

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

IN THE MATTER OF: Cindy Ortiz 11903 Esplanade Court # 715 Bellevue, NE 68123-1372 Certification : B-08-253-11	Case Number: 09-04-21 NOTICE OF PROPOSED ACTION REVOCATION
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Pursuant to the provisions of Iowa Code Sections 17A.18, 147A.7, and Iowa Administrative Code (I.A.C.) 641—131.7, the Iowa Department of Public Health is proposing to **REVOKE** your EMS certification identified above.

The department may revoke an EMS certification when it finds that the certificate holder has committed any of the following acts or offenses:

*Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
Iowa Code Section 147A.7(1)f; IAC 641-131.7(2)f*

*Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.
IAC 641—131.7(2)i*

*Habitual intoxication or addiction to drugs
(1) The inability of an EMS provider to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.
Iowa Code section 147A.7(1)g; IAC 641—131.7(2)q*

*Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which relates to the provision of emergency medical care, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.
Iowa Code Section 147A.7(1)j and IAC 641—131.7(2)t*

The following has resulted in issuance of this proposed action:

On January 12, 2007, you entered a consent agreement with the Department placing your EMT-Basic certification on probation for a period of two years. This consent agreement was due to your May 5, 2005 third degree assault conviction and the findings of your substance abuse evaluation indicating amphetamine dependence and cannabis abuse. The terms of the agreement included that you would not consume alcohol or any mood altering chemicals or drugs, attend structured recovery meetings and obtain a sponsor.

The department reserved the right to impose appropriate discipline if you failed to comply with the terms or provisions of the probation.

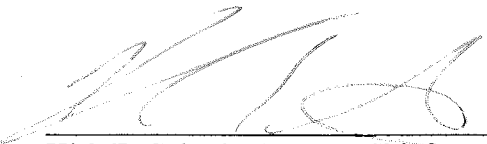
On August 2, 2007, the Department extended your probation to a period of four years. This extension was due to your failure to comply with the terms of the consent order. As part of your probation report, you indicated that you had consumed alcohol on two occasions, failed to attend AA, NA or other similar structured recovery support group meetings and failed to obtain a sponsor until March 15, 2007. The terms of the probation included that you would not consume alcohol or any mood altering chemicals or drugs, attend structured recovery meetings and obtain a sponsor.

The probation notice indicated the department may initiate appropriate action to revoke or suspend your certification if you failed to comply with any of the terms of the probation.

On your probation report dated April 8, 2009, you indicated that on February 22, 2009, you were charged with driving with a blood alcohol level of 0.155. The substance abuse evaluation you provided indicates that you meet criteria for alcohol and amphetamine dependence.

You have the right to request a hearing concerning this notice of disciplinary action. A request for a hearing must be submitted in writing to the Department by certified mail, return receipt requested, within twenty (20) days of receipt of this Notice of Proposed Action. The written request must be submitted to the Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, 321 E 12th St, Des Moines, Iowa 50319. If the request is made within the twenty (20) day time limit, the proposed action is suspended pending the outcome of the hearing. Prior to or at the hearing, the Department may rescind the notice upon satisfaction that the reason for the action has been or will be removed.

If no request for a hearing is received within the twenty (20) day time period, the disciplinary action proposed herein shall become effective and shall be final agency action.



Kirk E. Schmitt, Bureau Chief
Emergency Medical Services

5/6/2009

Date