

21 NCAC 05 .0602 INVESTIGATION OF COMPLAINT

(a) The ethics committee shall consist of a member of the Board as chairperson, the Board administrator and the Board's legal counsel. The ethics committee shall investigate the allegations in the complaint. The chairperson may appoint another Board member or name a subcommittee of the Board to serve on the ethics committee, if they determine there is a conflict of interest or that the complaint is outside of their investigatory skillset.

(b) The ethics committee may contact the complainant and person against whom the complaint is made.

(c) Upon completion of the investigation, the ethics committee may determine that:

- (1) the person against whom the complaint is made is not a licensee or applicant of the Board, and does not qualify for an exemption pursuant to G.S. 90-745. The ethics committee shall cease disciplinary action and the chairperson shall refer the matter for prosecution pursuant to G.S. 90-746.
- (2) the complaint is without merit. The ethics committee shall dismiss the complaint. The chairperson shall notify both parties of the dismissal; and
- (3) upon completion of an investigation wherein the complaint is found to have merit or is not dismissed, the ethics committee chairperson may:
 - (A) offer a settlement resolution pursuant to G.S. 150B-22;
 - (B) schedule a meeting with the respondent;
 - (C) notice a formal hearing before the Board; or
 - (D) take a voluntary dismissal of the case where the respondent relinquishes their license for an agreed upon period of time through a consent order.

History Note: Authority G.S. 90-734; 90-742; 150B-22; 150B-38; 150B-39; 150B-40; 150B-41; 150B-42; Eff. February 1, 2023.