

## **Board Policy Complaints**

## **Complaint Process and Filings**

**POLICY:** It is the policy of the State Board of Nursing (Board) that the following process shall be employed regarding filings of complaints, responses to complaints, replies, and requests for reconsideration of Board complaint disposition determinations:

1. Upon receipt of a complaint, Board staff shall notify the licensee of the complaint as soon as possible, but absent unusual circumstances justifying the delay, not later than 60 days after receipt of the complaint.
2. The licensee shall provide a written response, together with any supporting or requested documentation, to the complaint within 30 days after receiving the complaint, unless an extension of time to respond has been granted.
3. Board staff shall share the licensee's written response with the complainant unless it would be detrimental to the health of the complainant, or the complainant does not have legal authority to access the confidential medical information of the patient involved in the complaint.
4. If the licensee's written response is provided to the complainant, the complainant has the opportunity to submit a rebuttal to the licensee's response within 10 days of receipt thereof, unless an extension of time to provide a rebuttal has been granted.
5. If the complainant submits a timely rebuttal, Board staff shall provide a copy of the rebuttal to the licensee.
6. Following receipt of the rebuttal, if any, the matter will be placed on an agenda for consideration by the Board. No additional submissions or information from either the licensee or the complainant will be included in the information provided to the Board for initial review of the complaint unless:
  - a. such additional information or submission has been requested by Board staff; or
  - b. Board staff, in consultation with the Board's Assistant Attorney General, determines that the information has not already been provided and is addressing new or different issues raised by the licensee or complainant.
7. Requests for reconsideration of the Board's determination regarding the disposition of a complaint will not be presented to the Board unless the Board staff, in consultation with the Board's Assistant Attorney General, determines that the requesting party has provided new information that would likely impact a Board disposition and which could not otherwise have been provided to the Board prior to the disposition of the complaint.

**EFFECTIVE DATE:** March 9, 2023

**HISTORY:** The Board adopted this policy in response to multiple filings by licensees and complainants, which are not necessarily beneficial for the initial complaint review; and multiple requests for reconsideration of the disposition of complaints that delay complaint resolution and impose an unnecessary burden on the Board and staff.