

including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.

6. 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.

7. 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.

8. 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.

9. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

10. The Department rescinds the disciplinary action proposed in the Notice of Proposed Action issued March 5, 2015.

IT IS THEREFORE ORDERED:

11. Appellant's certification # PM-17-108-02 shall be **INDEFINITELY SUSPENDED**. Appellant may apply for reinstatement of his certification on or after December 21, 2015. The Department shall consider Appellant's application for reinstatement upon a showing that he has remained abstinent from alcohol and mood altering drugs and chemicals and has complied with the recommendations of the facility

at which he received his substance abuse evaluation and any facility at which he receives substance abuse treatment.

12. If the Department approves Appellant's application for reinstatement, the Appellant's certification shall be placed on **PROBATION** for a period of three years from the date of reinstatement of his certification, subject to the following terms and conditions:

a. Appellant shall follow all treatment and aftercare recommendations made by the facility at which he received his substance abuse evaluation and treatment and any subsequent facility at which he receives substance abuse treatment, including attending two meetings at the facility per month to monitor his recovery.

b. Appellant shall attend AA, NA or similar structured recovery support group meetings twice a week. Appellant shall obtain a sponsor and have at least weekly contact with his sponsor.

c. Appellant shall not consume alcohol or any mood altering chemicals or drugs and shall not use any prescription medication unless prescribed or dispensed by a physician in an appropriate manner. Appellant shall not consume any foods containing poppy seeds or alcohol or use products containing alcohol.

d. Appellant shall immediately provide a specimen of blood or urine when requested to do so by a bureau investigator or designee. Appellant agrees that all confirmed, positive tests shall be presumed valid and that he has the burden of proof to establish that a positive report was erroneous. Appellant shall sign all necessary release of information forms to ensure the bureau office receives results from the testing as soon as the results are available. The cost of all such tests shall be assessed to Appellant.

e. 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.


f. 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.

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


h. Appellant shall notify the bureau of any change in address within one week of said change.

i. In the event Appellant violates or fail 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.

AGREED AND ACCEPTED:



Joe L. Poschner
APPELLANT

 *Division Director, for*

Rebecca Curtiss
BUREAU CHIEF
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 10 day of
April, 2015.

Dated this 13th day of
April, 2015.

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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