

21 NCAC 01 .0703 DETERMINATION OF PROBABLE CAUSE

(a) General. Formal complaints shall be investigated by the North Carolina Acupuncture Licensing Board. The Board shall hold a hearing to determine whether there is probable cause to believe a violation of the laws governing acupuncture has occurred.

(b) Notice of Hearing. The secretary shall provide notice of the probable cause hearing to the acupuncturist complained against by certified mail at least 15 days in advance of the hearing.

(c) Conduct of Probable Cause Hearing. The probable cause hearing shall be informal, and the secretary may establish at his discretion such procedures as are necessary to facilitate examination of the evidence. The Board may consider evidence at the probable cause hearing which would not be admissible if offered at the hearing in a contested case.

(d) Action by the Board. After examining the evidence presented at the probable cause hearing, the Board may dispose of each charge in the formal complaint as follows:

- (1) If no probable cause exists to believe that a violation of G.S. 90-456 has occurred, the charge may be dismissed.
- (2) If the respondent admits the charge, he may be directed to cease and desist from commission of those acts which violate the provisions of G.S. 90-456.
- (3) If a charge is denied and probable cause is found, or if a charge, while admitted, is of such gravity as to make the imposition of punitive sanctions appropriate, the complaint shall be presented to the Board for its decision on the merits in accordance with G.S. 150B, Article 3A.

*History Note: Authority G.S. 90-456;
Eff. February 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.*