

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF:

BRADLEY GORDON, D.V.M.,

RESPONDENT.

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CASE NO. 23-019

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

COME NOW the Iowa Board of Veterinary Medicine ("Board") and BRADLEY GORDON, 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 6136 on March 17, 1993. Respondent's license is currently active and will next expire on June 30, 2026.

2. Respondent's address as reported to the Board is 809 17th Ave., SW, Altoona, Iowa 50009.

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 this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine, in violation of Iowa Code sections 169.13(1)(c) and 811 Iowa Admin. Code 10.6(1)(b)(10).

Count II

5. Respondent is charged with a 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 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)(b)(10).

Count IV

7. Respondent is charged with violating the principles of veterinary medical ethics, which require a veterinarian shall be influenced only by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession and shall avoid conflicts of interest or the appearance thereof, in violation of 811 Iowa Admin. Code 10.6(3)(a)(1).

Count V

8. Respondent is charged with violating the principles of veterinary medical ethics, which require a veterinarian maintain complete, accurate and legible medical records that are considered to meet the prevailing standard of the practice of veterinary medicine are required by the Board, in violation of 811 Iowa Admin. Code 10.6(3)(d)(1).

B. FACTUAL CIRCUMSTANCES

Past Enforcement

9. On May 29, 2003, the Board sent Respondent a letter of education for an alleged failure to adequately document and maintain necessary medical records.
10. On July 26, 2007, the Board sent Respondent a letter of education for failing to timely send copies of medical records to clients upon request.
11. On May 25, 2017, Respondent and the Board entered into a Settlement Agreement and Final Order ("Agreement"), resolving a pending Statement of Charges for a surgery allegedly conducted in violation of the rules and standards for the practice of veterinary medicine, wherein Respondent acknowledged that the allegations in the Statement of Charges, if proven, would constitute grounds for discipline. Pursuant to the Agreement, Respondent agreed to pay a \$1,000.00 civil penalty, and his license to practice veterinary medicine was placed on probation for one year. During the probationary period, Respondent was required to submit written notification to the Board of any adverse outcomes of any surgical procedures and provide quarterly reports to the Board with information about his compliance with the terms of the Agreement.

Racing and Gaming Discipline

12. On September 22, 2022, the Racing and Gaming Commission's ("Commission") Board of Stewards ("Stewards") for the Prairie Meadows Racetrack and Casino summarily suspended Respondent's license to operate at the racetrack pending a hearing on the Steward's allegations against Respondent.
13. On September 22, 2023, the Stewards held a hearing on their allegations against Respondent. After hearing evidence and testimony from both parties, the Stewards held that

Respondent committed the following violations of the Commission's rules:

- a. Failure to maintain complete and accurate medical records;
- b. Administering thyroxine or thyroid modulators/hormones in race horses;
- c. Possessing chemical or biological substances that were not approved by the Food and Drug Administration (FDA);
- d. Possessing a compounded medication when there was an FDA-approved equivalent;
- e. Improper and incomplete labels for prescriptions;
- f. Possessing expired drugs or medications; and
- g. Improper storage of controlled substances.

14. The Stewards suspended Respondent's license to operate at the racetrack for two (2) years (from September 22, 2022 through September 22, 2024) and assessed a fine of \$1,000.00.

15. Respondent appealed the Steward's decision, but prior to the hearing on appeal, the parties resolved the matter without the Respondent making any admissions regarding the Stewards ruling but agreeing to: 1) pay the \$1,000.00 penalty; 2) a suspension of his Racing and Gaming license from September 22, 2022 through December 31, 2023; 3) and agreeing not to seek an occupational veterinary license from the Iowa Racing and Gaming Commission for any portion of the Prairie Meadows 2024 live race meet.

Current Board Complaint

16. On or about May 5, 2023, a complaint was received by the Board alleging that Respondent had violated the Commission's rules governing the conduct of veterinarians and their treatment of racehorses at Iowa's racetracks, and Respondent's conduct may also violate the Board's rules for the practice of veterinary medicine.

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

18. The Board's investigation of Respondent's conduct and record-keeping at the racetrack demonstrated Respondent:

- a. Failed to maintain proper storage of controlled substances in violation of 811 Iowa Admin. Code 12.3(1);
- b. Failed to maintain proper, accurate and complete labels for prescriptions in violation of 811 Iowa Admin. Code 12.2(1) and 12.3(2);
- c. Possessed a compounded medication when there was an FDA-approved equivalent in violation of 811 Iowa Admin. Code 12.2(2);
- d. Possessed expired drugs or medications in violation of 811 Iowa Admin. Code 12.3(5);
- e. Failed to properly maintain a controlled substances log in violation of 811 Iowa Admin. Code 12.4(1); and
- f. Failed to maintain complete, accurate and legible medical records in violation of 811 Iowa Admin. Code 12.4(2).

19. Respondent admits to the allegations contained in the current board complaint paragraph 18 (a-f).

C. SETTLEMENT AGREEMENT AND FINAL ORDER

20. 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.

21. Respondent shall take the following courses offered online through Iowa State

University's College of Veterinary Medicine, in partnership with Drip Vet: Veterinary Law and Ethics; Efficient Medical Record-Keeping for Veterinarians; and Legal Requirements of Medical Records (available at <https://dripvet1.teachable.com/courses>), or other equivalent courses as approved by the Board, and is responsible for all expenses associated with the courses. 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. Respondent shall provide written documentation of successful completion of the continuing education courses within 45 days of the date this Order is executed.

22. Respondent's license shall be put on probation for a period of one (1) year after the Order is executed. While on probation, Respondent shall submit quarterly reports to the Board (on July 5, 2024, October 5, 2024, January 5, 2025, April 5, 2025 which include information for the preceding three months regarding his compliance with this Settlement Agreement and Final Order as set forth in the attached quarterly report template (Attachment A).

23. Respondent shall be required to include a copy of the controlled substance log for the prior quarter as part of Respondent's quarterly report submissions.

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

25. 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.

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

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

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

29. 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.

30. 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.

31. 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).

32. 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.

33. 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

Bradley Gordon D.V.M., MS
BRADLEY GORDON, D.V.M.

Thomas Burdye
CHAIRPERSON

march 18, 2024

3/28/2024

Date

Date

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