

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

IN THE MATTER OF: Clint Fousek PO Box 73 Chester, Iowa 52314 Certification: F-28-300-02	Case Number: 12-05-09 NOTICE OF PROPOSED ACTION SUSPENSION
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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 indefinitely **SUSPEND** the emergency medical care provider certification identified above.

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

Knowingly making misleading, deceptive, untrue or fraudulent representations 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 and IAC 641—131.7(3)f

Failure to comply with a subpoena issued by the department or failure to cooperate with an investigation of the department.

IAC 641—131.7(3)h

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(3)t

Failure to respond within 30 days of receipt, unless otherwise specified, of communication from the department which was sent by registered or certified mail.

IAC 641—131.7(3)ab

The following incident resulted in issuance of this proposed action:

You have been convicted of the following crimes:

- Trespassing on August 26, 2006
- Assault on June 2, 2008
- Operating while intoxicated on March 31, 2011
- Driving with a suspended license on January 25, 2012

When completing the retest application for certification as a first responder on August 28, 2009, you denied ever being convicted of, found guilty of or entering a plea of no contest to a misdemeanor or felony crime.

On September 15, 2009, you denied being convicted of, found guilty of or entering a plea of no contest to a misdemeanor or felony crime during the certification period of September 16, 2006 through September 30, 2009 when completing the renewal application for your emergency medical care provider certification.

On August 24, 2011, you denied being convicted of, found guilty of or entering a plea of no contest to a misdemeanor or felony crime during the certification period of October 1, 2009 through September 30, 2011 when completing the renewal application for your emergency medical care provider certification.

On May 25, 2012, a letter was received by you requesting information concerning the convictions identified above and requesting that you explain why the convictions were not previously reported. The letter instructed you to provide the requested information within 30 days. As of the date of this notice, you have failed to provide the requested information.

Your certification shall be suspended until:

- 1) You provide the information requested in the letter dated May 11, 2012.
- 2) The information is reviewed and approved by the Department.

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.



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

7-24-12

Date