

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF:)
)
ROBBIE KOONS, D.V.M.,) CASE NO. 17-002
)
RESPONDENT.) COMBINED STATEMENT OF CHARGES,
) SETTLEMENT AGREEMENT, AND FINAL
) ORDER
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COME NOW the Iowa Board of Veterinary Medicine ("Board") and Robbie Koons, 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 6915 on May 28, 2002. Respondent's license is currently inactive and will next expire on June 30, 2020.
2. Respondent's address as reported to the Board is 709 E. Washington Street, Knoxville, Iowa 50138.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 169 and 272C.

Count I

4. Respondent is charged with knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession in violation of Iowa Code section 169.13(1)(a).

Count II

5. Respondent is charged with being guilty of 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 section 169.13(1)(g).

6. 811 Iowa Admin. 10.6(1)(b)(5) provides that the Board may impose discipline on a licensee because of professional incompetency, which can be established by “[h]abitual intoxication or addiction to the use of drugs, which includes, but is not limited to, the inability of a credential holder to practice with reasonable skill and safety by reason of the excessive use of alcohol, drugs, narcotics, chemicals or other types of material on a continuing basis, or the excessive use of alcohol, drugs, narcotics, chemicals or other types of material which may impair a credential holder’s ability to practice with reasonable skill and safety.”

Count III

7. Respondent is charged with the inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or other type of material or as a result of a mental or physical condition, in violation of Iowa Code section 169.13(1)(h).

B. FACTUAL CIRCUMSTANCES

8. A complaint was received by the Board alleging that Respondent was taking Buprenorphine (DEA Schedule III drug) from vials in inventory at the Boone Veterinary Hospital and replacing the withdrawn amount with saline.

9. The complaint indicated that Respondent had been recorded on a surveillance camera withdrawing Buprenorphine on several occasions.

10. Respondent has allegedly admitted to taking the Buprenorphine from the Boone Veterinary Hospital's inventory.

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

12. The medical records reviewed by the Board indicated that the level of Buprenorphine in the inventory decreased at a higher rate than what was documented in the withdrawal logs, and on two occasions the level of Buprenorphine in the inventory inexplicably increased.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

13. Respondent does not admit the Board's contentions, and expressly denies the same, but, in order to amicably resolve this matter, Respondent admits to taking Buprenorphine as described in Paragraph 10, and further agrees to the terms set forth below.

14. Respondent agrees to pay to the Board a civil monetary penalty of \$2,000.00. However, this penalty shall be waived if Respondent complies with the drug testing protocol set forth in Paragraph 16 and receives twelve (12) consecutive monthly testing results that are negative for any substance identified in Paragraph 16(g). If the civil penalty becomes due under this Paragraph, Respondent shall remit full payment of the civil monetary penalty within 30 days of notice from 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.

15. Respondent shall, at her sole expense, take sections 1 (Moral, Ethical and Legal

Decision-Making), 3 (Ethical Relations Between Colleagues), and 5 (The Legal Use of Drugs) 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. Respondent shall provide written documentation of successful completion of the continuing education courses within 45 days of the date this Order is executed.

16. Respondent shall not consume alcohol, deviate from the therapeutic use of prescribed medications, or use illicit drugs. Respondent shall immediately provide body fluid specimens upon request of the Board or its designee. Respondent agrees to the following drug testing protocol:

- a. Respondent shall fully cooperate with random testing through an automated notification system via FirstSource;
- b. Respondent shall sign all necessary releases with FirstSource to assure the Board may communicate directly with FirstSource concerning Respondent's participation;
- c. Respondent shall sign all necessary releases with FirstSource to assure the Board that it can have access to all of Respondent's drug testing results;
- d. Respondent agrees to submit to random testing on a monthly basis for a period of twelve (12) consecutive months;
- e. The monthly testing shall commence during the month following the Board's approval of this Agreement;
- f. If a test result shows Respondent tested positive for any substance identified in subparagraph (g) of this section, the twelve (12) consecutive months of testing shall begin anew, commencing on the month following the positive result;
- g. The testing panel shall include Panel D, Alcohol, and ETG; and

h. All costs of chemical screening shall be paid by Respondent.

Respondent shall complete any agreement or contract with FirstSource necessary for the drug testing outlined herein within thirty (30) days from the date the Board approves this Agreement.

17. 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 October 5, 2017, January 5, 2018, April 5, 2018, July 5, 2018, October 5, 2018, January 5, 2019, April 5, 2019, July 5, 2019, October 5, 2019, January 5, 2020, April 5, 2020, and July 5, 2020) which include information regarding his/her compliance with this Agreement as set forth in the attached quarterly report template (Attachment A).

18. Respondent agrees to complete the 51.5 hours of continuing education needed to bring her license into active status. Upon approval by the Board of Respondent's outstanding continuing education hours as well as Respondent's completion of the other necessary requirements for license renewal, Respondent's license will be switched to active status.

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

20. 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.

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

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

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

24. 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.

25. 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.

26. 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).

27. 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.

28. 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

Robbie Koons

ROBBIE KOONS, D.V.M.

8/3/17

Date

Iowa Board of Veterinary Medicine

Dwight A. Kuhn D.V.M.

CHAIRPERSON

8/3/17

Date

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