

## **21 NCAC 30 .0903 ACTION ON A COMPLAINT**

Action on a complaint consists of the following:

- (1) The Board shall receive and acknowledge complaints, open a file and initiate complaint tracking.
- (2) Complaints shall be screened to determine jurisdiction and the type of response appropriate for the complaint.
- (3) Investigation:
  - (a) If the facts indicate a Practice Act violation that cannot be verified and the complaint can be handled without an investigation, the Board may request that the licensee or school cease conduct that could result in a Practice Act violation.
  - (b) If the facts indicate a Practice Act violation, the Board shall commence an investigation. The Board may utilize additional personnel such as licensees, law enforcement officials, or other technical personnel that may be required in a particular case. If a Board member is utilized in the investigation, due process must be observed by separating
    - (i) investigation;
    - (ii) prosecution; and
    - (iii) hearings and final decision-making.No Board member shall participate in more than one of these three steps in the enforcement process.
  - (c) A confidential report of each investigation shall be prepared for the Board's review.
- (4) Formal and Informal Hearings:
  - (a) The Board, after review of an investigative file, may schedule an informal meeting.
  - (b) If the matter cannot be resolved informally, then a formal hearing shall be held.
  - (c) Members of the Board shall not make ex parte communication with parties to a hearing.
- (5) Final Orders: Within 60 days, the Board will issue its final decision in writing specifying the date on which it will take effect. The Board will serve one copy of the decision on each party to the hearing.
- (6) Compliance: The Board Chair will cause a follow-up inquiry to determine that the orders of the Board are being obeyed.

*History Note: Authority G.S. 90-626(5), (6), (7), (13);  
Temporary Adoption Eff. February 15, 2000;  
Eff. April 1, 2001;  
Amended Eff. September 2, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014.*