

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

<p>IN THE MATTER OF:</p> <p>Kimberly Milligan 111 West Amy Street Baxter, Iowa 50028</p> <p>Certification : B-05-333-07</p>	<p>Case Number: 08-02-18</p> <p style="text-align: center;">NOTICE OF PROPOSED ACTION</p> <p style="text-align: center;">REVOCATION</p>
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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 **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:

Negligence in performing emergency medical care.
Iowa Code section 147A.7(1)a; IAC 641—131.7(2)a

Professional incompetency. Professional incompetency includes, but is not limited to :
(3) A failure to exercise the degree of care which is ordinarily exercised by the average EMS provider acting in the same or similar circumstances.
Iowa Code section 147A.7(1)e; IAC 641—131.7(2)e

Knowingly making misleading, deceptive, untrue or fraudulent representation 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; IAC 641-131.7(2)f

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

Specifically:

Operation on approach of emergency vehicle
This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
Iowa Code Section 321.324

The following has resulted in issuance of this proposed action:


On February 14, 2008, you were the driver for Baxter Rescue transporting a patient from Baxter Clinic to Methodist Hospital in Des Moines. While driving southbound on Highway 65/300 in the right hand lane, you proceeded through a red-light at the intersection of Grant Street. As you

proceeded through the intersection, a van also entered the intersection from the right hand side. You struck the van and the driver of the van was pronounced dead on the scene. The passenger in the van was injured.

The Polk County Sheriff's Technical Accident Investigation report indicates that you were traveling at a rate of 55 – 65 miles per hour at the time of the collision. You failed to operate with due regard when proceeding through the intersection.

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



Date