

ARTICLE 87-05
VETERINARIAN DISCIPLINARY PROCEEDINGS

Chapter	
87-05-01	Complaints and Peer Review
87-05-02	Unprofessional Conduct

CHAPTER 87-05-01
COMPLAINTS AND PEER REVIEW

Section	
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87-05-01-01. Complaint.

A person may file a written complaint with the board setting forth the specific charges upon which the complaint is made. Upon receiving a complaint, the board shall notify the veterinarian of the complaint and request the veterinarian provide a written response to the complaint within twenty days of receipt of the board's letter. The veterinarian's response will be made available to the complainant.

After receiving the response, the board will review the complaint and response and determine whether, on its face, the complaint warrants further action by the board. If the board determines the complaint does not warrant further action, the complaint is dismissed and the complainant and the veterinarian will be notified in writing of the board action. If the board determines the complaint warrants additional investigation, the board will determine whether the complaint should be referred to a peer review committee for investigation or whether the investigation should be conducted by other means. If the board determines sufficient information exists to warrant initiating formal disciplinary action, a formal complaint will be filed pursuant to North Dakota Century Code chapter 28-32.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-03

Law Implemented: NDCC 43-29-15

87-05-01-02. Peer review committee.

1. The board, after reviewing the complaint and response to the complaint, may appoint a peer review committee for the purpose of investigating the complaint and rendering a recommendation to the board. The board may seek input from the North Dakota veterinary medical association on potential members of the peer review committee.
2. The peer review committee must be appointed by the board and consist of three licensed veterinarians. Board members may not serve as peer review committee members. If, after reviewing the complaint and response, the committee believes additional expertise is needed to render a recommendation, the board may appoint an additional member to the peer review committee who has the training, experience, and expertise necessary to assist in making a recommendation.
3. At the time the peer review committee members are appointed and prior to the review process, the board shall notify the complainant and respondent as to the identity of the members of the peer review committee. The complainant and respondent may submit a documented request that the board excuse a committee member for due cause. The board may excuse the committee member and appoint another committee member to replace the excused member.

4. The peer review committee shall investigate the complaint to determine whether a reasonable basis exists to believe the respondent violated the laws or rules regulating the practice of veterinary medicine. The peer review committee is an agent of the board and has the same investigatory powers that the board has. The board's legal counsel may provide advice and assistance to the peer review committee.
5. After completing its investigation, the peer review committee shall make a recommendation to the board. The peer review committee shall recommend whether a reasonable basis exists to believe the respondent violated any laws or rules regulating the practice of veterinary medicine and whether disciplinary action should be commenced. If the committee recommends disciplinary action be commenced, the committee shall identify the factual basis of the recommendation and the law or regulation allegedly violated. A copy of the peer review committee's recommendation must be provided to the complainant and respondent.
6. After receiving the peer review committee's recommendation, the board shall review the recommendation and determine whether to dismiss the complaint, conduct additional investigation, or initiate formal disciplinary action.

History: Effective January 1, 1999.

General Authority: NDCC 43-29-15

Law Implemented: NDCC 43-29-15