

THOMAS J. MILLER
ATTORNEY GENERAL



Iowa Department of Justice

ADDRESS REPLY TO:
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January 3, 2011

Dennis Dalen
P.O. Box 303
Everly, IA 51338

CERTIFIED MAIL

Re: NOTIFICATION TO CEASE AND DESIST

Dear Mr. Dalen:

I am legal counsel for the Iowa Department of Public Health, Bureau of Emergency Medical Services (Department). It has come to the attention of the Department that you may have provided emergency medical care in the state of Iowa without being currently certified to do so. Specifically, the Department has received information that you may have administered oxygen to a patient while waiting for the arrival of an ambulance. Your EMT certification, number B-03-308-05, expired March 31, 2010, and you are not currently certified as an EMS provider.

In accordance with Iowa law, a person may not function as an emergency medical care provider unless that person is currently certified by the Department to do so. See Iowa Code § 147A.11(1). Emergency medical care includes

- a. Administration of intravenous solutions.
- b. Intubation.
- c. Performance of cardiac defibrillation and synchronized cardioversion.
- d. Administration of emergency drugs as provided by rule by the department.
- e. Any other medical procedure approved by the department, by rule, as appropriate to be performed by emergency medical care providers who have been trained in that procedure. [see 641 Iowa Administrative Code 131.3(3)]

Iowa Code § 147A.1(3).

Iowa law also prohibits a person from claiming, indicating, or implying that the person is an emergency medical care provider if the person is not currently certified by the Department. See Iowa Code § 147A.11(1). A person who acts as emergency medical care provider, or who claims, indicates, or implies that the person is certified without having obtained current certification from the Department, is guilty of a class "D" felony. See Iowa Code § 147A.11(1).

You are hereby advised that you must CEASE AND DESIST from practicing as an emergency medical care provider and from claiming, indicating, or implying that you are an emergency medical care provider. If the Department receives information that you have engaged in the unauthorized practice of emergency medical care after the date you receive this letter, the Department may request the Iowa Attorney General's Office to file a civil injunctive action against you or may refer your case to the appropriate County Attorney's Office for possible criminal prosecution. In addition, the Department may take action against your expired EMT certificate for practicing as an emergency medical care provider while your certification was expired. See 641 Iowa Administrative Code 131.7(2)(l); 641 IAC 131.4(3)(d).

If you have questions regarding this letter or your obligations pursuant to the above legal authority, I would strongly advise you to contact your attorney to seek advice regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather L. Adams", with a long horizontal flourish extending to the right.

HEATHER L. ADAMS
Assistant Attorney General

HLA\

cc: Kirk Schmitt, Bureau Chief