

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF:)	CASE NO. 18-005
ARNOLD BEUKELMAN, D.V.M.,)	COMBINED STATEMENT OF CHARGES,
RESPONDENT.)	SETTLEMENT AGREEMENT, AND
)	FINAL ORDER

COME NOW the Iowa Board of Veterinary Medicine ("Board") and Arnold Beukelman, 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 No. 4547 on December 8, 1977. Respondent's license is currently active and will next expire on June 30, 2020.
2. Respondent's work address as reported to the Board is Avenue Veterinary Clinic, 349 Main Ave., Sioux Center, Iowa 51250.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 169 and 272C.

Count I

4. Respondent is charged with violating a statute or law of another state relating to the practice of veterinary medicine in violation of Iowa Code section 169.13(1)(c) and 811 Iowa Admin. Code 10.6(1)(b)(10).
5. Respondent has sold prescription drugs in Ohio without a veterinary license or a valid veterinary-client-patient relationship in violation of Ohio law.

6. Ohio law provides that “[u]nless exempted under this chapter, no person shall practice veterinary medicine, or any of its branches, without a license or limited license issued by the state veterinary medical licensing board...” Ohio Rev. Code § 4741.19(A).

7. Ohio law defines the “practice of veterinary medicine” to include any person who “[p]rescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance...” Ohio Rev. Code § 4741.01(B).

8. Ohio provides that the “veterinary-client-patient relationship” serves as the basis for interaction between veterinarians, their clients, and their patients, and the relationship exists when all of the following conditions have been met:

- a. A veterinarian assumes responsibility for making clinical judgments regarding the health of a patient and the need for medical treatment, medical services, or both, for the patient, and the client has agreed to follow the veterinarian's instructions regarding the patient.
- b. The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. In order to demonstrate that the veterinarian has sufficient knowledge, the veterinarian shall have seen the patient recently and also shall be acquainted personally with the keeping and care of the patient either by examining the patient or by making medically appropriate and timely visits to the premises where the patient is kept.
- c. The veterinarian is readily available for a follow-up evaluation, or has arranged for emergency coverage, in the event the patient suffers adverse reactions to the treatment regimen or the treatment regimen fails.

Ohio Rev. Code § 4741.04 (emphasis added).

Count II

9. Respondent is charged with committing an act contrary to honesty, justice, or good morals, whether committed in the course of his practice or otherwise, and whether committed within or without the State, in violation of Iowa Code section 169.13(1)(g).

Count III

10. Respondent is charged with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public in violation of 811 Iowa Admin. Code 10.6(1)(b)(4).

B. FACTUAL CIRCUMSTANCES

11. A complaint was received by the Board alleging that on or about February 24, 2018, Respondent was selling prescription drugs to attendees of the Ohio Dog Breeders Association in violation of Ohio law.

12. The complaint specifically alleged that two Ohio-licensed veterinarians requested Respondent to sell them prescription drugs, but did not inform Respondent that they were licensed veterinarians. Respondent then sold prescription drugs to one of the veterinarians.

13. An investigation was conducted at the request of the Board.

14. An employee of the Ohio Department of Agriculture and Land Stewardship provided an affidavit to the Board that stated, in part, she had confronted Respondent at the trade show about selling prescription drugs in an "over the counter" fashion, and Respondent allegedly responded by stating "he 'knew better,' that they accidently brought the box of prescription drugs to the trade show, and that they were no longer selling them to patrons without a prescription from a veterinarian to do so." The employee's affidavit contained an Exhibit (an email to her supervisor summarizing her conversation and investigation of Respondent) which had a price sheet from Respondent's booth attached and included a number of prescription items for sale.

15. Two Ohio-licensed veterinarians also provided affidavits to the Board, and they each stated that Respondent had numerous prescription items for sale at the trade show. One of the

veterinarians confirmed that Respondent had sold him a prescription item at the trade show.

16. Respondent provided an affidavit that stated, in part, he admitted the following:

- a. He has brought items to various out-of-state trade shows that require prescriptions, which he has then sold to persons if they have a prescription;
- b. He does not have a veterinary or pharmacy license in the State of Ohio, and he does not have a pharmacy license in the State of Iowa;
- c. He did not examine or treat any animals at the Ohio trade show;
- d. He admits to selling 1 box of 15ml Clavamox drops to a person who did not have a prescription.
- e. He admits that after reviewing his invoices from the Ohio trade show, there were items that were sold without prescriptions.

17. As part of its standard protocol, Respondent's medical records from the Ohio trade show were received and reviewed by the Board.

18. The medical records reviewed by the Board indicated that Respondent had sold numerous prescription items to animal owners in Ohio during the trade show.

19. Respondent was not a licensed pharmacist or licensed veterinarian in Ohio at the time of the sales.

20. Respondent did not have a valid veterinary-client-patient relationship with the Ohio customers at the time of the sales.

21. At the time of the Ohio trade show, Respondent was undergoing treatments for his recent cancer diagnosis. Respondent asserts that as a result of his personal medical situation, he was not paying as close of attention to the sales and related requirements while at the Ohio trade show as he normally would have.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

22. Respondent admits to a violation of Iowa Code section 169.13(1)(c) and 811 Iowa Admin. Code 10.6(1)(b)(10) as set forth in Count I.

23. Respondent admits to a violation of Iowa Code section 169.13(1)(g) as set forth in Count II.

24. Respondent admits to a violation of 811 Iowa Admin. Code 10.6(1)(b)(4) as set forth in Count III.

25. Respondent agrees to pay to the Board a civil monetary penalty of \$10,000.00. 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 Bldg), Animal Industry Bureau, 502 E. 9th Street, Des Moines, Iowa 50319.

26. Respondent's license shall be suspended for at least 30 calendar days and such suspension shall begin on December 1, 2018. Respondent's license shall be reinstated effective December 31, 2018 or on the date that Respondent has complied with the requirements set forth in Paragraph Nos. 25 and 27, whichever is later.

27. Respondent shall, at his sole expense, take sections 1 (Moral, Ethical and Legal Decision-Making), 5 (The Legal Use of Drugs), and 7 (record-keeping) of the Veterinary Law and Ethics course offered on-line from Iowa State University's College of Veterinary Medicine (<https://www.vetmed.iastate.edu/about/continuing-education/veterinary-law-ethics>), or other equivalent courses as approved by the Board. These hours shall be taken in addition to the hours normally required for license renewal for any triennium and must be taken within 30 days of the date

this Order is executed by the Board. Respondent shall provide written documentation of successful completion of the continuing education courses within 45 days of the date this Order is executed by the Board.

28. Respondent's license shall be put on probation for a period of three (3) years from the date this Order is executed. While on probation, Respondent shall submit quarterly reports to the Board (on, January 5, 2019, April 5, 2019, July 5, 2019, October 5, 2019, January 5, 2020, April 5, 2020, July 5, 2020, October 5, 2020, January 5, 2021, April 5, 2021, July 5, 2021, and October 5, 2021) which include information regarding his compliance with this Settlement Agreement and Final Order as set forth in the attached quarterly report template (Attachment A).

29. Respondent shall be required to utilize numbered sales receipts at his practice and for any other sales that relate to Respondent's practice of veterinary medicine. Respondent need not provide these to the Board, but if requested by the Board, Respondent agrees to furnish receipts responsive to the request.

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

31. 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.

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

33. Respondent acknowledges he has a right to be represented by counsel in this matter.

34. Respondent agrees that counsel for the State may present this Agreement and Order

ex parte to the Board.

35. 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.

36. 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.

37. 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).

38. 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.

39. 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

Iowa Board of Veterinary Medicine


ARNOLD BEUKELMAN, D.V.M.


CHAIRPERSON

10-9-18
Date

10-25-2018
Date

Copies to:

Jacob J. Larson
Assistant Attorney General
Office of Iowa Attorney General
Hoover State Office Building
1305 E. Walnut Street
Des Moines, Iowa 50319
Phone: (515) 281-5341
Fax: (515) 281-6771
E-mail: jacob.larson@ag.iowa.gov
ATTORNEY FOR THE IOWA BOARD
OF VETERINARY MEDICINE

Rebecca A. Brommel
Brown, Winick, Graves, Gross,
Baskerville & Schoenebaum, P.L.C.
666 Grand Avenue, Suite 2000
Des Moines, Iowa 50309
Phone: (515)242-2452
Email: brommel@brownwinick.com
ATTORNEY FOR ARNOLD BEUKELMAN, D.V.M.