

Before the Iowa Department of Public Health

IN THE MATTER OF: UnityPoint Health – St. Luke’s Sioux City 2720 Stone Park Blvd Sioux City, IA 51104-3734 PETITIONER	CONSENT AGREEMENT PROBATION
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COMES NOW the Iowa Department of Public Health ("Department") and UnityPoint Health – St. Luke’s Sioux City (“Petitioner”), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 134.3 enter into the following settlement of this matter:

1. Petitioner is currently verified as a Level III Trauma Care Facility with an expiration date of July 1, 2022.
2. On October 11, 2018, the Petitioner was issued a Citation and Warning by the Bureau of Emergency and Trauma Services for failure to comply with criteria for Level III Trauma Care Facility categorization.
3. On March 4, 2020, the Petitioner was issued a second Citation and Warning due to failure to comply with criteria for Level III Trauma Care Facility categorization.
4. On April 5, 2021, the Petitioner submitted a Self-Assessment Categorization Application for reverification as a Level III Trauma Care Facility.
5. On May 24, 2021, the Department conducted a Survey Visit for verification in accordance with IAC 641-134.2(7).
6. During the Survey Visit, the Department determined the Petitioner failed to comply with criteria for Level III Trauma Care Facility categorization, as evidenced by 47 criteria deficiencies, including five Type I deficiencies.
7. On July 13, 2021, the Department placed the Level III Trauma Care Facility verification of the Petitioner on probation for a period of one year, effective August 2, 2021 to August 2, 2022. The Department further required the facility to submit a plan of correction to the

Department and to participate in a Focused Visit to evaluate adherence to the plan of correction.

8. On April 18, 2022, the Focused Visit for verification follow-up was conducted by the State Trauma Verification Survey Team to evaluate the progress of the trauma program. The Petitioner successfully resolved 44 of the 47 criteria deficiencies.
9. The Petitioner demonstrated a substantial commitment to improving the program. However, the facility failed to comply with three criteria for Level III Trauma Care Facility categorization, as evidenced by the continued criteria deficiencies.
10. The Department may deny verification of a Trauma Care Facility if the facility has not been or will not be operated in compliance with Iowa Code section 147A.23 or IAC 641—134 (*IAC 641—134.3(1)*)
11. Petitioner agrees to enter into this Consent Agreement as a condition of maintaining verification as a Level III Trauma Care Facility. Execution of this Consent Agreement by all parties constitutes the resolution of this case. Petitioner waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.
12. 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.
13. This Consent Agreement shall be part of the permanent record of Petitioner 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.
14. This Consent Agreement is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 22.
15. 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:

16. The Petitioner's verification as a Level III Trauma Care Facility shall be placed on an extended probation. The current probationary term of August 2, 2021, to August 2, 2022, shall be extended through August 3, 2023.

17. The Petitioner agrees to correct the following deficiencies from the "Resources for the Optimal Care of the Injured Patient 2014" (6th Edition):

a. **Criteria (2-2)** – Surgical commitment is essential for a properly functioning trauma center.

Deficiency – The hospital does not demonstrate surgical commitment for a Level III trauma care facility.

Resolution – Provide quarterly reports to the State of Iowa Trauma Nurse Coordinator, for the 12 months during the probationary period, which demonstrates surgical commitment to the trauma care facility. These reports may include, but not be limited to the following: compliance with meeting attendance requirements, compliance with surgeon response time to trauma activations in the Emergency Department, active participation in the PIPS program by each trauma surgeon, strong leadership and commitment by the Trauma Medical Director, and additional supporting evidence of surgical commitment to the trauma care facility.

b. **Criteria (2-8)** – For Level III trauma centers, it is expected that the surgeon will be in the emergency department on patient arrival, with adequate notification from the field. The maximum acceptable response time for the highest-level activation tracked from patient arrival is 30 minutes. The minimum criteria for full trauma team activation are provided in Table 2 in Chapter 5. The program must demonstrate that the surgeon's presence is in compliance at least 80 percent of the time.

Deficiency – The trauma center has not demonstrated the surgeon’s response time for the highest-level activations is in compliance at least 80 percent of the time.

Resolution – Provide quarterly reports to the State of Iowa Trauma Nurse Coordinator, for the 12 months during the probationary period, which demonstrates surgeon response time to the highest-level activations is in compliance at least 80 percent of the time.

- c. **Criteria (16-15)** – Each member of the committee must attend at least 50 percent of all multidisciplinary trauma peer review committee meetings.

Deficiency – Each member of the committee has not attended at least 50 percent of all multidisciplinary trauma peer review committee meetings.

Resolution – Provide quarterly documentation to the State of Iowa Trauma Nurse Coordinator for the 12 months during the probationary period, which demonstrates compliance with meeting attendance requirements of at least 50 percent for all members of the multidisciplinary trauma peer review committee.

- 18. The Petitioner shall maintain all other Trauma Level III criteria and if the Petitioner does not have the capacity or capability to fully resolve criteria deficiencies by the given deadlines, the facility may elect to submit a self-assessment categorization application to the Department for verification as a Level IV Trauma Care Facility. In the event the Petitioner elects to be identified as a Level IV Trauma Care Facility:


- a. Petitioner shall notify the Trauma Coordinators of other Level III and Level IV Trauma Care Facilities that routinely transport transfer patients to UnityPoint Health St. Luke’s Sioux City of the change of verification to a Level IV Trauma Care Facility.
- b. Petitioner shall notify the service directors of emergency medical service programs that routinely transport trauma patients to UnityPoint Health St. Luke’s Sioux City of the change of verification to a Level IV Trauma Care Facility.

- c. The Petitioner will maintain documentation of the notifications to trauma facilities and emergency medical service programs.
- d. Nothing in this consent agreement prevents the Petitioner from obtaining re-verification as a Level III Trauma Care Facility upon successful submission of a complete Categorization Application for re-verification as a Level III Trauma Care facility, verification by site visit, and approval by the Department.

19. In the event the Petitioner violates or fails to comply with any of the terms or provisions of probation, the Department may initiate appropriate action to revoke or suspend Petitioner's verification or to impose other appropriate discipline.

20. There shall be no costs or monetary penalties issued as part of this Consent Agreement.

AGREED AND ACCEPTED:



Lorenzo Suter, CEO
UnityPoint Health St. Luke's Sioux City
PETITIONER

Ken Sharp, Division Director
Acute Disease Prevention
Emergency Response and Environmental Health

Dated this 23rd day of May, 2022.

Dated this 26th day of May, 2022.

Copies mailed to:
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Assistant Attorney General
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