA LOPEZ  

Notary Public  

STATE OF TEXAS  
My Comm. Exp. 12-19-2019
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21st day of October, 2014.

[Signature]

Bud R. Aldridge, Jr., D.V.M.
President of the Board

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