



6. On October 10, 2018, a Board investigator conducted a compliance inspection of the facility in coordination with the Drug Enforcement Administration (DEA). Respondent admitted to converting controlled substances for personal use, specifically 5mLs of cough syrup containing Hydrocodone.

### **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 573.4, Adherence to the Law, of the Board's Rules of Professional Conduct, by violated Section 481.1285, Healthy and Safety Code.
3. Respondent has violated Board Rule 573.41, Use of Prescription Drugs, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct.
5. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
6. Respondent has violated Board Rule 573.60, Prohibition Against Treatment of Humans, of the Board's Rules of Professional Conduct.
7. Respondent has violated Section 801.402(3) of the Veterinary Licensing Act, Texas Occupations Code, by being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.
8. Respondent has violated Section 801.402(4) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in illegal practices in, or connected with, the practice of veterinary medicine.
9. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in practices that violated the Board's rules of professional conduct.
10. Pursuant to Board Rule 575.25, Respondent's violations are Class A 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. SURRENDER IN LEIU OF DISCIPLINE

- a. In lieu of discipline, Respondent voluntarily surrenders veterinary license 5464, effective on the date this Order is signed by Respondent and notarized.
- b. Respondent shall appoint a custodian for Respondent's veterinary records and obtain Board approval of this custodian within 30 days of the effective date of surrender.
- c. Respondent shall notify all clients of this surrender and of the approved records custodian within 30 days of the effective date of surrender.
- d. Pursuant to Board Rule 575.22, Respondent may petition the Board for reinstatement of the license after three years from the effective date of surrender.

2. 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 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.

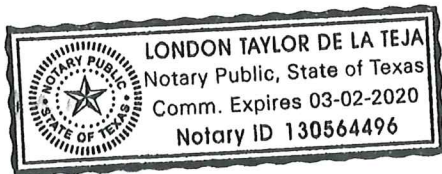
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions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

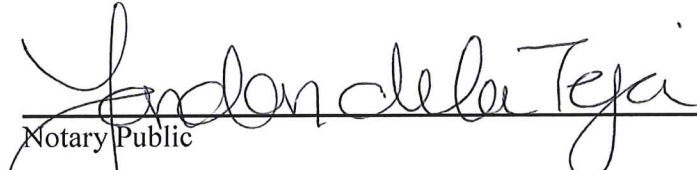
Signed this 26<sup>th</sup> day of November, 2018.

  
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Kimberly Tunmire, D.V.M.


Sworn and subscribed before me this 26<sup>th</sup> day of November, 2018.

SEAL:



  
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Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 29<sup>th</sup> day of January, 2019.

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