

COPY

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:)	DIA Case No. 14DPHES003
)	DPH Case No. 13-12-08
)	
Donald Lucas)	CONSENT AGREEMENT
2410 Saylor Road)	
Des Moines, IA 50313-5037)	
)	
Appellant.)	

COMES NOW the Iowa Department of Public Health ("Department") and Donald Lucas ("Appellant"), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12 enter into the following settlement of this matter:

1. On May 9, 2014, the Department issued a Notice of Proposed Action: Revocation, directed to Appellant's Certification # PM-18-117-08.
2. On June 14, 2014, Appellant requested a hearing regarding the proposed revocation.
3. The Department of Inspections and Appeals initially scheduled a contested case hearing for July 22, 2014. The hearing was continued at the request of both parties. A contested case hearing is currently scheduled for September 25, 2014.
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 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.

9. The Notice of Proposed Action: Revocation indicates Appellant was scheduled to be on criminal probation until April 2015 for the Theft 3rd conviction. Appellant was discharged from criminal probation on September 17, 2014.

IT IS THEREFORE ORDERED:

10. The Department hereby rescinds the proposed revocation contained in the Notice of Proposed Action: Revocation issued May 9, 2014. Appellant's certification # PM-18-117-08 shall be placed on **PROBATION** for a period of two (2) 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 and rules governing the provision of emergency medical services.
- c. Appellant shall not be convicted of any crime.
- 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 of this Agreement by way of emailing this Agreement to Appellant's direct supervisors, service directors and medical directors, with a copy of such email(s) to the bureau. Appellant shall request that Appellant's direct supervisor, service director and medical director respond to the bureau, by way of email, acknowledging that the employer and medical director have read this document and understand it.
- f. Appellant shall notify any EMS training program he enrolls in for courses leading to certification of this Agreement by way of emailing this Agreement to the training program, with a copy of such email to the bureau. Appellant shall request that the training program and medical director respond to the bureau, by way of email, acknowledging that the training program and medical director have read this document and understand it.
- 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:

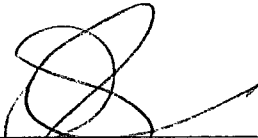
- i. The time period covered by the report.
- ii. Verification that Appellant has complied with the terms of probation

as specified in this Agreement.

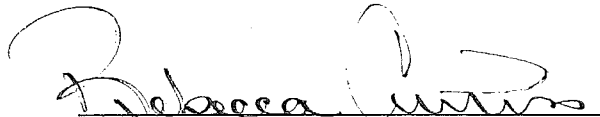
h. In the event Appellant violates or fail to comply with any of the terms or provisions of probation, the Department may initiate appropriate action to revoke or suspend Appellant's certification or to impose other appropriate discipline.

i. In the event Appellant has any change in level of certification during the period of probation, the terms and conditions contained in this agreement shall apply to Appellant's new level of certification.

AGREED AND ACCEPTED:



Donald Lucas
APPELLANT



Rebecca Curtiss
BUREAU CHIEF
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 18 day of
September 2014.

Dated this 24 day of
September 2014.

Copies mailed to:

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Assistant Attorney General
Hoover State Office Building

COPY

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