

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Health and Human Services

<p>IN THE MATTER OF:</p> <p>Wadena City Hall Attn: Jeff Marcks/Wadena Illyria First Responders 136A S. Mill St. Wadena, IA 52169</p> <p>Service # 9336600</p>	<p>Case Number: E 23-12-07</p> <p style="text-align: center;">NOTICE OF PROPOSED ACTION</p> <p style="text-align: center;">CITATION AND WARNING/ CIVIL PENALTY</p>
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Pursuant to the provisions of Iowa Code Sections 17A.18, 147A.7, and Iowa Administrative Code (IAC) 641—132.5(147A), the Iowa Department of Health and Human Services is proposing to issue a **CITATION AND WARNING** and impose a **CIVIL PENALTY** of \$250 to the EMS service program authorization identified above

Statutes and Rules. Service program authorization may be denied, issued a civil penalty not to exceed \$1,000, issued a citation and warning, placed on probation, suspended, revoked, or otherwise disciplined by the department in accordance with Iowa Code section 147A.5(3) for any of the following reasons:

132.3(5) Data reporting:

A service program shall report data electronically to the department.

132.3(5)c

A service program shall submit data in a format approved by the department.

132.3(5)d

A service program shall submit reportable data to the department no later than the last day of the month following the month services were provided.

132.3(5)e

A service program will develop, maintain and follow a written data submission policy.

132.3(5)k

132.5(3) Service program authorization may be denied, issued a civil penalty not to exceed \$1,000, issued a citation and warning, placed on probation, suspended, revoked, or otherwise disciplined by the department in accordance with Iowa Code section 147A.5(3) for any of the following reasons:

Failure to submit required reports and documents.

132.5(3)b

Failure or repeated failure of the applicant or alleged violator to meet the requirements or standards established pursuant to Iowa Code chapter 147A or the rules adopted pursuant to that chapter.

132.5(3)f

Factual Circumstances. A Statement of Factual Circumstances has been provided to you as an attachment to this Notice of Proposed Action. This Notice of Proposed Action is a public record as of the date of issuance. The Statement of Factual Circumstances shall become a public record as of the date of final agency action in this matter.

A civil penalty in the amount of \$250 is imposed, and you are hereby **CITED** for failing to report required data to the department. You are **WARNED** that violating the Department's statutes and rules in the future may result in further disciplinary action, including suspension or revocation of your emergency medical care service program authorization. The imposed civil penalty must be paid in full within 90 days of this notice becoming the Department's final action.

Right to Request a Hearing. 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 Health and Human Services, Bureau of Emergency Medical and Trauma Services, Lucas State Office Building, 321 East 12th Street, 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.

Final Agency Action. 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.

Margot McComas

Margot McComas, Chief
Bureau of Emergency Medical and Trauma Services
Iowa Department of Health and Human Services
321 E. 12th St
Des Moines, IA 50319

January 2, 2024

Date

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The following statement of facts supports the allegations contained in the Notice of Proposed Action.

Wadena Illyria First Responders, an authorized EMS service program, failed to report data as required by IAC 132.3(5)c,d,e,k.

8/21/2023: Courtesy notification that no data had been submitted for July and the deadline was the end of August to remain compliant.

9/19/2023: Courtesy notification that no data had been submitted for August and the deadline was the end of September to remain compliant.

10/2/2023: Notification that they were out of compliance as there was no data submitted for August.

10/24/2023: Courtesy notification that no data had been submitted for September and the deadline was the end of October to remain compliant.

11/3/2023: Notification that they were out of compliance as there was no data submitted for September.

A Letter of Warning was sent to Jeff Marcks/Wadena Illyria First Responders and signed for on 12/15/2023. As of this date, the required data has not been entered.

Margot McComas

Margot McComas, Chief
Bureau of Emergency Medical and Trauma Services
Iowa Department of Health and Human Services
321 E. 12th St
Des Moines, IA 50319

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