

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

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IN THE MATTER OF: )  
 )  
MICHAEL BOMGAARS, D.V.M., )  
 )  
RESPONDENT. ) **COMBINED STATEMENT OF CHARGES,**  
 ) **SETTLEMENT AGREEMENT, AND FINAL**  
 ) **ORDER**  
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**COME NOW** the Iowa Board of Veterinary Medicine (“Board”) and Michael Bomgaars, 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 7080 on May 20, 2004. Respondent’s license is currently active and will next expire on June 30, 2017.
2. Respondent’s address as reported to the Board is 3821 310<sup>th</sup> Street, Boyden, Iowa 51234.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 169 and 272C.

**Count I**

4. Respondent is charged with failing to conform to the minimal standard of acceptable and prevailing practice in violation of 811 Iowa Admin. Code 10.6(2)(c).

**B. FACTUAL CIRCUMSTANCES**

5. A complaint was received by the Board alleging that Respondent was selling or

distributing drugs, medications, or immunizations to persons with whom he does not have a valid veterinary client patient relationship (“VCPR”) under 811 Iowa Admin. Code 12.1 and 12.2.

6. As part of its standard protocol, medical records were received and reviewed by the Board.

7. The medical records reviewed by the Board for Respondent’s visits to farms were incomplete and inadequate.

### **C. SETTLEMENT AGREEMENT AND FINAL ORDER**

8. Respondent, Michael Bomgaars, D.V.M., agrees to pay to the Board a civil monetary penalty of \$2,000.00 total. The funds shall be paid by check and made payable to the State of Iowa. Respondent shall remit full payment of the civil monetary penalty within 30 days of the date this Order is executed.

9. Respondent shall create a record-keeping template to be used for trips to farms to properly document the trip. The template shall be provided to the Board for its review and approval within 30 days of the date this Order is executed.

10. Respondent shall, at his sole expense, take sections 5 and 7 of the Veterinary Law and Ethics course offered on-line from Iowa State University’s College of Veterinary Medicine, or other equivalent courses as approved by the Board. These 3.75 hours are in addition to the hours normally required for any triennium and must be taken within 30 days of the date this Order is executed.

11. Respondent’s license shall be put on probation for a period of one year from the date this Order is executed. While on probation, Respondent shall submit quarterly reports to the Board on (March 5, 2017, June 5, 2017, September 5, 2017, and December 5, 2017) which include information regarding his compliance with this Agreement and the nature and location of

his practice as a veterinarian, including, but not limited to: a summary of all on farm consultation visits; and the percentage of his practice as a consultant for patients versus individualized diagnosis/treatment of patients.

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

13. 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.

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

15. Respondent acknowledges he has a right to be, and is, represented by counsel in this matter.

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

17. 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.

18. 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.

19. 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).

20. 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.

21. 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.

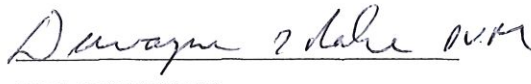
**Respondent**



MICHAEL BOMGAARS, D.V.M.

12/15/16  
Date

**Iowa Board of Veterinary Medicine**



CHAIRPERSON

12/22/16  
Date

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