

## **Investigative Procedure Outlined**

1. A complete complaint form must be received in the Board office.
2. An investigative file is then opened establishing a case number and taken under consideration by the Investigative Committee, consisting of one Board member, legal counsel, investigator, and executive director. The complainant is notified in writing, verifying receipt of the complaint; and the respondent is given an opportunity to respond in writing.
3. The Committee reviews and actively pursues an investigation to a legal and logical conclusion.
4. Once probable cause has been met, a hearing will be scheduled and the parties notified at least 21 days in advance. If the complaint is not substantiated by the evidence, the case is then closed. The respondent and complainant are both notified of the investigative conclusion.
5. For cases progressing to hearing, the Investigative Committee does have the option of entering into a consent agreement with the respondent once the investigation has been concluded and the allegation(s) supported by the evidence. The Committee makes a recommendation as to what punishment and/or fines to impose on the respondent. The respondent can then agree by signing the consent order. All consent orders are voted on by the entire Board in open session and, if an agreement is reached, is public information and posted. If the respondent chooses not to agree to the arrangements proposed by the Board, the respondent can choose to continue with a hearing before the entire Board.

## **DISCIPLINARY HEARINGS**

1. Hearings are conducted at Board headquarters in the conference room. This process is subject to the Open Meetings Act which provides for the forum to be open to the public.
2. An Administrative Law Judge conducts the hearing as argued by Legal Counsel for the Board and the respondent's attorney.
1. Once the hearing is concluded, the Administrative Law Judge will write a final order of the case which is then voted on by the Board to accept, amend, or reject the judge's findings. The Board member serving on the Investigative Committee abstains from voting in order to guarantee due process.
2. The order is then sent to the respondent and the case is closed.
3. Disciplinary actions are then published in the *ASBRT Newslines*, on the ASBRT web site, and the National Disciplinary Database for Healthcare Practitioners.