

Two models of regulation: Boards and Advisors Discipline Process

Boards:

- 5-10 member boards made up of a majority of licensees and 1-2 public members
- Unit administrator assigned to each board
- Investigative unit of 6 investigators cover all professions
- Staff attorney assigned as board counsel
- Prosecuting attorneys
- Director oversees all operations (investigative, prosecutorial, administrative, legal)

Complaint and investigation process

- Complaint from any source
- Screened out - not within jurisdiction, clearly frivolous on its face OR
- Investigated - complainant and respondent interviewed, evidence collected
- Investigative team reviews the investigation. I-team: Board member, administrator, investigator, prosecutor
- Case is:
 - Closed - closing report - explains what was investigated, who was interviewed, statutes considered, and why closed. Team recommends, board approves or rejects; OR
 - Charged - prosecuting attorney files formal unprofessional conduct charges based upon I-team discussion of the violations.
- Answer (within 20 days of charges being filed)
- Prehearing Conference – discovery and scheduling of case
- Stipulation and Consent Order (settlement) board still approves
- Hearing - default, contested, summary suspension, or stipulation review

Hearing before the Board (minus the I-team member)

- State prosecutes, has the burden, Respondent may defend, with an attorney or without
- Board may ask questions
- Board deliberates with counsel to write its findings conclusions and order
- Board Order
- Appeals to administrative officer, Superior Court, then Supreme Court.

Advisors:

- 2-3 advisors to the Director
- Basically the same as boards except for hearings
- Final decisions made by the Director with advice from the Advisors
- Advisors participate on I-teams
- Cases heard before and Administrative Law Officer (outside attorney) with expert testimony (the Advisors)
- ALO writes the order
- Appeals straight to Superior and then Supreme Courts