

**RESTRICTED DELIVERY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

IN THE MATTER OF:	Case Number: 09-09-27
Aaron Bowen 4750 Madison Avenue Des Moines, Iowa 50310-2720	NOTICE OF PROPOSED ACTION
Certification: B-08-229-01	<b>REVOCATION</b>

Pursuant to the provisions of Iowa Code Sections 17A.18, 147A.7, and Iowa Administrative Code (I.A.C.) 641—131.7, the Iowa Department of Public Health is proposing to **REVOKE** your EMS certification identified above.

The department may revoke an EMS certification when it finds that the certificate holder has committed any of the following acts or offenses:

*Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.  
Iowa Code Section 147A.7(1)f and IAC 641—131.7(2)f*

*Failure to comply with a subpoena issued by the department or failure to cooperate with an investigation of the department.  
IAC 641—131.7(2)h*

*Habitual intoxication or addiction to drugs.  
Iowa Code Section 147A.7(1)g and IAC 641-131-7(2)q*

*Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which relates to the provision of emergency medical care, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.  
Iowa Code Section 147A.7(1)j and IAC 641—131.7(2)t*

*Failure to respond within 30 days of receipt, unless otherwise specified, of communication from the department which was sent by registered or certified mail.  
IAC 641—131.7(2)ab*

The following incidents resulted in issuance of this proposed action:

You have been convicted of:

- 1) Operating while intoxicated in 2008
- 2) Operating while intoxicated, second offense, in 2009

On May 28, 2009, the Department issued you a Confidential Letter of Warning concerning your 2008 conviction. The letter advised you that further violation of the Bureau's statutes or

administrative rules could result in the filing of formal disciplinary action against your certification. The letter also advised you to maintain abstinence from alcohol.

On October 21, 2009, you received a letter from the Department requesting that you submit a copy of your substance abuse evaluation related to the 2009 operating while intoxicated conviction. The letter stated that failure to supply the evaluation within 30 days could result in disciplinary action. As of the date of this notice, you have failed to provide the evaluation.

**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 12<sup>th</sup> 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  
EMS Bureau Chief

1/22/2010  
Date