STATE OF RHODE ISLAND :
AND PROVIDENCE PLANTATIONS :
:
DEPARTMENT OF HEALTH :
DIVISION OF EMERGENCY MEDICAL : EMS File 04-060
SERVICES :

vs. :

DAVID G. SYLVARIA, EMT 6227 :

CONSENT ORDER

Pursuant to Chapter 23-4.1 of the General Laws of the State of Rhode Island, 1956, as Amended and the Rules and Regulations promulgated thereunder, the Rhode Island Department of Health, Division of Emergency Medical Services (hereinafter "Department"), has investigated a complaint charging David G. Sylvaria, EMT-B (hereinafter "Respondent"), with a violation of the Rules and Regulations Relating to Emergency Medical Services (R23-4.1-EMS).

After careful consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is an Emergency Medical Technician-Basic licensed to practice emergency medical services in the State of Rhode Island.
2. That on or about 3 December 2004 "Respondent" was arrested on charges of felony assault, disorderly conduct and resisting arrest.
3. That the conduct described in paragraph two (2) herein constitutes unprofessional conduct as defined in Section 16.1 (b) of the Rules and Regulations Relating to Emergency Medical Services (R23-4.1-EMS).

The parties agree as follows:

1. Respondent is an Emergency Medical Technician-Basic and able to conduct business under and by virtue of the laws of the State of Rhode Island. Respondent's mailing address is 11 Prospect Street, Bristol, R.I. 02809.

2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.

4. Respondent hereby acknowledges and waives:

   a) The right to appear personally or by counsel or both before the Department;

   b) The right to produce witnesses and evidence in his behalf at a hearing;

   c) The right to cross-examine witnesses;

   d) The right to have subpoenas issued by the Department;

   e) The right to further procedural steps except for those specifically contained herein;

   f) Any and all rights of appeal of this Consent Order;

   g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

   h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

i) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become a part of the public record of this proceeding once it is accepted by all parties.

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

8. Respondent agrees to a voluntary surrender of his EMT-Basic license for an indefinite period.

9. At the time Respondent seeks reinstatement of the EMT-Basic license, he shall submit documentation to the Department evidencing that he is capable and competent to engage in the practice of emergency medical services. Such documentation to the Department shall include, but not be limited to, evidence that Respondent has been evaluated for substance abuse by a health care professional approved, in advance, by the department and adheres to any treatment program that may be indicated. In addition, Respondent must meet all education, training and examination requirements for licensure in effect at the time Respondent applies for licensure.

10. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

11. That this Consent Order shall obviate the necessity for a hearing on the matters forming the basis for this Consent Order.

12. That the voluntary surrender of Respondent's license to practice emergency medical services remains in full force and effect pending further order of the Department.

Signed this 2 day of January 2005.

David G. Sylvaria

David G. Sylvaria, EMT-B

Ratified as an order of the Department on this 7th day of January 2005.

Charles Alexandre

Charles Alexandre, Chief
Health Professions Regulation
Health Services Regulation

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