

01 NCAC 17 .0715 ABUSER TREATMENT PROGRAM INVESTIGATIONS AND REMOVAL FROM APPROVED LIST

- (a) A person who believes that an approved abuser treatment program has violated any provision of the Rules in this Section may file a written complaint with the Commission. The Commission may also initiate proceedings under this Rule without a third party complaint having been filed.
- (b) The Commission shall dismiss any complaint it finds is unfounded, frivolous, or trivial.
- (c) Unless the complaint is dismissed, pursuant to Paragraph (b) of this Rule, the Commission shall notify the program of the complaint in writing. Such notice shall be sent by certified mail with return receipt requested. The notice shall state the alleged facts as contained in the complaint, or may enclose a copy of the complaint, and shall contain a request that the program submit an answer in writing within 20 days from the date the notice of the complaint is received by the abuser treatment program.
- (d) If the abuser treatment program acknowledges the violations in the complaint, the Commission shall accept the admission and shall issue a First Notice of Violation. Upon First Notice of Violation, the abuser treatment program shall enter into a probationary period. An abuser treatment program that is not in compliance with this Section shall have 60 days to bring its program into compliance.
- (e) If the abuser treatment program does not respond to or denies the violations, the Commission shall investigate the allegations contained in the complaint. The program shall be given another opportunity to respond to the Commission's concerns. If the Commission finds that the program is in violation, the Commission shall issue a First Notice of Violation as in Paragraph (d) of this Rule.
- (f) The Commission shall maintain the complaint, evidence, investigative findings, and disposition of each matter. If a First Notice of Violation has been issued, the Commission shall determine if the abuser treatment program has come into compliance within 60 days. If the abuser treatment program is still not in compliance as determined by the Commission, the Commission shall issue a Second Notice of Violation to the program, setting forth an additional 60 days for correcting the violations.
- (g) If the Commission determines that the abuser treatment program is still not in compliance at the end of the time set forth in the Second Notice of Violation, the Commission shall remove the program from the list of approved programs effective as of the first day of the next calendar quarter and issue a Letter of Termination to the program. District court judges and clerks of court for the prosecutorial districts served by the program shall be notified immediately by Commission staff of the termination.
- (h) All participants in a terminated abuser treatment program shall be remanded back to the referring court for referral to another program or other action deemed appropriate by the court. Any program so terminated may reapply to the Commission for inclusion on the approval list no sooner than the next application period.
- (i) When a program is terminated from the approved list, the Commission shall notify relevant domestic violence and sexual assault agencies and North Carolina Providers of Abuser Treatment.
- (j) All abuser treatment programs shall comply with any reporting requirements and requests for information regarding statistics and other data as set out in the rule in this Section. Failure to comply with reporting deadlines and requests for information as set out in the rule in this Section shall result in a program being deemed noncompliant, which shall lead to termination and removal from the approved abuser treatment program list.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;
Eff. October 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*