

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

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|                              |   |                          |
|------------------------------|---|--------------------------|
| IN THE MATTER OF:            | ) | DIA Case No. 09DPHES0021 |
|                              | ) | DPH Case No. 09-01-04    |
|                              | ) |                          |
| Scott Schuldt                | ) | <b>CONSENT AGREEMENT</b> |
| 130 1 <sup>st</sup> Street N | ) |                          |
| Maynard, IA 50622            | ) |                          |
|                              | ) |                          |
| Appellant.                   | ) |                          |

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COMES NOW the Iowa Department of Public Health ("Department") and Scott Schuldt ("Appellant"), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12(7) enter into the following settlement of this matter:

1. On January 21, 2009, the Department issued a Notice of Proposed Action: Denial, directed to Appellant.
2. On January 29, 2009, Appellant requested a hearing regarding the proposed denial.
3. The Department of Inspections and Appeals initially scheduled the matter for hearing on February 24, 2009. The hearing date was continued upon request of the parties to March 9, 2009.
4. Appellant provided documentation to the Department on February 18, 2009, in response to the Department's request of December 8, 2008.
5. 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 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.

IT IS THEREFORE ORDERED:

10. The Department rescinds the Notice of Proposed Action: Denial issued January 21, 2009.

11. Appellant is hereby **CITED** for failing to report two criminal convictions to the Department and for failing to respond to the Department's request for information, in violation of 641 IAC 131.7(2)"d". Appellant is hereby **CITED** for violating statutes of this state which relate to the provision of emergency medical care, including crimes involving burglary, theft, and substance abuse, in violation of 641 IAC 131.7(2)"t".

Appellant is hereby **WARNED** that failure to provide accurate and timely information to

the Department or failure to comply with Department statutes and rules in the future may result in future disciplinary action, including suspension or revocation of Appellant's certification to practice as an emergency medical care provider in the state of Iowa.

12. Appellant's certification # F-28-302-01 shall be placed on **PROBATION** for a period of two years following the date of its issuance, subject to the following terms and conditions:

a. Appellant shall make a personal appearance before the Bureau of EMS upon request. Appellant shall be given reasonable notice of the date, time, and place for appearance.

b. Appellant shall notify any current or prospective employer or service, including direct supervisors, service directors, and medical directors, of the terms and conditions of this Agreement. Within fifteen days of the execution of this Agreement, and within fifteen days of undertaking new employment or volunteer status, Appellant's direct supervisor, service director, and medical director shall report to the Department, in writing, acknowledging that the employer and medical director have reviewed the Notice of Proposed action and this Agreement.

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

d. Appellant shall notify the Bureau of any change in address within one week of said change.

e. Appellant shall submit quarterly reports to the Department (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.

f. 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:



Scott Schuldt  
APPELLANT



Kirk E. Schmitt  
CHIEF, BUREAU OF EMS  
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 7 day of  
March, 2009.

Dated this 27th day of  
March, 2009.

Copies mailed to:

Heather L. Adams  
Assistant Attorney General  
Hoover State Office Building  
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

Scott Schuldt  
130 1<sup>st</sup> Street N  
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