

# Nevada State Board of Podiatry

## Complaint & Investigation Policy

### Complaints

1. Complaint Form and Authorization to Release Medical Information is completed, notarized and filed with Board.
2. Executive Director (ED) reviews complaint, creates file and assigns a case number.
3. Executive Director will mail a letter to the complainant as to the investigation process.
  - If the complaint is of a nature that portends imminent danger to a patient or the public (i.e., sexual or physical harm), the ED will immediately inform the President. If the President agrees, the matter will be referred to the Board's Legal Counsel for appropriate action.
4. Executive Director will send a 233B letter, a copy of the complaint and the signed Authorization to Release Medical Information to the Licensee notifying them of the complaint. The Licensee will have 30 days to send the Board a response to the allegation and patient records if necessary.  
**(Exception: If fraudulent record keeping or billing is alleged, records should not be requested until Investigating Board member has been assigned)**
5. Once patient records and a response are received from the respondent, Executive Director will assign the case to the Board Investigator.
6. Board Investigator receives case file.
  - (a) Board Investigator will determine the severity of the case: mild, moderate or severe.
  - (b) Board Investigator will contact complainant and respondent within 15 days to:
    - I. Inform complainant that he/she has been assigned to look into complaint and review the facts of the complaint with the complainant.
    - II. Contact respondent to review the facts of the complaint, and/or inspect the respondent's office to gather additional information.
    - III. After gathering the facts of the complaint from both parties involved, the Board Investigator will file a report with the Board office.
7. The case file will then be assigned and presented to the Investigating Board Member for review.
  - (a) IBM may request additional information, dismiss the case due to lack of evidence to support the allegation, or move forward with a formal complaint.
8. Once a case determination is made by the Investigating Board Member, the case file will be submitted to Board Counsel for review.

### **Dismissed complaints**

- (a) If the Investigating Board Member dismisses the complaint, the respondent and the complainant will be so informed by letter within 30 days.
- (b) Dismissed complaints remain confidential.

### **Proceedings**

If the complaint is determined to be moderate to severe, the IBM will meet with Board Counsel for a decision on how to proceed. If the facts gathered by the Board Investigator are deemed to be of sufficient import or sufficiently well founded to merit bringing proceedings against the person charged without need of further investigation.

- (a) The limitation of one \$5,000.00 fine per complaint may necessitate issuance of more than one complaint.
- (b) The Investigating Board Member will attempt to negotiate an agreed settlement utilizing the form "NSBP Parameter for Expedited Settlements" (attached)
- (c) If an agreed settlement is successfully negotiated, it will be referred to the Board's Legal Counsel to be formally prepared and the respondent's signature will be obtained.
- (d) The agreed settlement will be presented at the Board's next meeting for approval.
- (e) If at any time, respondent engages an attorney, the matter will be referred to Board Counsel for negotiation of an agreed settlement under the terms and conditions recommended by the Investigating Board Member.
- (f) If an agreed settlement cannot be reached, the matter will be noticed for hearing as soon as possible.

### **Agreed Settlement/Disciplinary Action**

At the conclusion of an investigation, if the Investigating Board Member is unsuccessful in negotiating an agreed settlement or the respondent has engaged an attorney, the matter must be turned over to the Board's Legal Counsel.

- (a) The limitation of one \$5,000 fine per complaint may necessitate issuance of more than one complaint.
- (b) The Deputy Attorney General or Legal Counsel will attempt to negotiate an agreed settlement under the terms and conditions recommended by the Investigating Board Member within the NSBP Parameters for Expedited Settlements.
- (c) If unsuccessful in negotiating an agreed settlement, Legal Counsel will proceed with the hearing process.