

## **ARTICLE 63-04 DISCIPLINARY ACTION**

Chapter  
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### **CHAPTER 63-04-01 GENERAL ADMINISTRATION**

Section  
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#### **63-04-01-01. Complaint and reports.**

Any person, public officer, association, or the board may register a complaint against a licensed podiatrist. The complaint must be in writing and must be submitted to the board. Mandatory reporting may be made on forms provided by the board. Any entity or person mandated to report to the board shall provide any further, supplemental, or additional information as may be reasonably requested by the board. Insurers required to submit reports to the board shall send the reports to the board by the first day of the months of February, May, August, and November of each year.

**History:** Effective October 1, 1982; amended effective December 1, 1991.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.5

#### **63-04-01-02. Investigation.**

All complaints alleging or implying violations of North Dakota Century Code chapter 43-05 or this title shall be referred to the board. Upon receipt of a complaint, the board shall conduct the investigation it deems necessary to determine whether any podiatrist has committed any grounds for disciplinary action provided by law. The board shall also provide a copy of the complaint to the podiatrist that is the subject of the complaint and request a written response from such podiatrist.

1. Upon completion of its investigation, the board shall make a finding that the investigation disclosed that:
  - a. There is insufficient evidence to warrant further action;
  - b. The conduct of the podiatrist does not warrant further proceedings but the board determines that possible errant conduct occurred that could lead to significant consequences if not corrected. In such a case, the board may take any necessary steps to correct such conduct; or
  - c. The conduct of the podiatrist indicates that the podiatrist may have committed any of the grounds for disciplinary action provided for by law and which warrants further proceedings.
2. If the board determines that a formal hearing should be held to determine whether any licensed podiatrist has committed any of the grounds for disciplinary action provided for by law, it shall inform the respondent podiatrist of the specific charges to be considered by serving upon that person a copy of a formal complaint filed with the board of podiatric medicine for disposition pursuant to the provisions of North Dakota Century Code chapter 28-32. Any board member that participated in the investigation of the complaint may not participate in any proceeding before the board relating to said complaint. The complaint must

be prosecuted before the board by the attorney general or one of the attorney general's assistants.

3. If the board finds that there are insufficient facts to warrant further investigation or action, the complaint must be dismissed and the matter is closed. The board shall provide written notice to the individual or entity filing the original complaint and the person who is the subject of the complaint of the board's final action or recommendations, if any, concerning the complaint.
4. The board may hold a preliminary hearing to determine whether a formal administrative hearing is necessary.
5. The board shall immediately serve or send written notice of suspension or revocation to the affected podiatrist for any ex parte suspension or ex parte revocation, allowed by law, that is approved by the board after preliminary investigation.

**History:** Effective October 1, 1982; amended effective December 1, 1991; April 1, 2013.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.2

#### **63-04-01-03. Administrative hearing.**

If the board decides that the complaint requires a formal administrative hearing, the hearing shall be in accordance with North Dakota Century Code chapter 28-32.

1. Upon the conclusion of the hearing, the board shall make findings of fact and conclusions of law and accordingly may take such disciplinary action as is allowed by law.
2. An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct and as are authorized by law.
3. The board upon good cause may direct a rehearing.
4. Any appeal may be taken in the manner provided in North Dakota Century Code chapter 28-32.

**History:** Effective October 1, 1982; amended effective December 1, 1991.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.1, 43-05-16.2