

Pending Criminal Charges Policy

Policy Statement:

A licensed or certified EMS practitioner or applicant for licensure or certification who is arrested or charged with a crime shall report the incident to the Vermont Department of Health EMS Office (the Department) within seven (7) days of their arrest, shall provide the arresting officer's report showing probable cause for the arrest within fourteen (14) days of the arrest, and shall provide a case status update every ninety (90) days thereafter until a judicial determination on the case is made and the matter is concluded. Regardless of the outcome of the case, the EMS practitioner must provide all court records available to them within thirty (30) days of the judicial determination.

Failure to comply with any of these requirements may result in the immediate suspension of the EMS practitioner's license or certification, and/or the denial of licensure or renewal, and/or the conditioning of a license.

Authority:

EMS Rule Section 8.4

EMS Rule 14.1.4

EMS Rule 14.1.5

EMS Rule Section 14.4

Procedure:

When a Vermont-licensed or certified EMS practitioner is arrested or charged with a crime, they must notify the Department within seven (7) days of their arrest.

Similarly, if a person is a defendant in a criminal proceeding when they apply for licensure, renewal, certification, or enroll in an EMS course leading to state EMS certification or licensure, they must disclose this status by truthfully answering the crime history questions on the application.

Within fourteen (14) days of the practitioner's arrest, or the submission of a license application if a new applicant, the Department must be provided with a copy of the arresting officer's report or affidavit. If the Department determines that the nature of the alleged offense has a direct bearing on the person's fitness to serve as EMS personnel, the Department may place conditions on the person's license or certification. If the actions described in the police report demonstrate that the person presents an imminent threat to public safety, the Department may summarily suspend the person's EMS license or certification pursuant to EMS Rule 14.

The EMS practitioner must provide court case status updates to the Department every ninety (90) days until the case is concluded.

EMS POLICY – CRIMINAL CASE PENDING

Within thirty (30) days of the disposition of the case, the EMS practitioner must provide all court records related to the case to the Department. These include, but are not limited to, the court docket or summary of charges and disposition.

Failure to do so may result in, at a minimum, suspension of the person's EMS license or certification until the Department receives the required information and is satisfied that the submission is complete. Such failures will be a factor in the Department's investigation and deliberations regarding continued eligibility for licensure or certification.

If the person fails to report the arrest, fails to truthfully disclose the arrest or criminal conviction, or fails to supply a copy of the police report as mandated by this and any other relevant Department policies, their license or certification, or eligibility for licensure or certification, may be summarily suspended until the police report is received by the Department.

In the case of driving offenses see *Impaired or Negligent Vehicle Operation Policy*.

In the case of false answers on license applications see *False Answers to Self-Disclosed Security Questions on a License Application Policy*.

In the case of substantiated abuse registry reports see *Substantiated Abuse Registry Reports Policy*.

Persons subject to conditions, suspension, or revocation will be afforded the opportunity for a hearing in accordance with EMS Rule 14.

Rationale:

The public affords EMS personnel a high level of trust, so the Department must respond swiftly if it receives credible information that an EMS practitioner has engaged in behavior that puts the public at risk. While all persons are considered innocent of a crime until found guilty by a court of law, the Department must consider the potential harm to the public, particularly vulnerable populations, and respond in a manner and urgency commensurate to the hazard posed by the alleged crime.

Effective Date:

October 12, 2023