

CHAPTER 11-02-03 GRIEVANCES

Section

11-02-03-01 Grievance Procedures

11-02-03-02 Complaint Procedures

11-02-03-01. Grievance procedures.

Grievances must be processed in accordance with North Dakota Century Code chapter 28-32.

History: Amended effective May 1, 1984.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 28-32-05

11-02-03-02. Complaint procedures.

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-37-13, the board shall notify the licensee of the complaint and require a written response from the licensee.
2. A licensee who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient or client records if reasonably requested by the board and accompanied by the appropriate release.
3. The board may direct an ethics subcommittee or a board member to investigate the complaint. After completing the investigation, the ethics subcommittee or board member will recommend whether the board should take disciplinary action against the licensee.
4. When conducting an investigation, the board may subpoena and examine witnesses and records, including patient and client records, and may copy, photograph, or take samples of the records. The board may require the licensee to give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board, if requiring an examination is in the best interest of the public. The patient and client records released to the board are not public records.
5. The board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-37-13. If the board determines there is not a reasonable basis, the board will notify the complainant and the licensee. If the board determines there is a reasonable basis, the board may proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.
6. The board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.
7. The board may impose a fee on the licensee for all or part of the costs of an informal resolution or a formal action resulting in discipline, including administrative costs, investigation costs, attorney's fees, witness fees, the cost of the office of administrative hearings services, and court costs.

History: Effective June 1, 1990; amended effective April 1, 2016.

General Authority: NDCC 43-37-06

Law Implemented: NDCC 28-32-05