

1 21 NCAC 52 .0409 is proposed for adoption as follows:  
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3 **21 NCAC 52 .0409 COMPLAINTS**  
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- 5 (a) Any person may file a complaint, pursuant to G.S. 150B, Article 3A, against a licensed podiatrist with the  
6 board by completing the online complaint form on the board website, <http://www.ncbpe.org> or by  
7 providing a completed hardcopy complaint form to the Board, which may be obtained from the board's  
8 offices as listed in .0101 of these Rules .
- 9 (b) The complaint shall set forth the name and contact information of the podiatrist against whom the  
10 complaint is lodged, a summary of the facts of the complaint, the complainant's name, mailing address and  
11 phone number, and whether or not a copy of the complaint may be sent to the podiatrist about whom the  
12 complaint is lodged. Within 14 days of a hardcopy complaint received by the board, a receipt notification  
13 shall be sent to the complainant by mail. If an online complaint has been submitted to the board, an  
14 electronic receipt notification shall automatically be generated and emailed to the board's Executive  
15 Secretary and the complainant. A copy of the complaint shall be sent to the respondent named in the  
16 complaint, if so authorized by the complainant; otherwise, the complaint shall be filed in the podiatrist's  
17 file for future reference. Should the complaint be sent to the podiatrist, said podiatrist shall respond to the  
18 complaint in writing to the board within 45 days of receipt of the complaint and provide the board with a  
19 copy of the complainant's medical records pursuant to any board request.
- 20 (c) At such time as a complaint is received at the board's office and authorization given by the complainant to  
21 share the complaint with the podiatrist against whom the complaint is lodged, the Executive Secretary shall  
22 notify the board's appointed Grievance Committee members with a copy of the complaint. A Grievance  
23 Committee member who does not have a conflict of interest as defined in G.S. 138A-36(a) shall be  
24 assigned to conduct an investigation to determine if probable cause exists that a violation of the Podiatry  
25 Practice Act (G.S. 90-202.8) may have occurred. After review, should it be deemed necessary by the  
26 Grievance Committee member assigned to the case that further investigation is required to determine if  
27 probable cause exists, an outside investigator may be retained with the board's permission.
- 28 (d) Should the Grievance Committee member determine that no probable cause exists that there was a violation  
29 of the Podiatry Practice Act, the Grievance Committee member shall submit a summary of his investigation  
30 and conclusion first to the remaining members of the Grievance Committee, and if the members concur, to  
31 the board for approval. If the decision is approved by the board at a regularly called meeting of the board,  
32 both the complainant and respondent shall be notified of the disposition of the case within 14 days of the  
33 board's decision.
- 34 (e) Should the Grievance Committee determine that probable cause of a violation of the Podiatry Practice Act  
35 does exist, the Committee shall notify the board and an administrative hearing in compliance with N.C.G.S.  
36 150B shall be scheduled. The complainant and the respondent shall be given Notice of the Hearing and the  
37 disposition of the case.

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2 History: Authority: G.S. 90-202.8; G.S. 150B, Article 3A; [H1007 – G.S. 93B-22]

3 Eff: July 1, 2017