

15-011

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IOWA BOARD OF  
VETERINARY MEDICINE

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

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IN THE MATTER OF	)	CASE NO. 15-011
	)	
	)	<b>COMBINED STATEMENT</b>
WAYNE SEARCY, D.V.M.,	)	<b>OF CHARGES, SETTLEMENT</b>
	)	<b>AGREEMENT AND FINAL ORDER</b>
	)	
RESPONDENT.	)	

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**COMES NOW** the Iowa Board of Veterinary Medicine (Board) and Wayne Searcy, D.V.M. (Respondent) and enter into this Combined Statement of Charges, Settlement Agreement and Final Order (Agreement) pursuant to Iowa Code sections 17A.10, 272C.3(4), and 811 Iowa Administrative Code section 10.9.

WHEREAS, Respondent was issued Iowa license # 4554 on December 8, 1977.

WHEREAS, Respondent's registration is current and will next expire on June 30, 2017. Respondent's address as reported to the Board is 3611 US 75 Avenue, Sioux Center, Iowa 51250.

WHEREAS, The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 169 and 272C.

**STATEMENT OF CHARGES**

**COUNT I**

Respondent is charged with allowing unlicensed individuals to practice veterinary medicine in violation of Iowa Code section 169.13(1)(e) and 811 IAC 10.6(1)(b)(13).

**COUNT II**

Respondent is charged with improper delegation of duties in violation of Iowa

Code section 169.13(1)(e) and 811 IAC 10.6(2)(e).

### **COUNT III**

Respondent is charged with having an adverse action taken against his license in another state regarding Respondent's out-of-state license in violation of Iowa Code section 169.13(1)(d) and 811 IAC 10.6(23).

### **FACTUAL CIRCUMSTANCES**

1. The Board alleges that Respondent hired an unlicensed individual, Mr. Jesus Diaz, and allowed him to practice veterinary medicine under licensed veterinary supervision in the State of Iowa between July, 2009, and October, 2014, including administering the brucellosis vaccine and performing c-sections. Mr. Diaz left this employment with Respondent's clinic upon such time that Respondent was made aware that the activity was not allowed by law. Mr. Diaz thereafter applied his specialty as an employee of a dairy in cooperation with a supervisory veterinarian.
2. The Board alleges that Respondent allowed veterinary assistants to assist in accomplishing brucellosis vaccinations under licensed veterinarian supervision outside the scope of their certification and official training.
3. Respondent further alleges that Jesus Diaz is an M.V.Z. licensed in the country of Mexico but who was not licensed to practice veterinary medicine in the United States.
4. Respondent entered into a Stipulation and Agreement with the South Dakota State Board of Veterinary Medical Examiners on December 23, 2014.
5. Respondent has had no prior Complaints filed with this Board.

## SETTLEMENT AGREEMENT AND FINAL ORDER

6. Respondent's license shall be suspended for a period of three (3) months commencing March 31, 2016. Respondent shall be allowed to remain on-site during the suspension period so long as he does not engage in the practice of veterinary medicine as that term is defined in Iowa Code section 169.3(10). Respondent shall further be allowed to retain ownership in his clinic as presently exists. Respondent's license to practice veterinary medicine shall be placed on probation for a period of two (2) years from the date his 3-month suspension ends. During the period of probation, Respondent shall comply with the following terms and conditions of probation:

- a. Respondent shall certify to the Board after his 3-month suspension ends that he did not practice veterinary medicine during the suspension period.
- b. Respondent shall notify the Board of any change of address, phone number or employment within one week of said change during the suspension or probationary periods.
- c. Respondent shall notify all other states where he is licensed of this Order.

7. Respondent agrees to pay to the Board a civil monetary penalty of \$10,000.00 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 to the Board offices within 90 days of the date this Order is executed.

8. Respondent shall take an additional 10 hours of continuing education for

the current triennium, at his sole expense, specifically in the areas of ethics. These 10 hours are in addition to the hours normally required for any triennium and must be taken within 90 days of the date this Order is executed. The course(s) to be taken shall include the following courses through the Iowa State University College of Veterinary Medicine: Moral, Ethical and Legal Decision-Making; Understanding State Board Licensing Issues; and Ethical Relations Between Colleagues equaling 5.5 credits and Ethics and Professionalism Communication equaling 6 credits. In the event the above designated courses are not available, then in that event any credits may be obtained by another appropriate course as approved by the Board.

9. Respondent does not admit the allegations contained in the Statement of Charges herein nor to any alleged facts herein, but in order to amicably resolve the matter presently before the Board, Respondent has agreed to enter into this Combined Statement of Charges, Settlement Agreement, and Final Order. Execution of this Combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

10. Respondent is freely and voluntarily entering into this Combined Statement of Charges, Settlement Agreement and Final Order. Respondent agrees that State's counsel may present this agreement to the Board and may have *ex parte* communications with the Board while presenting it.

11. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.

12. This Combined Statement of Charges, Settlement Agreement and Final 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 violations. The Board agrees that no new charges will be brought stemming from or determined as a result of the investigation conducted in this case resulting in the above Statement of Charges.

13. In the event Respondent violates or fails to comply with any of the terms of this Combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's certificate or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

14. This Combined Statement of Charges, Settlement Agreement and Final Order is a public record available for inspection and copying upon execution, in accordance with the requirements of Iowa Code chapters 22 and 272C.

15. The Board's approval of this Combined Statement of Charges, Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

**SIGNATURES OF THE PARTIES IN THE PAGES TO FOLLOW**

AGREED AND ACCEPTED:

Wayne Searcy

WAYNE SEARCY, D.V.M.  
RESPONDENT

Stacy White

CHAIRPERSON, IOWA BOARD OF  
VETERINARY MEDICINE

Dated this 28<sup>th</sup> day of  
March, 2016

Dated this 21<sup>st</sup> day of  
March, 2016

Margaret V. Gillespie

MARGARET V. GILLESPIE  
My Commission Expires December 2, 2016

Copies to:

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