

## Pending Criminal Charges Policy

### **Policy Statement:**

A licensed or certified EMS clinician or applicant for licensure or certification who is arrested or charged with a crime shall report the incident and send the arresting officer's citation to the Department of Health EMS Office (the Department) within seven (7) days of the arrest. They 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 clinician must provide all court records available to them within thirty (30) days of the case's conclusion.

If the person fails to report an arrest or charge within seven (7) days, a condition will be placed on their EMS license or certification whereby, if the person fails to report a new charge or arrest that occurs during the remainder of the current or subsequent EMS license period, the person shall voluntarily surrender their EMS license or certification.

Failure to comply with any of the requirements may result in immediate suspension of the person's EMS license or certification.

### **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 person is arrested or charged with a crime, they must notify the Department and send the arresting officer's citation within seven (7) days of the arrest.

Similarly, if a person is a defendant in a criminal proceeding when they apply for a 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.

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 clinician 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 clinician 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 certification or licensure.

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 arresting officer's citation 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:**

September 27, 2022

Updated: April 25, 2025