

## **What happens after a disciplinary complaint is filed?**

- 1) The complaint is screened. The Office evaluates whether the professional activity in question is within OPR's jurisdiction and whether the conduct described, if proven, would be actionable as unprofessional conduct that warrants public discipline. Regardless of the screening decision, the Office notifies the Complainant that the complaint has been received. If a complaint is screened out and no action will be taken, the Complainant is notified by letter.
- 2) When a complaint meets the criteria above, it is sent for investigation. Urgent dangers to the public health, safety, or welfare are flagged for priority investigative assignment and summary proceedings.
- 3) The Office notifies the subject of the complaint (the "Respondent") that a complaint has been opened against them, except where there is an investigative reason not to. When appropriate, the Office may send a copy of the complaint to the Respondent and request a written response.
- 4) An investigative team is assigned. The team includes a Case Manager, an Investigator, a Board Member or Advisor with expertise in the profession, and a State Prosecuting Attorney.
- 5) Each investigation varies depending on the nature of the complaint. Investigations may include gathering information from the complainant, respondent, other relevant witnesses, written documentation, records, and other forms of evidence. Depending on the nature and complexity of a complaint, as well as the other competing priorities of the Enforcement Unit, investigations may take an extended period of time to complete.
- 6) The investigative team reviews the information the Investigator has gathered and may request additional information or suggest additional avenues of inquiry. The State Prosecuting Attorney, in consultation with the investigative team, determines whether the investigation has uncovered evidence of unprofessional conduct that warrants public prosecution. The complaint is either closed or charged for unprofessional conduct.
- 7) When a case is closed without charges, the investigative details and identity of the Respondent remain confidential and a brief closing report is mailed to the Complainant and Respondent notifying them of the outcome. <https://legislature.vermont.gov/statutes/section/03/005/00131>
- 8) When a case is charged, the Respondent and Complainant are notified by mail of the charges and a hearing is set. Charges may be resolved by an agreement, called a stipulation, or may proceed to a hearing before the relevant Board or before an Administrative Law Officer. Formal disciplinary charges may take a year or longer to resolve. For more information on the disciplinary process, please see the Administrative Rules of Practice.
- 9) If a complaint is charged and a finding of unprofessional conduct is made, a sanction is imposed. Available sanctions range from a fine or warning, to practice supervision, to remedial coursework, to suspension for a period of time, to permanent revocation of a license. The Office does not have authority to order restitution to an aggrieved Complainant. Complainants seeking restitution should consult an attorney or the Consumer Protection Division of the Office of the Attorney General.