



Appeals Process

EMS personnel, agencies, and/or facilities, upon notification of GCMCA Board or PSRO actions, may request an appeal in writing within 7 days of receipt of such actions. Lack of request within 7 days shall deem the actions accepted by involved EMS personnel, agencies, and/or facilities.

I. Procedure

- A. A licensee having received an Order for Disciplinary Action (ODA) from the Medical Control Authority (MCA) may initiate a Request to Appeal.
- B. A licensee shall notify the MCA within seven (7) days of receipt of notice of an ODA of his/her/their request to Appeal. Such notice shall be in writing.

II. Appeal Hearing

- A. Upon receipt of a Request to Appeal an ODA, the MCA shall schedule a special meeting for the purpose of hearing an appeal. This meeting shall be scheduled as soon as practicable following receipt of a Request to Appeal and shall be reviewed by the Appeal Review Committee described later in this protocol.
- B. The receipt of a Request to Appeal does not stay the ODA or the imposition of the discipline on the appellant licensee.
- C. The MCA shall honor a request to postpone an appeal hearing, no later than thirty (30) days past the originally scheduled hearing date, to allow the appellant licensee opportunity to assemble information bearing upon his/her/their appeal.
- D. The MCA shall hold an appeal hearing to review the appellant licensee's new information and exercise one of the following options:
 - 1. Uphold the original decision and subsequent ODA.
 - 2. Diminish the ODA to a lesser Disciplinary Action (i.e., suspension of privileges diminished to written reprimand).
 - 3. Revoke the ODA (revocation of an ODA shall not expunge the appellant's record of the complaint process records for a period to twelve (12) months from date of original incident).
- E. As the Appeal hearing is not a legal proceeding, attorneys are not permitted to attend. Other than committee members and GCMCA staff, only the individual licensee requesting the appeal or up to two individuals from the licensee agency requesting the appeal may attend the hearing. The hearing is not subject to the Open Meetings Act or the Freedom of Information Act.



- F. During the proceedings the GCMCA staff will provide an overview of the issues leading to the ODA for the committee and the individual/agency involved. The appellant will then have up to fifteen (15) minutes to provide additional information on the matter.
- G. Following exhaustion of the procedure stated herein, an appellant may appeal the decision of the MCA to the State of Michigan Emergency Medical Services Coordination Committee as defined in Part 209 of P.A. 368 of 1978, as amended Section 20919(4). An appeal must be filed with the Department of Health and Human Services, in writing, no more than 30 calendar days following notification of the final determination by the MCA.

III. Appeal Hearing for an Immediate Threat

If the MCA determines that an immediate threat to the public health, safety, or welfare exists, appropriate action to remove medical control privileges can be taken immediately until the MCA has had the opportunity to review the matter at a MCA hearing. The hearing shall be held within 3 business days after the MCA's (or Medical Director's) determination to remove medical control privileges. All items outlined in II. above apply in these circumstances as well.

The Appeal Review Committee shall be comprised of a total of five members including: one (1) ED Physician, one (1) ED nurse, one (1) MFR, one (1) EMT and one (1) Paramedic. The Medical Director and GCMCA Staff shall attend the Appeals Review Committee meeting. The Appeal Review Committee shall review the actions of the GCMCA Board and/or any decisions of a GCMCA committee as well as material supplied by the parties requesting appeal. After review of the materials and actions, the Appeal Review Committee, by closed ballot vote, may uphold, reject and/or modify the decision of the GCMCA and/or any GCMCA committee. The Appeal Review Committee will recommend final action to the Medical Director. The Medical Director may veto the Appeal Review Committee's decision. In the event of a veto, the issue will be referred back to the GCMCA Board. A veto will be over-ridden only by a two-thirds vote of the full GCMCA Board.

If an EMS agency or individual appeals the decision of the board involving probation or suspension and the appeal is upheld by the Appeal Review Committee, the probation or suspension time period (e.g. six months) will begin at the time of the Appeal Review Committee hearing.