

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

IN THE MATTER OF: Andrew Loffswold 1357 Vandenburg Circle Sergeant Bluff, Iowa 51054-9763 Certification : B-12-380-13	Case Number: 09-12-12 NOTICE OF PROPOSED ACTION DENIAL
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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 **DENY** your application for EMS certification.

The department may deny an application for EMS certification when it finds that the applicant 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.
147A.7i; IAC 641—131.7(2)f*

*Mental or physical inability reasonably related to and adversely affecting the EMS provider's ability to practice in a safe and competent manner.
IAC 641—131.7(2)n*

*Violating a statute of this 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 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*

The following incidents resulted in issuance of this proposed action:

You have been convicted of the following crimes

- Criminal mischief, second degree, a class D felony, in 2007
- Possession of alcohol under the legal age in 2007

In addition, you have been diagnosed with bipolar disorder, manic, severe without psychotic features and attention deficit hyperactivity disorder, combined type. The mental health evaluation that you provided, dated February 5, 2008, indicates that you are subject to manic episodes of an expansive and hostile character. The evaluation also indicates that you, "...may explode into uncontrollable rages, unleashing torrents of abuse and contempt..." The evaluation states that you experience episodes of alcohol abuse and possess a low tolerance for frustration.

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 12th 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, Bureau Chief
Emergency Medical Services

1/6/2010
Date