

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

<p>IN THE MATTER OF:</p> <p>Oto Community Ambulance Service PO Box 25 Oto, IA 51044</p> <p>Service #: 2972100</p>	<p>Case Number: 09-01-14</p> <p style="text-align: center;">NOTICE OF PROPOSED ACTION</p> <p style="text-align: center;">CITATION AND WARNING</p>
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Pursuant to the provisions of Iowa Code Sections 17A.18, 147A.5 and Iowa Administrative Code (I.A.C.) 641--132.10(3), the Iowa Department of Public Health is proposing to issue a **Citation and Warning** to the service program identified above.

The department may issue a citation and warning when a service program has committed any of the following acts or offenses:

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.
IAC 641-132.10(3)f

Failure to correct a deficiency within the time frame required by the department.
IAC 641-132.10(3)i

Ambulance and nontransport service programs shall:
IAC 641-132.8(3)

Utilize department protocols as the standard of care. The service program medical director may make changes to the department protocols provided the changes are within the EMS provider's scope of practice and within acceptable medical practice. A copy of the changes shall be filed with the department.
IAC 641-132.8(3)b

Ensure that the appropriate service program personnel respond as required in this rule and that they respond in a reasonable amount of time.
IAC 641-132.8(3)g

Implement a continuous quality improvement program that provides a policy to include as a minimum:
(1) Medical audits.
(2) Skills competency.
(3) Follow-up (loop closure/resolution).
IAC 641-132.8(3)m

Equipment and vehicle standards. The following standards shall apply:
IAC 641-132.8(4)

All EMS service programs shall carry equipment and supplies in quantities as determined by the medical director and appropriate to the service program's level of care and available certified EMS personnel and as established in the service program's approved protocols.
IAC 641-132.8(4)b

All drugs shall be maintained in accordance with the rules of the state board of pharmacy examiners.
IAC 641-132.8(4)d

Accountability for drug exchange, distribution, storage, ownership, and security shall be subject to applicable state and federal requirements. The method of accountability shall be described in the written pharmacy agreement. A copy of the written pharmacy agreement shall be submitted to the department.
IAC 641-132.8(4)e

Preventative maintenance. Each ambulance service program shall document a preventative maintenance program to make certain that:
IAC 641-132.8(5)

The medical director's duties include, but need not be limited to:
IAC 641-132.9(2)

Monitoring and evaluating the activities of the service program and individual personnel performance, including establishment of measurable outcomes that reflect the goals and standards of the EMS system.
IAC 641-132.9(2)c

Developing and approving an applicable continuous quality improvement policy demonstrating type and frequency of review, including an action plan and follow-up.
IAC 641-132.9(2)g

Supervising physicians, physician designees, or other appointees as defined in the continuous quality improvement policy referenced in 132.9(2) "g" may assist the medical director by:

- a. Providing medical direction.*
- b. Reviewing the emergency medical care provided.*
- c. Reviewing and updating protocols.*
- d. Providing and assessing continuing education needs for service program personnel.*
- e. Helping to resolve operational problems.*

IAC 641—132.9(3)

The medical director or other qualified designees shall randomly audit (at least quarterly) documentation of calls where emergency medical care was provided. The medical director shall randomly review audits performed by the qualified appointee. The audit shall be in writing and shall include, but need not be limited to:

- a. Reviewing the patient care provided by service program personnel and remedying any deficiencies or potential deficiencies that may be identified regarding medical knowledge or skill performance.*
- b. Response time and time spent at the scene.*
- c. Overall EMS system response to ensure that the patient's needs were matched to available resources including, but not limited to, mutual aid and tiered response.*
- d. Completeness of documentation.*

IAC 641—132.9(4)

A service program shall:

a. Submit reportable patient data identified in 136.2(1) via electronic transfer or in writing. Data shall be submitted in a format approved by the department.

b. Submit reportable patient data identified in 136.2(1) to the department for each calendar quarter. Reportable patient data shall be submitted no later than 90 days after the end of the quarter.

IAC 641—136.2(3)

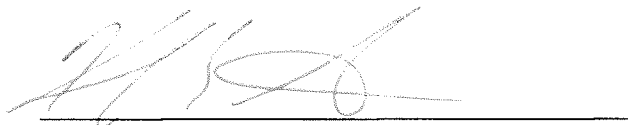
The following events have led to this action:

The Bureau of EMS performed an on-site inspection of Oto Community Ambulance Service on November 11, 2008. At the time of the inspection, deficiencies were identified and the service was given 30 days to resolve the deficiencies. A follow-up letter dated January 6, 2009, issued after communications with Oto Community Ambulance Service, extended the deadline to January 20, 2009. On the date of this action, the above deficiencies remain unresolved.

The service is hereby **CITED** for identified uncorrected service program deficiencies. The service is hereby **WARNED** that continued violation of the Department's rules may result in further disciplinary action, including suspension or revocation of Respondent's service program authorization.

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.



Kirk E. Schmitt, Bureau Chief
Emergency Medical Services

2/9/2009
Date