

**RESTRICTED DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Before the Iowa Department of Public Health

IN THE MATTER OF: Derek Wall PO Box 142 Schaller, Iowa 51053-0142 Certification: I-05-307-06	Case Number: 09-04-12 NOTICE OF PROPOSED ACTION CITATION AND WARNING
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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 issue a **Citation and Warning** to the individual identified above.

The department may cite and warn an emergency medical care provider when it finds that the certificate holder has committed any of the following acts or offenses:

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

(2) False representations 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.

IAC 641—131.7(2)d

Failure to comply with a subpoena issued by the department or failure to cooperate with an investigation of the department.

IAC 641—131.7(2)h

Violating a statute of this state, another 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 abuse, 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

Failure to respond within 30 days of receipt, unless otherwise specified, of communication from the department which was sent by registered or certified mail.

IAC 641—131.7(2)ab

The following incidents resulted in issuance of this proposed action:

On March 30, 2009, you indicated on your affirmative renewal application that you had, during the April 1, 2007- March 31, 2009 certification period, been convicted of a misdemeanor or felony crime and had a license disciplined.

On April 15, 2009, the Department received information from you indicating that you were convicted of operating while intoxicated. Your letter indicated that this was the second operating while intoxicated offense you have received. Investigation by the Department determined you were also convicted of possession of alcohol under age in


1997 and open container – driver in 1999. You failed to report these convictions and your first operating while intoxicated conviction to the Department previously.

On April 29, 2009, a certified letter from the Department requesting a copy of your substance abuse evaluation and an explanation concerning your unreported convictions was delivered to your residence. You were directed to provide this information within 30 days of receipt of the letter. On July 14, 2009, the Department attempted to contact you via phone without success. Complete information was received on October 12, 2009.

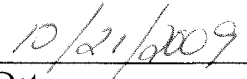
You are hereby **CITED** for failing to report previous convictions, failing to respond to the Department's request for information, and violating a statute of the state of Iowa . You are **WARNED** that failing to provide information to the Department, failing to respond to a request of the Department, or violating a statute of the state of Iowa in the future may result in further disciplinary action, including suspension or revocation of your EMS certification.

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
EMS Bureau Chief



Date