

**RESTRICTED DELIVERY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**Before the Iowa Department of Public Health**

IN THE MATTER OF  Cody Petersen 421 East Oak Street Algona, Iowa 50511-1542  Certification: I-06-309-06	Case: 12-12-16  <b>NOTICE OF PROPOSED ACTION</b>  <b>PROBATION</b>
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Pursuant to the provisions of Iowa Code Sections 17A.18 and 147A.7, and Iowa Administrative Code (I.A.C.) 641—131.7, the Iowa Department of Public Health is proposing to place the emergency medical care provider certification identified above on **PROBATION** for a period of two years from the effective date of this notice.

The Department may place an EMS provider on probation when it finds that the applicant or certificate holder has committed any of the following acts or offenses:

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

*(2) False representation of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a certification in this state.*

*Iowa Code Section 147A.7(1)d and IAC 641—131.7(3)d*

*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 emergency medical care provider acting in the same or similar circumstances.*

*Iowa Code Section 147A.7(1)e and IAC 641—131.7(3)e*

*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.*

*Iowa Code Section 147A.7(1)f and IAC 641—131.7(3)f*

The following events have led to this notice:

- (1) On June 20, 2007, you were convicted of driving while license suspended. You denied being convicted of a misdemeanor crime and denied having a license disciplined on the following applications submitted to the Department:
  1. EMT-Basic Renewal Application, January 8, 2009
  2. EMT-Intermediate Student Registration, September 16, 2009
  3. EMT-Intermediate Certification Application, November 23, 2009
  4. Paramedic Student Registration, September 13, 2011
  
- (2) You have repeatedly driven an ambulance in an unsafe and harmful manner. Specifically:
  - i. On February 5, 2011, you drove to a request for assistance at an excessive speed given the conditions of the roads. You ignored requests by your co-workers to slow down and refused to communicate with them during treatment of the patient. While

departing the scene, you stuck the ambulance in snow and another agency had to be utilized to transport the patient.

- ii. You have repeatedly sent text messages from your phone while driving the ambulance.
  - iii. On September 5, 2012, you drove an ambulance at a high rate of speed through a residential area in which children were playing.
  - iv. On April 22, 2012, you displayed poor judgment in choosing a driving route, ultimately leading to a weather related accident.
- (3) You have engaged in unprofessional, harmful, and inappropriate behavior. Specifically:
- i. In February of 2012, you refused to assist a supervisor in lifting a patient. The supervisor had previously suffered a shoulder injury. Your refusal to assist in patient care placed the patient at risk.
  - ii. In April of 2013, you failed to provide a patient care report to a responding paramedic prior to making a decision to transport the patient without a paramedic. You also did not follow the agency's policy for transporting to a facility other than the hospital where the service is based.
  - iii. On May 3, 2013 you received a verbal warning related to negative comments you were making about a supervisor.
  - iv. In April of 2013, you made threatening comments to health care clinic staff.
- (4) You have been disciplined by two authorized ambulance services for the above conduct.
- i. On February 24, 2012, you were suspended from an authorized ambulance service.
  - ii. On June 5, 2013, you were terminated from a second authorized ambulance service.

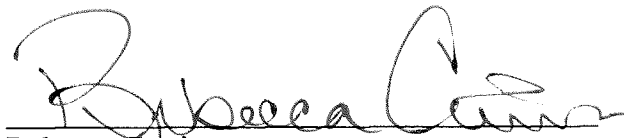
Your probation shall be subject to the following terms and conditions:

- a. You 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, by March 1, 2014. Prior to attending the course, you shall submit the proposed course name, course syllabus, instructor's name, instructor's credentials, and the course curriculum to the Department for approval. The Department may approve the proposed course, or may designate another course for completion. You shall provide proof of successful course completion to the Department by March 1, 2014. You are responsible for all costs associated with this course.
- b. You shall successfully complete six (6) hours of continuing education in the area of ethics during the period of probation. Prior to attending a course, you shall submit the proposed course name and course syllabus. These hours shall be in addition to those required for renewal of your certification. You are responsible for all costs associated with this requirement.
- c. You 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 you have complied with the terms of probation as specified in this Notice.
- d. You shall make a personal appearance before the Department upon request. You shall be given reasonable notice of the date, time, and place of appearance.
  - e. You shall obey all federal, state, and local statutes and rules governing the provisions of emergency medical services.
  - f. You shall notify any current or prospective employer, to include direct supervisors, service directors and medical directors, of the terms, conditions and restrictions imposed by this notice. Within fifteen days of this notice taking effect, or of undertaking new employment, your direct supervisor, service director and medical director shall report to the Department, in writing, acknowledging that the employer and medical director have read this document and understands it.
  - g. You shall notify any EMS training program you enroll in for courses leading to certification or endorsement of the reasons for this probation. Within fifteen days of this notice taking effect, or entering an EMS training program, the training program director and medical director shall report to the bureau, in writing, acknowledging that the training program and medical director have read this document and understands it.
  - h. You shall notify the bureau of any change in address within one week of said change.
  - i. In the event you violate or fail to comply with any of the terms or provisions of your probation, the department may initiate appropriate action to revoke or suspend your certification or to impose other appropriate discipline.
  - j. This Notice shall be part of the permanent record of the Department and shall be considered by the bureau in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

**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 East 12<sup>th</sup> Street, 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.**



Rebecca Curtiss  
Bureau Chief  
Iowa Department of Public Health  
Center for Disaster Operations and Response

12/2/13  
Date