

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

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IOWA BOARD OF
VETERINARY MEDICINE

IN THE MATTER OF:

STEPHANIE OLSON, D.V.M.,

RESPONDENT.

CASE NO. 19-005

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

COME NOW the Iowa Board of Veterinary Medicine ("Board") and Stephanie Olson, 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 8029 on April 21, 2014. Respondent's license is currently active and will next expire on June 30, 2023.
2. Respondent's address as reported to the Board is Animal Family Veterinary Care Center, 6011 N Brady St, Davenport, IA 52806.
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 lawful order of the Board previously entered by the Board in a disciplinary hearing in violation of Iowa Code section 169.13(1)(i) and 811 IAC 10.6(1)(b)(15).

Count II

5. 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) and 811 IAC 10.6(1)(b)(4).

Count III

6. 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).

Count IV

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).

8. 811 Iowa Administrative Code 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.”

B. FACTUAL CIRCUMSTANCES

9. A complaint was received by the Board alleging that Respondent had inappropriately offered a controlled substance from Respondent's personal prescription to a coworker while on duty at her place of employment, and that Respondent had attempted to cash a forged check for \$500.00.

10. The Board conducted an investigation into the complaint, and, as part of its standard protocol, medical records were received and reviewed by the Board.

11. The investigation revealed that Respondent offered a controlled substance from Respondent's personal prescription to a coworker on two separate occasions. The investigation also revealed the Respondent has repeatedly sought large quantities of prescriptions for her own dogs, including controlled substances—Tramadol and Alprazolam—in short periods of time but failed to provide those medications when the dogs were boarded.

12. Several other instances of possible substance abuse with alcohol by Respondent were discovered during the investigation.

13. Respondent was charged with forgery, a class D felony, and pleaded guilty to the charge on August 14, 2019. Respondent was required to pay a \$750.00 civil penalty and is placed on probation for three (3) years.

14. On or about December 19, 2019, Respondent and the Board entered into a Combined Statement of Charges, Settlement Agreement and Final Order ("December 2019 Agreement") to resolve violations of Iowa's laws and rules for the practice of veterinary medicine. The December 2019 Agreement contained a number of requirements for Respondent, including, but not limited to: monthly random drug and alcohol tests for a 12-month period; a payment of a \$2,000.00 civil penalty, which was suspended if Respondent received 12 consecutive monthly testing results that were negative; completion of two continuing education courses on veterinary law and ethics and opiate prescribing; and Respondent's veterinary license placed on three (3) years' probation and

quarterly reports required for each quarter during probation.

15. Respondent has violated several requirements of the December 2019 Agreement:

- a. Respondent was required to complete an agreement of contract with FirstSource for the drug and alcohol testing within 30 days of the Board's approval of the December 2019 Agreement (December 2019 Agreement ¶ No. 20). Respondent did not complete an agreement until approximately February 11, 2020, more than 22 days past the deadline;
- b. Respondent was required to refrain from the consumption of alcohol and illicit drugs. (December 2019 Agreement ¶ No. 20). The results of Respondent's March 11, 2020 drug and alcohol test were positive for alcohol;
- c. Respondent was required to submit quarterly reports providing status updates on her compliance with the December 2019 Agreement's requirements. (December 2019 Agreement ¶ No. 21). Her most recent quarterly report was due on April 5, 2020, but it was not submitted until May 13, 2020, which was more than five (5) weeks late;
- d. Respondent was required to take the Veterinary Law and Ethics continuing education course offered by Drip.Vet within thirty 30 days of the Board's approval of the December 2019 Agreement. (December 2019 Agreement ¶ 19). Respondent's May 13, 2020 quarterly report admitted she had not taken the course yet.

16. On May 29, 2020, Respondent was selected for a random drug test. She informed Board staff she was unable to complete the test because she was in Tennessee for a funeral. On May 29, 2020, Board staff requested she send a copy of the obituary for the funeral. On June 29, 2020, Respondent provided Board staff with a copy of an obituary allegedly from the funeral Respondent was attending when she was unable to take the drug test on May 29, 2020. The obituary was for a funeral that occurred in Conway, Arkansas, which is approximately 150 miles west of the Tennessee border with Arkansas.

17. On June 5, 2020, Respondent was selected for a random drug test. She informed Board staff she was unable to complete the test because she was ill and had recently been hospitalized with gastrointestinal influenza virus. She sent Board staff a "work release" document

documenting the hospitalization that was purportedly issued by Dr. Ronald Wright with Concentra, a health care facility located at 3540 East 46th St., Davenport, IA 52807.

18. In an attempt to verify the veracity of the “work release,” Board staff made contact with the Davenport Concentra clinic, and the clinic had no record of issuing a work release similar to what Respondent had provided. Concentra also did not have a Dr. Ronald Wright on staff. Finally, the Iowa Board of Medicine does not have any record of a Ronald Wright listed as a licensed physician in Iowa.

19. On June 8, 2020, Respondent was again selected for a drug test. On June 12, 2020, Board staff received notification from the testing agency of a positive test result.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

20. Respondent admits to a violation of Iowa Code section 169.13(1)(i) and 811 IAC 10.6(1)(b)(15) as set forth in Count I.

21. Respondent admits to a violation of Iowa Code section 169.13(1)(a) and 811 IAC 10.6(1)(b)(4) as set forth in Count II.

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

23. Respondent admits to a violation of Iowa Code section 169.13(1)(h) and 811 Iowa Administrative Code 10.6(1)(b)(5) as set forth in Count IV.

24. Respondent shall submit to a comprehensive chemical dependency evaluation, at her expense, with a licensed health care provider pursuant to Iowa Code section 169.13(2)(a). The evaluation shall address Respondent’s ability to safely practice as a licensed veterinarian. Respondent may, but is not required to, contact any of the following to find an appropriate evaluator: University of Iowa Hospitals & Clinics, St. Luke’s Chemical Dependency Services, or

Mercy Hospital-Sedlacek Treatment Center.

25. Within 10 days of the Board's approval of this Agreement, Respondent shall identify a proposed evaluator and submit the name, credentials, and contact information of the proposed evaluator to the Board for approval. The Board must approve the evaluator prior to the evaluation.

26. Within 10 days of the Board approving the evaluator, Respondent shall schedule the evaluation with the approved evaluator. The evaluation shall take place no later than thirty (30) days after Respondent receives approval for the evaluator.

27. Respondent shall contact the Board at least five (5) days prior to the date the evaluation is scheduled to begin and advise the Board of the date and time of the evaluation. The Board shall provide the evaluator with all information regarding the purpose and scope of the evaluation. Respondent shall sign all necessary releases and ensure a copy of the evaluation report, including copies of any test results and records produced during the evaluation, is sent to the Board at the conclusion of the evaluation. Respondent shall cooperate with the Board in its attempts to access this information. Respondent may request additional time to schedule or complete the evaluation or may request that the Board approve an evaluator with alternative credentials. The Board has sole discretion in deciding whether to grant any requests.

28. In accordance with Iowa Code section 272C.9(1), the testimony of the evaluator or evaluation report shall not be used against Respondent in any proceeding other than a license disciplinary proceeding. All objections regarding the admissibility of the evaluator's testimony or examination report in a disciplinary proceeding on the grounds that they constitute privileged communications shall be waived.

29. If the evaluator recommends any treatment(s) for Respondent, Respondent agrees to complete all treatment recommended by the evaluator and will provide updates on compliance with

the recommendations in her quarterly reports. The Board reserves the right to file further charges if the results of the report indicate that Respondent is currently unable to safely practice veterinary medicine.

30. 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 32(g) and receives twenty-six (26) consecutive testing results that are negative for any substance identified in Paragraph 32(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.

31. Respondent shall, at her sole expense, take the following on-line courses, formerly offered by Iowa State University's College of Veterinary Medicine, from Drip.Vet: ISU VCS 315 Veterinary Law and Ethics: Class of 2021 (available at <https://dripvet1.teachable.com/p/isu-vcs-315-veterinary-law-and-ethics1>); and Opioid 411 - Anytime III (available at <https://dripvet1.teachable.com/p/opioid-411-anytime-iii>), or other equivalent courses as approved by the Board. The Veterinary Law and Ethics and Opioid 411 course hours shall be taken in addition to the hours normally required for license renewal for any triennium. The Opioid 411 course must be taken within 20 days of the date this Agreement is executed by the Board. The Veterinary Law and Ethics course shall be completed within 45 days of the date this Agreement is executed by the Board. Respondent shall provide written documentation of successful completion of the Opioid 411 course and Veterinary Law and Ethics course within fifteen (15) days of completion of the respective course.

32. 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 twenty-six (26) times over the next twelve (12) months;
- e. The random testing shall commence immediately upon 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 testing protocol (26 times over the next 12 months) shall begin anew, commencing on the month following the positive result, and will trigger the need for Respondent to pay the civil penalty of \$2,000.00 as set forth in Paragraph 30, and may result in additional disciplinary action from the Board, including suspension or revocation of Respondent's license to practice veterinary medicine;
- 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 ten (10) days from the date the Board approves this Agreement.

33. Respondent's license shall be put on probation for a period of three (3) years from the date this Agreement is executed. While on probation, Respondent shall submit quarterly reports to the Board (on October 5, 2020; January 5, 2021; April 5, 2021; July 5, 2021; October 5, 2021; January 5, 2022; April 5, 2022; July 5, 2022; October 5, 2022; January 5, 2023; April 5, 2023; July 5, 2023; and October 5, 2023) which include information regarding his/her compliance with this Agreement as set forth in the attached quarterly report template (Attachment A).

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

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

36. This Agreement is voluntarily submitted by Respondent to the Board for consideration.

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

matter.

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

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

40. This Agreement 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.

41. In the event Respondent violates or fails to comply with any of the terms of this Agreement, 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).

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

43. The Board's approval of this Agreement 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.

SIGNATURE PAGE

Respondent

Stephanie Olson, DVM

STEPHANIE OLSON, D.V.M.

7-15-20

Date

Iowa Board of Veterinary Medicine

Dwayne White M.D.

CHAIRPERSON

7/30/20

Date

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