

RECEIVED
FEB 17 2016
IOWA BOARD OF
VETERINARY MEDICINE

BEFORE THE IOWA BOARD OF VETERINARY MEDICINE

IN THE MATTER OF)	CASE NO. 15-015
)	
NADIA E. VANDERGAAST, D.V.M.,)	COMBINED STATEMENT OF
)	OF CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER
RESPONDENT.)	

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

A. STATEMENT OF CHARGES

1. Respondent was issued a renewal of her Iowa license in May 2014. Respondent's license was suspended between February 6th and November 19th 2015. It will next expire on June 30th 2017.

2. The Board has jurisdiction over the parties and the matter pursuant to Iowa Code chapters 17A, 169, and 272C.

Count I

3. Respondent is charged with practicing veterinary medicine while her license was suspended in violation of Iowa Code section 169.4

Count II

4. Respondent is charged with engaging in unethical and unprofessional conduct in violation of 811 IAC 10.6(2)(a) and the AVMA Principles of Veterinary Medical Ethics.

Count III

5. Respondent is charged with committing an act contrary to honesty, justice, or good morals in violation of Iowa Code section 169.13(1)(g) and 811 Iowa Administrative Code section 10.6(2)(c).

B. FACTUAL CIRCUMSTANCES

6. Dr. VanderGaast's license was suspended beginning February 6th 2015 at the direction of the Centralized Collection Unit of the Iowa Department of Revenue.

7. The Board received a release from the Iowa Department of Revenue in June 2015, and subsequent application for reinstatement from the Respondent. In that application, the respondent disclosed her non-compliance with the Board's direction.

8. The Respondent states in an affidavit to the Board that she was not actively practicing during the suspension period, and was uninformed by clinic staff of the notice of suspension. The Board finds this circumstance materially insufficient. Medical records provided by the Respondent substantiate the finding that she engaged in the practice of veterinary medicine during the period of license suspension.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

9. Respondent, Nadia VanderGaast, 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.

10. Respondent shall revaccinate, and reissue an updated rabies vaccination certificate to any patient she administered a rabies vaccination during the period of suspension. That service will be provided at Respondent's sole expense. Proof of revaccination shall be provided to the Board within 30 days of the date this Order is executed.

11. Respondent shall take an additional 10 hours of continuing education for the current triennium, at her sole expense, specifically in the areas of client communications, professionalism, and ethics. The respondent will submit to the Board a list of proposed CE for approval, prior to said classes being taken. These 10 hours are in addition to the hours normally required for any triennium and must be taken within 180 days of the date this Order is executed.

12. Respondent will be placed on probation for the remainder of her current triennium licensing period, concluding June 30th 2017. Respondent shall submit quarterly reports to the Board during this probation beginning March 1st 2016. This quarterly report shall include information regarding her compliance with this Agreement, whether she has been in compliance with the Board's statutes and rules during the quarter, and the nature and location of her practice as a veterinarian.

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

14. By entering into this Agreement and Order, 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.

15. This combined Agreement and Order, is voluntarily submitted by Respondent to the Board for consideration.

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

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

18. 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.

19. This Agreement and Order shall be part of the 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.

20. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final 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).

21. 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.

22. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Veterinary Medicine and the Respondent.

Respondent

Iowa Board of Veterinary Medicine

Nadine Vanduer Laan DVM

By:

Dwayne J. Palmer M.D.

By: Chairperson

11/21/2015
Date

2/18/16
Date

Copies to:

David Van Compernelle
Assistant Attorney General
Iowa Attorney General's Office
Hoover Bldg., 2nd Floor
1305 East Walnut Street
Des Moines, IA 50319

