

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

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IN THE MATTER OF:	)	DIA NO. 09DPHES013
	)	CASE NO. 09-02-01
Adam Filmer	)	
2615 51 <sup>st</sup> Street	)	
Des Moines, Iowa 50310-1612	)	PROPOSED DECISION
	)	
Certification: B-11-309-07	)	

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On October 9, 2009, the Department of Public Health-Emergency Medical Services Bureau (Department) served a Notice of Proposed Action-Suspension/Probation on Adam Filmer (Respondent). The Department proposed an immediate six month suspension during which Respondent would be required to successfully complete a continuing education course on medical ethics. Following the six month suspension, Respondent's certification would be placed on probation for a period of two years, subject to monitoring and other conditions. Respondent filed a timely Notice of Appeal on October 29, 2009. A telephone hearing was held before Administrative Law Judge Margaret LaMarche on December 8, 2009 at 8:15 a.m. Assistant Attorney General Heather Adams represented the Department. Respondent was self-represented and elected to have an open hearing, pursuant to Iowa Code section 272C.6(1). The state requested and was granted a protective order for its Exhibits 9 and 10, which contain confidential patient information. See Iowa Code section 22.7(2)(2009).

#### THE RECORD

The record includes the Notice of Telephone Hearing, testimony of the witnesses, and the following exhibits:

Department Exhibit 1:	Notice of Proposed Action: Suspension/Probation, 10/09/09
Department Exhibit 2:	641 IAC 131.7
Department Exhibit 3:	Certification Information
Department Exhibit 4:	Complaint, 1/28/09
Department Exhibit 5:	Email, Ferrell to Phillip

Department Exhibit 6:	Preliminary Investigative Report
Department Exhibit 7:	Investigative Report, 5/21/09
Department Exhibit 8:	Subpoena, 2/04/09
Department Exhibit 9:	Records Received from Mercy School of EMS regarding Dismissal
Department Exhibit 10:	Additional Records Received from Mercy School of EMS
Department Exhibit 11:	Prior Decisions (3)
Department Exhibit 12:	Request for Appeal

#### ISSUES

Whether Respondent's EMT-B certification should be suspended for six months and then placed on probation because he filed falsified run reports as part of his clinical requirements while enrolled in the Mercy School of Emergency Medical Services EMT-P Course?

#### FINDINGS OF FACT

On August 7, 2002, the Department certified Adam Filmer (Respondent) as an Emergency Medical Technician-Basic (EMT-B). Respondent has been employed full-time as an EMT-B for Midwest Ambulance since receiving his EMT-B certification. (Testimony of Respondent; State Exhibit 3)

On July 18, 2003, Respondent was admitted to the Mercy School of Emergency Medical Services Paramedic course for the fall semester. Certification as an EMT-B is required prior to admission in an EMT-P training program.<sup>1</sup> Students in a paramedic training program are required to obtain clinical experience (in a hospital or clinic) as well as field experience (with an ambulance service). They are given one year from the time they complete the classroom portion of the course to obtain the required clinical/field experience. The student's clinical and field experience must be supervised by a preceptor who teaches and oversees the student. The preceptor also protects patients by ensuring that the treatment provided by the student is appropriate. (State Exhibits 9, 10; Testimony of Joe Ferrell)

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<sup>1</sup> See 641 IAC 131.2(5).

Under the department's rules, a student cannot substitute for required staff on the ambulance crew.<sup>2</sup> Therefore if there are only two EMTs on the ambulance crew, neither may obtain field experience as a student for that particular run. (Testimony of Joe Ferrell)

Respondent submitted two "Intermediate Run Reports" from Midwest Ambulance Service dated January 25, 2005 and one report dated January 26, 2005 to complete his field experience requirement. All three reports were marked as "ALS" (Advanced Life Support) runs. According to the run reports, Respondent was functioning as a student on all three runs under the supervision of his preceptor (and Midwest Ambulance co-worker) Gary Walther. However, upon review of the records the school's Program Manager determined that Respondent had falsified the reports. One of the reports for January 25, 2005 had an EKG strip attached to it that was dated December 5, 2004. In addition, there were not enough crew members on the January 26, 2005 ambulance call for Respondent to be under the supervision of a preceptor. Finally, the Program Manager determined that Respondent submitted Intermediate Run Reports dated November 24 and November 26, 2004 for times he was working as part of the ambulance crew and was not being supervised as a student. On January 28, 2005, the Program Manager notified Respondent that he was dismissed from the paramedic training program based on his falsification of field experience reports. (Testimony of Joe Ferrell; State Exhibit 9)

The Department was unaware of the school's findings and dismissal action against Respondent until January 28, 2009, when it received an anonymous complaint reporting that Respondent had falsified clinical/field documentation as part of his EMT-Paramedic coursework. The Department opened an investigation, and Respondent was interviewed on April 7, 2009. Respondent admitted that he had submitted some ambulance calls as part of his field experience for times when he was working as an EMT-B and not riding as a student. He further acknowledged that he attached a cardiac monitor strip that did not pertain to the submitted run report. (Testimony of Joe Ferrell; Respondent; State Exhibits 4, 6, 7)

Respondent provided some explanation for his actions to the Department's investigator and at hearing. The Mercy School paramedic program did not have a clinical director for a period of time while Respondent was enrolled. Instead of having a clinical

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<sup>2</sup> 641 IAC 131.5(8)"b."

orientation, Respondent received an email from the school secretary explaining the field experience requirements. Respondent recalled that he was told that he needed at least 10 ALS runs, each with at least *one* ALS skill, such as starting an IV or placing a cardiac monitor. When the new clinical director was hired, he informed the students that they had to have *two* ALS skills for each ALS run, and he rejected Respondent's runs that had only one ALS skill. Respondent was running out of time to complete his field experience and to make up the earlier run reports that had been rejected. He was not getting the necessary ALS calls at times when he was working with his preceptor. Respondent admits that he made a poor decision when he submitted reports from runs when he was not supervised as a preceptor and when he added a cardiac monitor strip from a different run in order to document two ALS skills for the January 25, 2005 run. Respondent testified that no one informed him that he could ask for an extension of time to complete his field experience, and the new clinical director was not returning his calls. (Testimony of Respondent)

## CONCLUSIONS OF LAW

### I. *Applicable Rules*

The legislature has directed the Department to adopt rules pertaining to the examination and certification of emergency medical care providers.<sup>3</sup> The Department has adopted rules at 641 IAC chapter 131.

641 IAC 131.7(2) provides, in relevant part:

131.7(2) The department may deny an application for issuance or renewal of an emergency medical care provider certificate, including specialty certifications, or place on probation, or issue a citation and warning, or suspend or revoke the certificate when it finds that the applicant or certificate holder has committed any of the following acts or offenses:

...

d. Fraud in procuring certification or renewal, including but not limited to:

...

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<sup>3</sup> Iowa Code section 147A.4(2)(2009). (This same statute was in effect when Respondent enrolled in the paramedic's course).

(3) Attempting to file or filing with the Iowa department of public health or training program any false or forged diploma or certificate or affidavit or identification or qualification in making an application for certification in this state.

f. Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. Acts which may constitute unethical conduct include, but are not limited to:

...

(5) Falsification of medical records.

## II. *Falsification of Field Experience Reports*

The preponderance of the evidence established that Respondent committed fraud in procuring certification as a paramedic when he filed falsified field experience reports with his training program, in violation of 641 IAC 131.7(2)"d" and "f." The evidence established that Respondent knowingly submitted reports from runs where he was not supervised and was not functioning as a student. The evidence further established that Respondent attached at least one cardiac monitor strip to an Intermediate Run Report that did not pertain to the patient being treated on that date. This constitutes a violation of department rules even though the school dismissed Respondent from the paramedic course, and he has never been certified as a paramedic.

## III. *Sanction*

For the violations established in this record, the Department proposes suspending Respondent's EMT-B certification for a period of six months followed by a two year period of probation. The Department submitted three prior cases involving falsification of clinical or field experience in an EMT training program. In all three cases, the Department's proposal to revoke the person's EMT certificate was upheld. The Department is recommending a lesser sanction in this case due to the four year lapse of time between Respondent's falsification of the field experience records and the matter being reported to the Department, as well as the absence of any other complaints. Respondent contends that the recommended sanction is overly harsh under the circumstances.

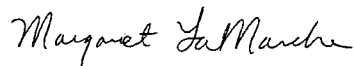
The Department's proposed sanction is warranted by the factual circumstances and by the Department's prior actions in similar cases. Emergency medical technicians work relatively unsupervised under very stressful circumstances. They provide essential medical services. Other health care providers and the public must be able to rely on the documentation that EMTs provide. It is important that persons certified by the Department as EMTs fully understand their professional responsibility to complete all documentation in an honest and truthful manner.

Even if there were some communication problems in his training program, it was Respondent's responsibility to ensure that he fully understood and completed all of the requirements for the paramedic program in a timely, correct, and honest manner. Although Respondent was under significant pressure to timely complete his field experience and did not want to lose the time and money he had invested in the training program, this did not excuse his poor decision to falsify his field experience.

ORDER

IT IS THEREFORE ORDERED that the Notice of Proposed Action-Suspension/Probation, issued by the Department to Respondent Adam Filmer on October 9, 2009, is hereby AFFIRMED in its entirety.

Dated this 29th day of December, 2009.



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: Adam Filmer  
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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. A copy of the appeal shall also be sent to the administrative law judge. Any request for appeal shall state the reason for the appeal. 641 IAC 131.12(11).

