

## **21 NCAC 52 .0409            COMPLAINTS**

(a) Any person may file a complaint, pursuant to G.S. 150B, Article 3A, against a licensed podiatrist with the board by completing the online complaint form on the board website, <http://www.ncbpe.org> or by providing a completed hardcopy complaint form to the Board, which may be obtained from the board's offices as listed in Rule .0101 of this Chapter.

(b) The complaint shall set forth the name and contact information of the podiatrist against whom the complaint is lodged, a summary of the facts of the complaint, the complainant's name, mailing address and phone number, and whether or not a copy of the complaint may be sent to the podiatrist about whom the complaint is lodged. Within 14 days of a hardcopy complaint received by the board, a receipt notification shall be sent to the complainant by mail. If an online complaint has been submitted to the board, an electronic receipt notification shall automatically be generated and emailed to the board's Executive Secretary and the complainant. A copy of the complaint shall be sent to the respondent named in the complaint, if so authorized by the complainant; otherwise, the complaint shall be filed in the podiatrist's file for future reference. Should the complaint be sent to the podiatrist, said podiatrist shall respond to the complaint in writing to the board within 45 days of receipt of the complaint and provide the board with a copy of the complainant's medical records pursuant to any board request.

(c) At such time as a complaint is received at the board's office and authorization given by the complainant to share the complaint with the podiatrist against whom the complaint is lodged, the Executive Secretary shall notify the board's appointed Grievance Committee members with a copy of the complaint. A Grievance Committee member who does not have a conflict of interest as defined in G.S. 138A-36(a) shall be assigned to conduct an investigation to determine if probable cause exists that a violation of the Podiatry Practice Act (G.S. 90-202.8) may have occurred. After review, if the Grievance Committee determines that further investigation is required to determine if probable cause exists, an outside investigator may be retained with the board's permission.

(d) If the Grievance Committee member determines that no probable cause exists that there was a violation of the Podiatry Practice Act, the Grievance Committee member shall submit a summary of his investigation and conclusion first to the remaining members of the Grievance Committee, and if the members concur, to the board for approval. If the decision is approved by the board at a regularly called meeting of the board, both the complainant and respondent shall be notified of the disposition of the case within 14 days of the board's decision.

(e) If the Grievance Committee determines that probable cause of a violation of the Podiatry Practice Act does exist, the Committee shall notify the board and an administrative hearing in compliance with Article 3A of G.S. 150B shall be scheduled. The complainant and the respondent shall be given Notice of the Hearing and the disposition of the case.

*History Note:     Authority G.S. 90-202.4; 90-202.8; 150B-3;  
                         Eff. April 1, 2017.*