

**641—131.7 (147A) Complaints and investigations—denial, citation and warning, probation, suspension, or revocation of emergency medical care personnel certificates or renewal.**

**131.7(1)** This rule is not subject to waiver or variance pursuant to 641—Chapter 178 or any other provision of law.

**131.7(2)** The department may deny an application for issuance or renewal of an emergency medical care provider certificate, including endorsement, impose a civil penalty not to exceed \$1000, place on probation, issue a citation and warning, suspend, revoke, or otherwise discipline the certificate when it finds that the applicant or certificate holder has committed any of the following acts or offenses:

- a.* Negligence in performing emergency medical care.
- b.* Failure to follow the directions of supervising physicians or their designees.
- c.* Rendering treatment not authorized under Iowa Code chapter 147A.
- d.* Fraud in procuring certification or renewal including, but not limited to:

(1) An intentional perversion of the truth in making application for a certification to practice in this state;

(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; or

(3) Attempting to file or filing with the Iowa department of public health or training program any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a certification in this state.

- e.* Professional incompetency. Professional incompetency includes, but is not limited to:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

(2) A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other EMS providers in the state of Iowa acting in the same or similar circumstances.

(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.

(4) Failure to conform to the minimal standard of acceptable and prevailing practice of certified EMS providers in this state.

*f.* 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. Acts which may constitute unethical conduct include, but are not limited to:

- (1) Verbally or physically abusing a patient or coworker.

(2) Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a patient or coworker.

- (3) Betrayal of a professional confidence.

- (4) Engaging in a professional conflict of interest.

- (5) Falsification of medical records.

- g.* Engaging in any conduct that subverts or attempts to subvert a department investigation.

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

*i.* Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

*j.* Failure to report another EMS provider to the department for any violations listed in these rules, pursuant to Iowa Code chapter 147A.

- k.* Knowingly aiding, assisting or advising a person to unlawfully practice EMS.

- l.* Representing oneself as an EMS provider when one's certification has been suspended or revoked, or when one's certification is lapsed or has been placed on inactive status.
- m.* Permitting the use of a certification by a noncertified person for any purpose.
- n.* Mental or physical inability reasonably related to and adversely affecting the EMS provider's ability to practice in a safe and competent manner.
  - o.* Being adjudged mentally incompetent by a court of competent jurisdiction.
  - p.* An EMS provider shall not sexually harass a patient, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
  - q.* Habitual intoxication or addiction to drugs.
    - (1) The inability of an EMS provider to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.
    - (2) The excessive use of drugs which may impair an EMS provider's ability to practice with reasonable skill or safety.
    - (3) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.
- r.* Fraud in representation as to skill, ability or certification.
- s.* Willful or repeated violations of Iowa Code chapter 147A or these rules.
- t.* 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.
- u.* Having certification to practice emergency medical care suspended or revoked, or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory or country. A copy of the record or order of suspension, revocation or disciplinary action is conclusive or prima facie evidence.
  - v.* Falsifying certification renewal reports or failure to comply with the renewal audit request.
  - w.* Acceptance of any fee by fraud or misrepresentation.
  - x.* Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.
  - y.* Privacy and confidentiality. An EMS provider shall not disclose or be compelled to disclose patient information unless required or authorized by law.
  - z.* Discrimination. An EMS provider shall not practice, condone, or facilitate discrimination against a patient, student, or supervisee on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, mental or physical disability, diagnosis, or social or economic status.
    - aa.* Practicing emergency medical services or using a designation of certification or otherwise holding oneself out as practicing emergency medical services at a certain level of certification when the EMS provider is not certified at such level.
    - ab.* Failure to respond within 30 days of receipt, unless otherwise specified, of communication from the department which was sent by registered or certified mail.