

Policy Statement:

When the Department denies, conditions, suspends, or revokes an EMS license or certification, the applicant shall be afforded an opportunity to appeal the decision first to the Commissioner of Health or designee, then to the Superior Court, and ultimately to the Vermont Supreme Court.

Authority:

VSA 18, Chapter 17, §128 and §814
EMS Rule Section 14.4, effective February 2022

Procedural Rights:

License Denial or Conditions

When the Department denies licensure or certification, denies the renewal of an EMS license or certification, or conditions an EMS license or certification, the applicant shall be afforded an opportunity for a hearing with the Commissioner or designee pursuant to the provisions of 3V.S.A. § 814.

The Department will provide applicants, certified VEFRs or licensees with notice of license denial or conditions by mail which explains the facts or conduct that warrants the license action and their right to a hearing with the Commissioner.

The licenses of persons seeking renewal will not expire until their application has been finally determined by the Department so long as their renewal application was timely made.

Suspension and Revocation

The Department may suspend or revoke the EMS license or certification of any person upon due notice and opportunity for hearing with the Commissioner or designee for violation of any provision of this rule or applicable statutes pursuant to the provisions of 3 V.S.A. § 814. The Department will provide these people with notice by mail of the facts or conduct that warrants suspension or revocation.

Summary Suspension

If the Department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of an EMS license or certification may be ordered pending a hearing for revocation or other action. A hearing with the Commissioner or designee will be promptly instituted and determined.

A person subjected to license denial, conditions, suspension, summary suspension, or revocation who is not satisfied with the Commissioner's decision will be afforded the right to further appeal in accordance with the following Statement of Procedural Rights.

STATEMENT OF PROCEDURAL RIGHTS

1. Pursuant to 18 V.S.A. § 128(a), you have the right to appeal this decision to the Civil Division of Superior Court in the county where you reside or maintain a business.
2. Appeals are governed by Vermont Rule of Civil Procedure 74.
3. Pursuant to V.R.C.P. 74(b), in order to appeal a decision, you must send a Notice of Appeal to the designated officer of the Vermont Department of Health within thirty (30) days of the decision:

Sarah Gregorek
Office of the Commissioner of Health
280 State Drive
Waterbury, Vermont 05671-8300

4. Your Notice of Appeal must: specify who is taking the appeal, identify the decision being appealed, and name the court where you are taking the appeal.
5. Upon receipt of the Notice of Appeal, the Department of Health will provide you with a list of all interested parties and instructions to serve all interested parties, and the Civil Division of the Superior Court, with the Notice.
6. Pursuant to V.R.C.P. 74(c), an appeal to Superior Court **does not stay** enforcement of the Department of Health's decision. You are obligated to follow the decision unless you request, and the Court grants, a motion to stay the Department's decision pending the appeal.
7. The Superior Court will consider the matter *de novo* (anew) and all persons and parties in interest, as determined by court rule, may appear and be heard. You have the right to bring an attorney and witnesses.

Effective Date:
January 31, 2024