

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:)	Case: 10-05-17
)	
)	
ROBERT GENZEN)	CONSENT AGREEMENT
523 Nameless Street)	
Manning, Iowa 51455)	
)	
Certification: PS-18-021-07,)	
)	
Appellant.)	

COMES NOW the Iowa Department of Public Health (Department) and Robert Genzen (Appellant), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12(7) enter into the following settlement of this matter:

1. On February 2, 2011, the Department issued a Notice of Proposed Action: Revocation, directed to Appellant.
2. On March 14, 2011, Appellant requested a hearing regarding the proposed revocation.
3. The Department of Inspections and Appeals initially scheduled the matter for hearing on April 7, 2011. The hearing date was continued upon request of the parties and the hearing was rescheduled for September 5, 2012.
4. Appellant hereby withdraws his request for appeal in the above-captioned matter. Execution of this Consent Agreement by all parties constitutes the resolution of this contested case. Appellant waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.

5. This Consent Agreement is subject to approval of the Department. If the Department approves this agreement, it becomes the final disposition of this matter. If the Department fails to approve this agreement, it shall be of no force or effect to either party.

6. This Consent Agreement shall be part of the permanent record of Appellant and shall be considered by the Department in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. This Consent Agreement is a public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code chapters 22 and 272C.

8. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

IT IS THEREFORE ORDERED:

9. The Department hereby rescinds the Notice of Proposed Action: Revocation issued February 2, 2011.

10. Appellant's ability to operate an ambulance shall be SUSPENDED for a period of six months, effective September 1, 2012, through February 28, 2013, in accordance with the terms of this paragraph. Until such time as Appellant has completed the course described in paragraph 11, Appellant shall not under any circumstances operate an ambulance. Following successful completion of the course described in paragraph 11, Appellant may operate an ambulance only in those limited situations in which the ambulance is returning to the location it is normally housed after the ambulance has delivered the patient to the receiving facility. In such circumstances

Appellant shall at all times comply with governing traffic laws. During the entire period of suspension, Appellant shall not under any circumstances operate an ambulance when the ambulance is responding to the scene of a medical or nonmedical emergency call or providing emergency or nonemergency medical transportation as those terms are defined in 641 IAC 132.1. During the period of suspension, the Appellant may continue to provide all other aspects of emergency medical services and procedures for which he is certified.

11. During the period of suspension, Appellant shall successfully complete an Emergency Vehicle Operator Course (Ambulance) based on the Department of Transportation's National Highway Traffic Safety Administration 1995 National Standard Curriculum which includes behind-the-wheel performance. Appellant shall submit the proposed course name, course syllabus, instructor's name, instructor's credentials, and the course curriculum to the Department for approval prior to completing the course. The Department may approve the proposed course, or may designate another course for completion. Appellant shall provide proof of successful course completion to the Department within the period of suspension.

12. Appellant shall provide a copy of the Notice of Proposed Action and this Consent Agreement to any ambulance service or hospital at which he is employed or volunteers, to include direct supervisors, service directors, and medical directors, during the pendency of the suspension and probationary period. Any service which knowingly allows Appellant to operate an ambulance during the period of suspension shall be subject to disciplinary action pursuant to 641 Iowa Administrative Code 132.10(3)"c" and 131.8(3)"g". Within fifteen (15) days of the date of this Agreement, or within fifteen (15)

days of undertaking new employment, the Appellant's direct supervisor, service director, and medical director shall report to the Bureau in writing that they have received this Agreement and understand the terms and conditions thereof.

13. Appellant is responsible for all costs associated with this Agreement.

14. Upon successful completion of the approved course as set forth in paragraph 11 and expiration of the six month period of suspension, Appellant's certification shall be placed on PROBATION for a period of two years, effective March 1, 2013, to February 28, 2015, subject to the following terms and conditions:

a. The medical director of any service for which Appellant is employed or volunteers shall review all emergency medical calls on which Appellant drives or attends to ensure that Appellant's decisions concerning patient ambulance transport (including the use of lights and sirens) are appropriate.

b. Appellant shall make a personal appearance before the Bureau of EMS upon request. Appellant shall be given reasonable notice of the date, time, and place for appearance.

c. Appellant shall obey all federal, state, and local statutes and rules governing the provision of emergency medical services.

d. Appellant shall notify the Department of any change in address within one week of said change.

e. Appellant and Appellant's medical director(s) shall submit quarterly reports to the Department (filed no later than January 10, April 10, July 10, and October 10) which shall include the following information:


i. The time period covered by the report.

ii. Verification that Appellant has complied with the terms of probation as specified in this Consent Agreement and verification that Appellant's medical director(s) has reviewed all emergency medical calls on which Appellant drove or attended to ensure that Appellant's decisions concerning patient transport (including Appellant's use of lights and sirens) were appropriate. If the medical director for any service for which Appellant is employed or volunteers has any concerns regarding Appellant's transport decisions, such medical director shall notify the Bureau immediately.

f. In the event Appellant violates or fail to comply with any of the terms or provisions of suspension or probation, the Department may initiate appropriate action to revoke or suspend Appellant's certification or to impose other appropriate discipline.

AGREED AND ACCEPTED:


Robert Genzen
Appellant


Gerd W. Clabaugh
Deputy Director and
Director, Division of Acute Disease Prevention
and Emergency Response

Dated this 23 day of
August, 2012.

Dated this 30 day of
August, 2012.

Copies mailed to:

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