

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF:

ERIC SMITH, D.V.M.,

RESPONDENT.

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CASE NO. 24-007

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Veterinary Medicine ("Board") and ERIC SMITH, D.V.M. ("Respondent"), and hereby enter into this Combined Statement of Charges, Settlement Agreement and Final Order ("Agreement") pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and 811 Iowa Admin. Code 10.9.

A. STATEMENT OF CHARGES

1. Respondent was issued Iowa license 7411 on June 5, 2008. Respondent's license is currently active and will next expire on June 30, 2026.
2. Respondent's address as reported to the Board is Farm & Family Veterinary Clinic, 401 West 2nd St., Brooklyn, Iowa 52211.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 169 and 272C.

Count I

4. Respondent is charged with allegedly violating a statute or law of this state, another state, or the United States, which statute or law relates to the practice of veterinary medicine, in violation of Iowa Code sections 169.13(1)(c).

Count II

5. Respondent is charged with allegedly willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the Board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state, in violation of Iowa Code sections 169.13(1)(g) and 811 Iowa Admin. Code 10.6(1)(b)(3).

Count III

6. Respondent is charged with allegedly willful or repeated violations of the provisions of Iowa Code chapters 169 and 272C and rules promulgated thereunder by the Board, in violation of 811 Iowa Admin. Code 10.6(1)(g).

B. FACTUAL CIRCUMSTANCES

Iowa Board of Pharmacy Discipline

7. On January 7, 2025, the Iowa Board of Pharmacy ("Pharmacy Board") and Respondent entered into a Combined Statement of Charges, Settlement Agreement, and Final Order ("Pharmacy Board Order").

8. The Pharmacy Board had charged Respondent with four counts of alleged violations of Iowa's laws governing the practice of pharmacy including:

- a. under 657 IAC 36.6(8) with the distribution of drugs for other than lawful purposes which includes, but is not limited to, the disposition of drugs, in violation of Iowa Code §§ 124, 126, and 155A (Count I);
- b. under 657 IAC 10.24 with the failure to include the requirements necessary for a controlled substance prescription under Iowa law (Count II);
- c. under 657 IAC 10.25 with failure to maintain dispensing records as required

for controlled substances under Iowa law (Count III); and

- d. under 657 IAC 10.14 for failing to maintain ultimate accountability of controlled substances and records maintained at a registered location (Count IV).

9. In the Pharmacy Board Order, Respondent acknowledged that the allegations, if proved in a contested case proceeding, would constitute grounds for the discipline agreed to in the Pharmacy Board Order.

10. In the Pharmacy Board Order, Respondent agreed to the following:

- a. Respondent shall be placed on a period of probation for two (2) years;
- b. Respondent shall obtain an independent third-party consultant to assist and educate on controlled substance accountability during the probationary period;
- c. During the probationary period, Respondent agrees to undergo quarterly audits and reconciliation of all controlled substances, including random audits and inspections by Pharmacy Board staff;
- d. Respondent shall enroll in a continuing education course on controlled substance accountability;
- e. Respondent shall pay a civil penalty in the amount of \$1,000.00; and
- f. Respondent shall at all future times fully and promptly comply with all pertinent orders of the Pharmacy Board and the statutes and rules regulating the practice of pharmacy.

11. In exchange for Respondent agreeing to the above terms in ¶ 10, foregoing his right to discovery including the deposing of key individuals and his right to the investigative file, and waiving his right to a hearing, the Pharmacy Board agreed to the following conditions:

- a. Iowa License placed on probation for a period of two (2) years;
- b. The obtaining of an independent third-party consultant to assist and educate Respondent on controlled substance accountability;
- c. To provide, during the probationary period, quarterly audits and reconciliation

of all controlled substances, and including random audits and inspection by the Pharmacy Board Compliance Officer;

- d. To enroll and complete a continuing education course on controlled substance accountability; and
- e. Pay a civil penalty in the amount of \$1,000.00

Veterinary Board Complaint

12. On or about March 24, 2024, a complaint was received by the Board alleging that Respondent provided controlled substances to a kennel facility without proper documentation or detailed records and improperly disposed controlled substances to the kennel without CSA registrations instead of specific animal patients.

13. An investigation was conducted at the request of the Board. As part of its investigation, records were received and reviewed by the Board.

14. The Board's investigation revealed that Respondent allegedly violated Iowa's laws governing the practice of veterinary medicine concerning the prescribing, maintenance and documentation of controlled substances, including 811 Iowa Admin. Code 12.3(1) and 12.3(2).

15. 811 Iowa Admin. Code 12.3(1) requires that all prescription drugs, medications and controlled substances shall be purchased, maintained, handled, prescribed and dispensed in compliance with state and federal law, including the requirements of the Iowa Board of Pharmacy.

16. 811 Iowa Admin. Code 12.3(2) requires that all drugs or medications dispensed shall be labeled and include, among other things, directions for use, the species and name of the patient, and the number of units dispensed.

17. Respondent acknowledges the allegations contained in this Combined Statement of Charges, Settlement Agreement and Final Order, if proved in a contested case proceeding,

would constitute grounds for discipline.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

18. Respondent agrees to pay to the Board a civil monetary penalty of \$1,000.00. Respondent shall remit full payment of the civil monetary penalty within 30 days of the date this Order is executed by the Board. Payment of the civil penalty shall be made in the form of a money order or check made payable to the State of Iowa and mailed to the Iowa Board of Veterinary Medicine (Wallace Building), Animal Industry Bureau, 502 E. 9th Street, Des Moines, Iowa 50319.

19. Respondent's license shall be put on probation for a period of two (2) years after the Order is executed. While on probation, Respondent shall submit quarterly reports to the Board (on July 5, 2025; October 5, 2025; January 5, 2026; April 5, 2026; July 5, 2026; October 5, 2026; January 5, 2027; and April 5, 2027) which include information for the preceding three months regarding his/her compliance with the Pharmacy Board's Order and this Settlement Agreement and Final Order as set forth in the attached quarterly report template (Attachment A) or alternatively, Respondent may copy by the Board on his quarterly audits to the Pharmacy Board as detailed in ¶ 11(c) herein.

20. This Combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

21. By entering into this Agreement, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

22. This Agreement and Order is voluntarily submitted by Respondent to the Board for consideration.

23. Respondent acknowledges he/she has a right to be represented by counsel in this matter.

24. Respondent agrees that counsel for the State may present this Agreement and Order ex parte to the Board.

25. This Agreement and Order is subject to approval of the Board. If the Board fails to approve this Agreement and Order it shall be of no force or effect to either party.

26. This Agreement and Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violation.

27. In the event Respondent violates or fails to comply with any of the terms of this Agreement and Order, the Board may initiate appropriate action to revoke or suspend Respondent's licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

28. This Agreement and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

29. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

WHEREFORE, the terms and conditions of this Combined Statement of Charges, Settlement Agreement, and Final Order are agreed to and accepted by the Iowa Board of Veterinary Medicine and the Respondent.

Respondent

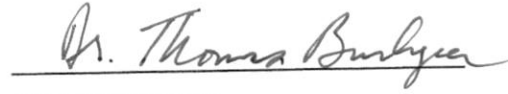


ERIC SMITH, D.V.M.

4/3/25

Date

Iowa Board of Veterinary Medicine



CHAIRPERSON

4/24/2025

Date

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