

TEXAS VETERINARY LICENSE 5465; DOCKET NO. DK2019-004

IN THE MATTER OF	§	BEFORE THE
	§	ENFORCEMENT COMMITTEE
THE LICENSE OF	§	OF THE TEXAS BOARD
	§	OF VETERINARY MEDICAL
KIMBERLY TUNMIRE, D.V.M.	§	EXAMINERS

**ORDER CONTINUING TEMPORARY SUSPENSION**

On October 23, 2018, the Enforcement Committee (“EC”) of the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Kimberly Tunmire, D.V.M. (“Respondent”).

On October 11, 2018, the Board’s Executive Disciplinary Committee (“EDC”) convened without notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35. The EDC entered an Order of Temporary Suspension.

On this day, the EC convened with 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, Kimberly Tunmire, D.V.M., of Bastrop, Texas, holds Texas veterinary license 5464.
2. Respondent practices as an associate veterinarian at Crossroads Animal Hospital (“the facility”) in Bastrop, Texas.
3. During 2017 and 2018, multiple facility employees observed Respondent convert diazepam and hydrocodone for personal use while practicing veterinary medicine at the facility. Multiple facility employees observed that Respondent appeared to be intoxicated while practicing veterinary medicine. Facility employees observed that Respondent’s intoxication impacted her practice, including an incident in which Respondent fell asleep while performing surgery.
4. On July 19, 2018, Board investigators conducted a compliance inspection of the facility. The facility could not produce the requested five years of controlled substance records. Controlled substance records prior to March 2018 were inaccurate, had incomplete and missing entries, and were missing balances on hand.

5. Respondent's medical records contain numerous inconsistencies with the facility's controlled substance records regarding the amount of controlled substances administered or dispensed. Respondent's medical records also indicate that she dispensed excessive amounts of Tramadol beyond what was medically indicated and initially prescribed for certain patients. Respondent's medical records frequently omit the identity of the veterinarian performing the procedure and details necessary to substantiate the care or treatment provided. Portions of Respondent's medical records are illegible.

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.

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 573.4, 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. 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:

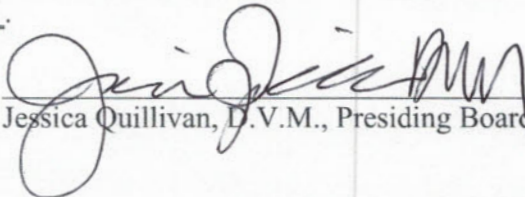
1. TEMPORARY SUSPENSION

- a. The temporary suspension of Respondent's license shall be continued and shall remain in effect until the Board has approved an agreed settlement order or a final order following a hearing at the State Office of Administrative Hearings, or until it expires 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.

2. NOTICE AND OPPORTUNITY FOR HEARING

- a. The Board shall promptly provide a copy of this Order to Respondent's attorney. The Board shall also provide a copy of this Order to Respondent electronically or by facsimile, as feasible.
- b. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, if the parties are unable to enter into an agreed settlement order, a notice of hearing shall be forwarded to the State Office of Administrative Hearings for setting of an administrative hearing to be held no later than the 60<sup>th</sup> day after the date the EDC first ordered the temporary suspension of Respondent's license.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Enforcement Committee, does hereby adopt this Order. This Order is effective and final on this 23<sup>rd</sup> day of October, 2018.

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