

## DISCIPLINARY PROCEDURES

### INVESTIGATION

1. The Investigations Unit receives a complaint.
2. Legal sufficiency is determined by the supervisor of the Investigations Unit.
3. A legally sufficient complaint is entered into COMPAS and assigned to an investigator.
4. The investigator notifies the subject of the complaint and the subject has **21 days** from the receipt of the notification to respond.
5. The investigator collects evidence and writes a report.
6. The report is reviewed by the supervisor.
7. The completed case is forwarded to the attorney for prosecution.

### PROBABLE CAUSE PANEL DETERMINATION

8. The case is reviewed by the prosecuting attorney and is presented to the probable cause panel with the recommendation of either dismissal or probable cause.
9. The probable cause panel considers the case and votes:
  - Probable cause found (then the case continues to the next step)
  - No probable cause found (then the case is **closed** and will remain confidential)
10. The prosecuting attorney serves the respondent with an administrative complaint and a notice of hearing rights which must be returned to the office of the prosecuting attorney within **21 days** of the receipt. This results in three possible options listed below:
  - Settlement/Voluntary Relinquishment
  - Informal Hearing (No questionable disputed facts)
  - Formal Hearing (disputed facts)

### INFORMAL PROCEEDINGS

- 11a. The office of the prosecuting attorney presents ALL stipulations/voluntary relinquishments to the Bureau Chief for consideration and approval.
- 11b. The Bureau Chief/Deputy Secretary is the Hearing Officer at the informal hearing and can rule on motions at the hearing.
- 11c. The Hearing Officer (Bureau Chief/Deputy Secretary) will hear the case presented by the prosecuting attorney and the respondent or the respondent's attorney.
- 11d. The Bureau Chief/Deputy Secretary adopts, declines or modifies the prosecuting attorney recommendations on administrative complaints and stipulations or specifies conditions and notifies the respondent of the complaint of the findings within **7 days** of the informal hearing.

### FORMAL HEARING

12. A formal hearing takes place at the Department of Administrative Hearings (DOAH) where evidence and testimony are presented to an Administrative Law Judge by both parties.
- 12a. The Administrative Law Judge renders a recommended order.
- 12b. The Hearing Officer or Deputy Secretary considers on the Administrative Law Judge's recommended order and exceptions (if filed).
13. The Bureau Chief or Deputy Secretary may dismiss the case, revocation of license or impose the following penalties:
  - Suspension of license
  - Restriction of practice
  - Administrative Fine
  - Probation
  - Obligations such as monthly drug tests

### FINAL ORDER

14. In all three scenarios, the Bureau's Counsel will draft final orders in a timely manner adopting the Bureau Chief/Deputy Secretary's findings of facts, conclusion of law and penalty. The final order is reviewed by the Bureau Chief and Division Director prior to presentation to the Deputy Secretary who approves and signs the final order.
15. The Bureau's Counsel files the original final order with Central Records or the Agency Clerk.
  - Requests for copies are made at the time of filing for service on the parties.
    1. Cases involving individuals are filed with Amy Carraway, Division of Medical Quality Assurance Central Records
    2. Cases involving service providers/training centers are filed with Sam Power, Agency Clerk
16. Copies of the final orders are served on the Respondent, Respondent's Attorney (if applicable), Prosecuting Attorney, Section Administrator for Investigations Unit with the Bureau and Compliance Service Unit (for individual complaints only) by Bureau Counsel or representative.\*

**\*Respondent is not obligated to complete the terms of the stipulation agreement or proposed final order until which time a final order is adopted and approved. The subject becomes the respondent after probable cause is found.**