

## Who Dat?

How to investigate a complaint and related matters

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### Questions for Discussion

#### Complaints

Walk us through the life of a complaint, once it is received by your Boards. How is it initially processed and ultimately concluded?

How many complaints are filed each year? What percentage are concluded through either Consent Order or disciplinary hearing?

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#### Complaints contd.

It's probably safe to say that all Boards receive and accept complaints alleging improper conduct by licensees. However, some Boards will accept anonymous complaints and others do not. How do your Boards handle anonymous complaints?

Do your Boards require that complaints be submitted on a Board-approved complaint form? Do your Boards have rules related to the filing of complaints?

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Complaints contd.

Do your Boards self-initiate complaints? If so, are they handled the same as third-party generated complaints?

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Investigations

Do your Boards use investigators to investigate complaints? If so, are the investigators employees of the Board or contractors? Do Board members ever investigate complaints?

How do the Boards determine which complaints warrant further investigation by an investigator? Are those decisions made by Board staff or a subcommittee of the Board?

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Investigations contd.

Are investigators asked to generate written reports of their findings?

What resources have your Boards found helpful to train investigators?

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Hearings

How many Board members usually adjudicate the hearing and how many usually are recused?

Do your Boards sometimes send cases to other adjudicators?

Do your Boards always have court reporters transcribe the hearing?

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Hearings contd.

How do your Boards approach settlement discussions? For example, is a Consent Order sometimes provided with the Notice of Hearing? Or, is the licensee given an opportunity to meet with the disciplinary committee prior to hearing to discuss settlement possibilities?

How many of your Boards have separate counsel advising them during the hearings?

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Hearings contd.

Do your Boards usually render a decision on the record at the conclusion of the hearing, or do they usually take matters under advisement?

Most Boards have experienced an uptick in complaints filed and hearings needed over the past several decades. How have you seen the hearing process change during your tenure as Board counsel (e.g. more licensees represented by counsel? More prehearing motions? More expert witnesses?)

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THANK YOU FOR PARTICIPATING!

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