

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:	)	DIA Case No. 08DPHES010
	)	
	)	
KIMBERLY MILLIGAN	)	CONSENT AGREEMENT
111 W Army St.	)	
Baxter, IA 50028	)	
	)	
Certification: B-055-333-07,	)	
	)	
Appellant.	)	

COMES NOW the Iowa Department of Public Health ("Department") and Kimberly Milligan ("Appellant"), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12(7) enter into the following settlement of this matter:

1. On July 7, 2008, the Department issued a Notice of Proposed Action: Revocation, directed to Appellant.
2. On July 17, 2008, Appellant requested a hearing regarding the proposed revocation.
3. The Department of Inspections and Appeals initially scheduled the matter for hearing on October 20, 2008. The hearing date was continued upon request of the parties and the hearing has been rescheduled for January 22, 2009.
4. Appellant hereby withdraws her request for appeal in the above-captioned matter. Execution of this Consent Agreement by all parties constitutes the resolution of this contested case. Appellant waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent

Agreement.

5. This Consent Agreement is subject to approval of the Department. If the Department approves this agreement, it becomes the final disposition of this matter. If the Department fails to approve this agreement, it shall be of no force or effect to either party.

6. This Consent Agreement shall be part of the permanent record of Appellant and shall be considered by the Department in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. This Consent Agreement is a public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code chapters 22 and 272C.

8. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

9. This Consent Agreement is not and shall not be construed as an admission of liability, fault, negligence, or otherwise on the part of Appellant either in her individual capacity or as an employee or agent of the City of Baxter.

IT IS THEREFORE ORDERED:

10. The Department hereby rescinds the Notice of Proposed Action:
Revocation issued July 7, 2008.

11. Appellant's ability to operate an ambulance shall be SUSPENDED for a period of six months, effective January 9, 2009, through July 9, 2009. During the entire period of suspension, Appellant shall not operate an ambulance under any

circumstances. During the period of suspension, the Appellant may continue to provide all other aspects of emergency medical services or procedures for which she is certified.

12. During the period of suspension, Appellant shall successfully complete an Emergency Vehicle Operator Course- Ambulance (EVOC) based on the Department of Transportation's National Highway Traffic Safety Administration 1995 National Standard Curriculum which includes behind-the-wheel performance. Appellant may attend an EVOC course which includes behind-the-wheel performance offered by Indian Hills Community College or Southwestern Community College, or Appellant may locate another course and submit such course for approval to the Department prior to attending the course. If Appellant attends a course other than those listed above, Appellant shall submit the proposed course name, course syllabus, instructor's name, instructor's credentials, and the course curriculum to the Department for approval prior to completing the course. The Department may approve the proposed course, or may designate another course for completion. Appellant shall provide proof of successful course completion to the Department within the period of suspension.

13. Appellant shall, during the period of the suspension and probation, provide a copy of the Notice of Proposed Action and this Consent Agreement to any ambulance service or hospital at which she is employed or volunteers, to include direct supervisors, service directors, and medical directors. Any service which knowingly allows Appellant to operate an ambulance during the period of suspension shall be subject to disciplinary

action pursuant to 641 Iowa Administrative Code 132.10(3)"c" and 131.8(2)"g". Within fifteen (15) days of the date of this Agreement, or within fifteen (15) days of undertaking new employment, the Appellant's direct supervisor, service director, and medical director shall report to the Bureau in writing that they have received this Agreement and understand the terms and conditions thereof.

14. Appellant is responsible for all costs associated with this Agreement.

15. Appellant's certification shall be placed on PROBATION for a period of one year, effective July 10, 2009, to July 10, 2010, subject to the following terms and conditions:

a. The medical director of any service for which Appellant is employed or volunteers shall review all emergency medical calls on which Appellant drives or attends to ensure that Appellant's decisions concerning patient ambulance transport (including the use of lights and sirens) are appropriate.

b. Appellant shall make a personal appearance before the Bureau of EMS upon request. Appellant shall be given reasonable notice of the date, time, and place for appearance.

c. Appellant shall obey all federal, state, and local statutes and rules governing the provision of emergency medical services.

d. Appellant shall notify the Department of any change in address within one week of said change.

e. Appellant and Appellant's medical director(s) shall submit quarterly reports to the Department (filed no later than January 10, April 10, July 10, and October

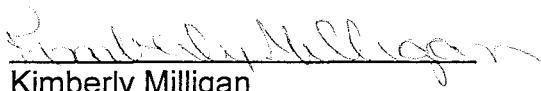
10) which shall include the following information:

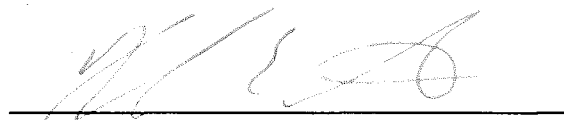
- i. The time period covered by the report.
- ii. Verification that Appellant has complied with the terms of probation

as specified in this Consent Agreement and verification that Appellant's medical director(s) has reviewed all emergency medical calls on which Appellant drove or attended to ensure that Appellant's decisions concerning patient transport (including Appellant's use of lights and sirens) were appropriate. If the medical director for any service for which Appellant is employed or volunteers has any concerns regarding Appellant's transport decisions, such medical director shall notify the Bureau immediately.

f. In the event Appellant violates or fail to comply with any of the terms or provisions of suspension or probation, the Department may initiate appropriate action to revoke or suspend Appellant's certification or to impose other appropriate discipline.

AGREED AND ACCEPTED:


Kimberly Milligan
Appellant


Kirk E. Schmitt
CHIEF, BUREAU OF EMS
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 20th day of
Jan, 2009.

Dated this 29th day of
January, 2009.

Copies mailed to:

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Iowa Department of Inspections and Appeals
Administrative Law Judge John Priester
Division of Administrative Hearings
Wallace State Office Building
LOCAL