

DOCKET NO. 2017-139

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
KIMBERLY TUNMIRE, 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 Kimberly Tunmire, 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, Kimberly Tunmire, D.V.M., of Wimberley, Texas, holds Texas veterinary license #5465.
2. On June 9, 2016, Lisa Hill presented her fifteen-year-old Pomeranian, Comet, to Respondent at Zippivet North Austin. Ms. Hill was concerned that Comet might have a tooth infection. Ms. Hill told Respondent that Comet was still eating his dry food, was taking Denamarin for high liver enzymes, and had previously been diagnosed with a heart murmur. Upon examination, Respondent prescribed an injectable antibiotic and tramadol in tablet form. Pursuant to Respondent's instructions, Ms. Hill scheduled a dental specialist consultation for June 22 at the Austin Veterinary Emergency Services (AVES).
3. On June 13, Ms. Hill requested bloodwork and different pain medication because Comet had been rejecting the tramadol. The medical records indicate that another veterinarian at Zippivet responded to these requests. Ms. Hill was told that bloodwork was unnecessary until 24 hours prior to any dental surgery, which had not yet been scheduled with AVES. She was given a Gabapentin liquid suspension.
4. On June 17, Ms. Hill called the Respondent and requested an earlier appointment at AVES, because Comet had stopped eating. Ms. Hill was told that there were no sooner appointments available.
5. On June 18, Ms. Hill returned to Zippivet with Comet, because Comet was lethargic, overly thirsty, and was not eating. Respondent ran a CBC and chemistry panel. Respondent's medical records did not document her analysis of the bloodwork or other details necessary to substantiate her diagnosis or recommended treatment. Respondent stated that she discussed kidney damage with Ms. Hill, but this conversation and Comet's prognosis are not included in the medical records.

6. Respondent placed Comet on an IV and a catheter for the day, then released him to Ms. Hill and told her to bring him back the next morning to have the catheter removed. Ms. Hill was instructed to discontinue the Gabapentin. On June 19, Comet was still showing symptoms, so he was given another IV. That evening, Comet was again released to Ms. Hill.

7. On June 20, Comet had not improved. Ms. Hill brought Comet back to Zippivet on June 21, and was seen by Dr. Cynthia Torrez. Dr. Torrez indicated that Comet's bloodwork possibly indicated kidney failure and that he should be receiving continuous IV fluids. Ms. Hill then took Comet to AVES, where he was euthanized that evening.

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 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent's violations are Class C 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 five hundred dollars (\$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.

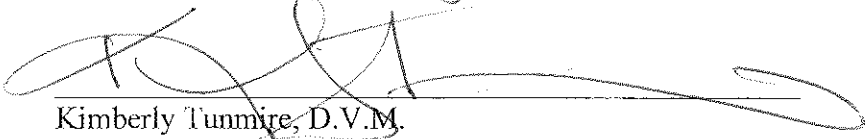
Received
AUG 11 2017

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.

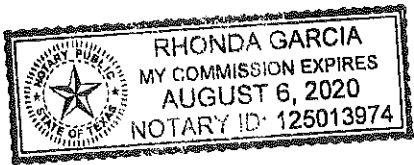
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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.

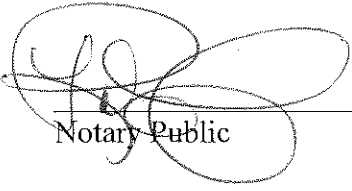
Signed this 8 day of August, 2017.


Kimberly Tunmire, D.V.M.

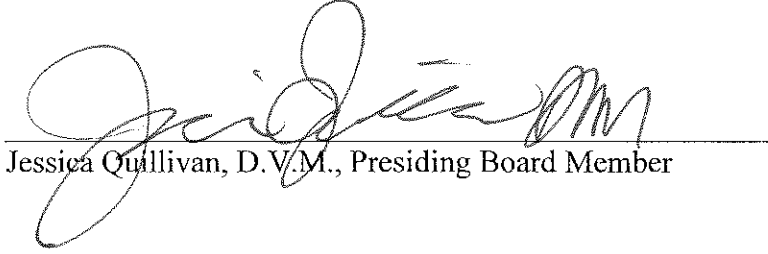
Sworn and subscribed before me this 8 day of August, 2017.

SEAL:




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10th day of October, 2017.


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