

Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building – Third Floor
Des Moines, Iowa 50319

In the Matter of)	CASE No. 14-06-06
)	DIA No. 14DPHES006
Rock Valley Ambulance Service)	
1302 Main Street)	
Rock Valley, IA 51247)	PROPOSED DECISION
)	
Service #2840100)	

On June 5, 2014, the Department of Public Health-Emergency Medical Services Bureau (Department) issued a Notice of Proposed Action-Citation and Warning to the Rock Valley Ambulance Service (Appellant). An appeal was filed, and a telephone hearing was held before Administrative Law Judge Margaret LaMarche on July 22, 2014 at 2:30 p.m. Assistant Attorney General Heather Adams represented the Department. The Appellant was self-represented by its President, Jerry Schlotfeldt. The Appellant elected to have a closed hearing, pursuant to Iowa Code section 272C.6(1).

THE RECORD

The record includes the Notice of Telephone Hearing, testimony of Steve Mercer and Jerry Schlotfeldt, and Department Exhibits 1-6.

FINDINGS OF FACT

Steve Mercer is an Executive Officer with the Iowa Department of Public Health-Division of Acute Disease Prevention and Emergency Response (department) and is responsible for program management and oversight of all Emergency Medical Services (EMS) Authorized Service Programs. Mercer also manages the disciplinary actions for all authorized service programs and all certified EMS providers. (Steve Mercer testimony)

Rock Valley Ambulance Service is located in Rock Valley, Iowa and is an EMS based authorized ambulance service. Like 249 other service programs in Iowa,

Rock Valley Ambulance Service is staffed entirely with volunteers. With proper staffing, Rock Valley Ambulance Service may provide up to the EMT-intermediate level of service. (Department Exhibit 5; Steve Mercer testimony)

A "service program" or "service" means any medical care ambulance service or nontransport service that has received authorization from the department under Iowa Code section 147A.5.¹ The Department's records indicate that the Service Director and Contact person for Rock Valley Ambulance Service is Jerry Schlotfeldt. (Steve Mercer testimony; Department Exhibit 5)

All authorized service programs are required to submit "reportable patient data," to the Department each calendar quarter. The Department's rules incorporate the "Iowa EMS Patient Registry Date Dictionary (August 2007)" by reference for the inclusion criteria and reportable patient data to be reported to the Department. The reportable patient data is used at the local, state, and national levels to perform quality assurance. The data that is required to be submitted includes such information as: response and scene times; types of patients and patient conditions; assessment findings; skills, equipment and staff utilized; adherence to protocols; and transportation destinations. (Steve Mercer testimony; Department Exhibit 2)

The data must be submitted by electronic transfer no later than 90 days after the end of the quarter. If the data is not submitted in a timely manner, the Department's ability to perform quality assurance is compromised. Service programs are made aware of these reporting requirements at the time they are authorized, during the educational programs provided to their service directors and medical directors, and during their on-site inspection, which is conducted by the Department every three years. In addition, the reporting requirements are found in two different chapters of the Department's published rules pertaining to service programs. (Steve Mercer testimony; Department Exhibit 2)

Anita Bailey is the Department's Regional EMS Coordinator who has oversight for 27 counties in northwest Iowa.

- On January 7, 2014, Bailey sent an email to Jerry Schlotfeldt to tell him that the Department had not received data from Rock Valley Ambulance since September 2012. On January 21, 2014, Schlotfeldt sent a responsive

¹ Iowa Code section 147A.1(8)(2013).

email to Bailey acknowledging that there was a problem. (Department Exhibit 5; Steve Mercer testimony)

- On February 26, 2014, Bailey sent Schlotfeldt a follow-up email. In her email, Bailey stated that the Department had been very patient with Rock Valley Ambulance Service regarding their data submission noncompliance. No data had been entered since September 2012 even though Bailey and Schlotfeldt had several conversations. Bailey noted that in May 2013, Schlotfeldt reported the purchase of an adapter to enter the reports. Bailey's email notified Schlotfeldt that Rock Valley must enter all of the missing data by March 28, 2014 to prevent possible disciplinary action. Bailey asked Schlotfeldt to contact her with a plan. (Department Exhibit 3; Steve Mercer testimony)
- Schlotfeldt responded to Bailey by email dated February 27, 2014. In his email, Schlotfeldt stated that Rock Valley Ambulance was getting new software from Tri-Tech. He indicated that once the software was up and running they would be doing all of their runs on a laptop and the data would be sent within 48 hours of the run. He further stated that Tri-Tech would be doing all of the "old runs" from March 2013 to the present. Schlotfeldt apologized for the failure of the "checks and balances." (Department Exhibit 3; Steve Mercer testimony)
- Schlotfeldt called Bailey on March 10, 2014 and reported that they had gone with a new billing company to try to resolve their data submission issue. Bailey gave Schlotfeldt contact information for MedMedia and told him to set up an account. (Department Exhibit 5; Steve Mercer testimony)
- On April 18, 2014, Bailey sent another email to Schlotfeldt. Bailey again provided the contact information for MedMedia and told Schlotfeldt to contact MedMedia to set up a WebCUR account. Bailey gave Schlotfeldt until May 17, 2014 to enter all of the data from 2013 to avoid disciplinary action. (Department Exhibit 3; Steve Mercer testimony)
- On April 24, 2014, Bailey sent another email to Schlotfeldt informing him that there were still no entries in the system from Rock Valley Ambulance from 2013 or 2014. (Department Exhibit 3; Steve Mercer testimony)

WebCUR is the software platform that the Department uses to receive reportable data from service programs. There have been some technical problems with WebCUR in the past, but the problems have been resolved. As of June 2, 2014, Rock Valley Ambulance still had not submitted the patient data from 2013 and there had only been a partial submission of data for 2014. On June 2, 2014, Bailey emailed Schlotfeldt to tell him that the Department was pursuing disciplinary

action against Rock Valley Ambulance. (Department Exhibits 3, 5; Steve Mercer testimony)

On June 5, 2014, the department issued Rock Valley Ambulance Service a Notice of Proposed Action-Citation and Warning for its failure to submit the reportable patient data. The service was warned that continued violation of the department's rules could result in further disciplinary action, including suspension or revocation of the service program's authorization. (Department Exhibit 1)

Jerry Schlotfeldt filed an appeal on behalf of Rock Valley Ambulance Service. (Department Exhibit 6) In his appeal letter and at hearing, Jerry Schlotfeldt explained some of the reasons for the delays in submitting the patient data to the Department. After learning that Rock Valley's patient data had not been submitted by their former secretary, Schlotfeldt also discovered that their software was outdated and was getting shut down. They purchased a new computer and new software and started working on entering the data for the current year but then found out that they would have to go through WebCUR to enter the data from 2013. The woman who was assigned to help them at WebCUR left on vacation for two weeks. After she returned, they kept getting locked out and having to call tech support to get on the system again. As of May 17, 2014, they were still missing 5 quarters of data. As of the date of the hearing, Rock Valley was current in its submission of patient data and was set up so that all of the patient data was being transmitted electronically within 24 hours of the run. (Jerry Schlotfeldt; Steve Mercer testimony)

A citation and warning has no impact on the service program's ability to provide emergency medical services. The Department has consistently issued Citation and Warnings to other service programs who failed to submit reportable patient data in a timely manner. Since January 1, 2014, the Department has issued five (5) Citation and Warnings to service programs for failure to submit reportable patient data. In addition, one service program was suspended for its failure to submit patient data. (Steve Mercer testimony)

CONCLUSIONS OF LAW

The legislature has directed the Department to adopt rules pertaining to the operation of ambulance, rescue, and first response services which have received

authorization to utilize the services of emergency medical services providers.² The Department has adopted rules governing service programs at 641 IAC chapters 132 and 136. 641 IAC 132.8 specifies the service program operational requirements. It states, in relevant part, that ambulance and nontransport service programs shall:

q. Submit reportable patient data identified in subrule 132.8(7) via electronic transfer. Data shall be submitted in a format approved by the department.

r. Submit reportable patient data identified in subrule 132.8(7) to the department for each calendar quarter. Reportable patient data shall be submitted no later than 90 days after the end of the quarter.

641 IAC 132.8(7) states that the Iowa EMS Patient Registry Data Dictionary identified in 641-paragraph 136.2(1)"c" is adopted and incorporated by reference for inclusion criteria and reportable patient data.

641 IAC 136.2(1)"c" provides that the "Iowa Trauma Patient Data Dictionary" (August 2007) is incorporated by reference for inclusion criteria and reportable patient data to be reported to the department. For any differences which may occur between the adopted reference and this chapter, the administrative rules shall prevail.

641 IAC 136.2(3) specifies the same reporting requirement for service programs as those found in chapter 132 and states that a service program shall submit reportable patient data identified in 136.2(1) via electronic transfer in a format approved by the department.³ The reportable patient data must be submitted to the department for each calendar quarter, no later than 90 days after the end of the quarter.⁴

The Department is authorized to issue a civil penalty not to exceed \$1000, to issue a citation and warning, to put a service program on probation, to suspend or revoke a service program authorization, or the otherwise discipline a program in accordance with Iowa Code chapter 147A and 641 IAC 132.10(3), for:

² Iowa Code section 147A.4(1)(2013).

³ 641 IAC 136.2(3)"a."

⁴ 641 IAC 136.2(3)"b."

...

f. 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.

...

i. Failure to correct a deficiency within the time frame required by the department.

Pursuant to these rules, the Department was fully authorized to issue a Citation and Warning to Rock Valley Ambulance Service for its failure to submit reportable patient data in a timely manner, as required by 641 IAC 132.8(3)"q", 132.8(7) and 641 IAC 136.2(3) and 136.2(1)"c" and for its failure to correct those reporting deficiencies within the time frame required by the department, in violation of 641 IAC 132.10(3)(i).

Rock Valley Ambulance was provided more than sufficient opportunity to comply with the patient data reporting requirements. Rock Valley had notice of these requirements through the Department's published rules, through information provided when the service was first authorized, and through subsequent training. Moreover, the Department's regional coordinator sent a series of emails to Rock Valley's Service Director over a period of four months, which repeatedly notified him of the missing data and offered technical assistance to get the data submitted. Nevertheless, Rock Valley failed to submit its missing patient data to the department by the established deadline of May 17, 2014. As of May 17, 2014, Rock Valley Ambulance was still missing five quarters of its patient data.

The proposed disciplinary action of a Citation and Warning was reasonable and should be affirmed. A Citation and Warning is proportionate to the reporting violations, is consistent with prior disciplinary actions by the Department, and is the least serious discipline that can be imposed. The Citation and Warning does not interfere with the service program's ability to serve the public but creates a record of the reporting deficiency.

ORDER

IT IS THEREFORE ORDERED that the Notice of Proposed Action-Citation and Warning, issued to Appellant Rock Valley Ambulance Service on June 5, 2014 by the Iowa Department of Public Health, is hereby AFFIRMED.

Dated this 4th day of August, 2014.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319

cc: Jerry Schlotfeldt, Rock Valley Ambulance Service, 1302 Main Street, Rock Valley, Iowa 51247 (CERTIFIED MAIL);
Heather Adams, Assistant Attorney General, Hoover State Office Building, Des Moines, Iowa 50319 (LOCAL);
Rebecca Curtis and Steve Mercer, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319 (LOCAL)

This proposed decision and order becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director of the Department of Public Health is taken as provided in subrule 131.12(11). Any appeal to the director for review of this proposed decision and order shall be filed in writing and mailed to the director of the Department of Public Health by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. Any request for appeal shall state the reason for the appeal. 641 IAC 131.12(11).

