

1 21 NCAC 32N .0107 is proposed for amendment as follows:

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3 **21 NCAC 32N .0107 INVESTIGATIONS AND COMPLAINTS**

4 (a) At the time of first oral or written communication from the Board or staff or agent of the Board to a licensee
5 regarding a complaint or investigation, the Board shall provide the notices set forth in G.S. 90-14(i), except as provided
6 in Paragraph (e) of this Rule.

7 (b) A licensee shall submit a written response to a complaint received by the Board within 45 days from the date of a
8 written request by Board staff. The Board shall grant up to an additional 30 days for the response where the licensee
9 demonstrates good cause for the extension of time. The response shall contain accurate and complete information.
10 Where a licensee fails to respond in the time and manner provided herein, the Board may treat that as a failure to
11 respond to a Board inquiry in a reasonable time and manner as required by G.S. 90-14(a)(14).

12 (c) The licensee's written response to a complaint submitted to the Board in accordance with Paragraph (b) of this
13 Rule shall be provided to the complainant upon written request as permitted in G.S. 90-16(e1), except that the response
14 shall not be provided where the Board determines that the complainant has misused the Board's complaint process or
15 that the release of the response would be harmful to the physical or mental health of the complainant who was a patient
16 of the responding licensee.

17 (d) A licensee shall submit to an interview within 30 days from the date of an oral or written request from Board staff.
18 The Board may grant up to an additional 15 days for the interview where the licensee demonstrates good cause for the
19 extension of time. The responses to the questions and requests for information, including documents, during the
20 interview shall be complete and accurate. Where respondent fails to respond in the time and manner provided herein,
21 the Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S.
22 90-14(a)(14).

23 (e) The licensee who is the subject of a Board inquiry may retain and consult with legal counsel of his or her choosing
24 in responding to the inquiries as set out in G.S. 90-14(i).

25 (f) For purposes of G.S. 90-14(l) an investigation shall be deemed complete when the Board's Chief Investigative
26 Officer, or his or her designee, approves an investigative report for submission to the Board's Disciplinary Committee.
27 Once approved, subsequent consideration of the report by the Disciplinary Committee and any follow-up investigation
28 requested by the Disciplinary Committee shall not be considered part of the six-month period contained in G.S. 90-
29 14(l). An e-mail from Board staff explaining the reasons for extending an investigation that is sent to the licensee or
30 the licensee's attorney at his or her last known email address as provided to the Board shall be deemed compliant with
31 the written notification requirement contained in G.S. 90-14(l) so long as the email is sent within the six-month period.

32 (g) Should a licensee not receive a written explanation of the circumstances or reasons for extending an investigation
33 within the applicable six-month period, the licensee, or his or her attorney, may request a written explanation from the
34 Board as to the reasons why the investigation has not yet been completed. The Board shall respond to the request
35 within 15 days from the date of receipt of the request. In the response the Board shall provide the reasons for extending
36 the investigation along with an estimate as to when the investigation may be completed.

1 *History Note: Authority G.S. 90-5.1(a)(3); 90-14(a)(14); ~~90-14(i)~~; 90-14(a)(i) and (l); 90-16(e1);*
2 *Eff. February 1, 2012;*
3 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*
4 *2016.*

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