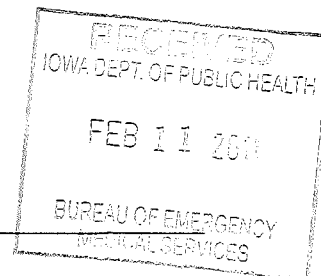


BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:)
)
)
MICHAEL FORSCHLER)
1266 South Goodrich Street)
Colfax, IA 50054-75552)
)
Certification # PS-11-001-09,)
Appellant.)

DIA Case No. 10DPHES016
DPH Case No. 10-01-06

CONSENT AGREEMENT



COMES NOW the Iowa Department of Public Health ("Department") and Michael Forschler ("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 July 28, 2010, the Department issued a Notice of Proposed Action: Suspension/Probation, directed to Appellant.
2. On August 12, 2010, Appellant requested a hearing regarding the proposed suspension/probation.
3. The Department of Inspections and Appeals scheduled a contested case hearing for September 21, 2010, which was continued upon request of both parties.
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 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 Appellant's certification PS-11-001-09 is hereby placed on **PROBATION** for a period of two years, subject to the following terms and conditions:

a. Within sixty (60) days of the execution of this Consent Agreement, the Appellant shall successfully complete sexual harassment training. Prior to attending the course, the Appellant shall submit the proposed course name, course syllabus, instructor's name, instructor's credentials, and the course curriculum to the Department for approval. The Department may approve the proposed course, or may designate another course located within Iowa for completion. This approval or alternative recommendation shall

be provided within five (5) business days of Appellant's submittal. The Appellant is responsible for all costs associated with the course and shall provide proof of successful course completion to the Department within ninety (90) days of the execution of this Agreement.

b. Appellant 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 this

Agreement.

c. Appellant shall make a personal appearance before the Department upon request. Appellant shall be given reasonable notice of the date, time, and place of appearance.

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

e. Appellant shall notify any current or prospective employer, to include direct supervisors, service directors, and medical directors (collectively referred to as "Supervisors") of the terms, conditions, and restrictions imposed by this Agreement.

Within thirty (30) days of the execution of this Agreement, or of undertaking new employment, these Supervisors shall affirm in writing that they have reviewed the Notice

of Proposed Action and this Agreement and shall provide such written affirmation to the Department.

f. Appellant shall notify any EMS training program he enrolls in for courses leading to certification of this Agreement.

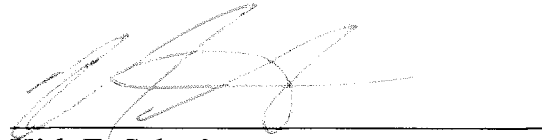
g. Appellant shall notify the Department of any change in address within one week of said change.

h. In the event Appellant violates or fails to comply with any of the terms or provisions of this Agreement, the Department may initiate appropriate action to revoke or suspend Appellant's certification or to impose other appropriate discipline.

i. In addition to the above terms and conditions, Appellant agrees that if the Department receives a complaint that Appellant has engaged in inappropriate or unethical conduct during the period of probation, including but not limited to making suggestive, lewd, lascivious or improper remarks or advances to or about a patient or co-worker, or engaging in verbal or physical conduct of a sexual nature with a patient, co-worker, student, or supervisee, and this complaint is substantiated with probable cause, the Department is authorized to revoke Appellant's certification # PS-11-001-09 in conformance with the procedures outlined in the Iowa Code and the Iowa Administrative Code.

AGREED AND ACCEPTED:


Michael Forschler
APPELLANT


Kirk E. Schmitt
CHIEF, BUREAU OF EMS
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 1 day of
February, 2011.

Dated this 11 day of
February, 2011.

Copies mailed to:

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Iowa Department of Inspections and Appeals
Administrative Law Judge Margaret LaMarche
Division of Administrative Hearings
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LOCAL

Joe Ferrell, Regulation Manager
Bureau of Emergency Medical Services
Iowa Department of Public Health
LOCAL