BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:)	DIA Case No. 09DPHES015 DPH Case No. 09-10-18
Susan Foose 2800 University Ave. PMB 207 West Des Moines, IA 50266-1258)))	CONSENT AGREEMENT
Appellant.)	

COMES NOW the Iowa Department of Public Health ("Department") and Susan Foose ("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 November 5, 2009, the Department issued a Notice of Proposed Action: Revocation/Denial, directed to Appellant.
- 2. On December 11, 2009, Appellant requested a hearing regarding the proposed revocation/denial.
- 3. The Department of Inspections and Appeals scheduled a contested case hearing for March 12, 2010.
- 4. Appellant hereby withdraws her 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.

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- 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 and the Notice of Proposed Action are public records available for inspection and copying 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 rescinds the Notice of Proposed Action: Revocation/Denial issued November 5, 2009.
- 10. Appellant's certification # B-17-347-04 shall be placed on **PROBATION** for a period of two years, subject to the following terms and conditions:
- a. Appellant shall make a personal appearance before the bureau upon request.
 Appellant shall be given reasonable notice of the date, time, and place for appearance.
- b. Appellant shall obey all federal, state, and local statutes, rules, and ordinances. Appellant agrees that should she be convicted of any crime involving theft,

controlled substances, or alcohol during the period of probation her certification shall be suspended or revoked. Appellant agrees that should she be convicted of any other crime during the period of probation her certification may be subject to suspension, revocation, or other appropriate disciplinary action.

- c. Appellant shall obey all federal, state, and local statutes and rules governing the provision of emergency medical services.
- d. Appellant shall notify the bureau of any change in address within one week of said change.
- e. Appellant shall notify any current or prospective employer, to include direct supervisors, service directors and medical directors, of the terms and conditions of this agreement. Within fifteen days of execution of this agreement, or of undertaking new employment, Appellant's direct supervisor, service director and medical director shall report to the bureau, in writing, acknowledging that the employer and medical director have read this document and understand it.
- f. Appellant shall notify any EMS training program she enrolls in for courses leading to certification of this agreement.
- g. Appellant shall submit quarterly reports to the bureau (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 Notice.

- h. In the event Appellant violates or fail to comply with any of the terms or provisions of probation, the Department may initiate appropriate action to revoke or suspend Appellant's certification or to impose other appropriate discipline.
- i. In the event Appellant receives a higher level of certification during the period of probation, the terms and conditions contained in this agreement shall apply to Appellant's higher level of certification.

AGREED AND ACCEPTED:

Susan Foose APPELLANT Kirk E. Schmitt

CHIEF, BUREAU OF EMS

IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 77 day of MAValue, 2010.

Dated this 25 day of MANNIF, 2010.

Copies mailed to:

Heather L. Adams Assistant Attorney General Hoover State Office Building Des Moines, IA 50319

Iowa Department of Inspections and Appeals Administrative Law Judge Margaret LaMarche Division of Administrative Hearings Wallace State Office Building LOCAL Joe Ferrell, Regulation Manager Bureau of Emergency Medical Services Iowa Department of Public Health LOCAL

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