

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2227. Complaints to the Board and Procedures.

(a) The Board shall develop procedures for the prompt and efficient receipt, investigation and resolution of complaints and hearings, including rules of practice and procedure. Such procedures shall include notification of a licensee of an outstanding complaint, with due regard given to maintaining the confidentiality of the complainant during the investigation. Such procedures shall give due regard to the confidentiality of the target of the complaint, particularly when the complaint is anonymous.

(b) Any person, including a Board member or the Board's staff, may complain to the Board in writing against any person. The complaint may seek relief, but need not specify the relief sought. The complaint shall be as specific as possible as to the time, place, and nature of the violation. The Board's determination of a complaint shall be accorded notice and an opportunity to be heard, except as provided otherwise specifically in this chapter.

(c) The Board or its designee shall promptly and fully investigate all non-trivial allegations filed with the Board for the purposes of determining whether to proceed with or dismiss the complaint. Ordinarily, such investigation shall conclude within five weeks, thirty-five calendar days, of receipt of the complaint.

(d) The Board may dismiss without hearing a complaint as unfounded, or trivial, or failing to state a ground for which relief may be granted, with a written order explaining its decision. Notwithstanding any other provision of law the dismissal of a complaint shall be subject only to a retrospective notice and opportunity to be heard. The Board may dismiss an anonymous complaint without investigation.

(e) The Board shall hear and determine complaints and other contested matters pursuant to the Commonwealth Administrative Procedure Act, 1 CMC §§ 9108.

(f) The Board may refer a criminal prosecution to the Attorney General. The Attorney

General shall review such a referral on an expedited basis to determine whether criminal activity presents an immediate danger to the health, welfare or security of the Commonwealth or persons likely to receive care.

(g) The Board or its hearing officer may issue subpoenas as in the Superior Court. The Board shall provide by regulation for subpoena procedures, including how a person shall request a subpoena, who shall serve the subpoena, how service may be made, what the witness shall bring, the penalties to be exacted upon failure or refusal to obey a subpoena, and payment of required fees, if any, for travel and appearance. The Board may apply to the Superior Court for an order causing the arrest of a nonappearing witness and directing that the witness be brought before the Court and the Board. A disobedient witness shall be liable in damages for nonattendance to the hearing or other proceeding. The Board shall be provided those services available to the Attorney General for service of subpoenas.

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Source: PL 3-30, § 12; repealed and reenacted by PL 15-105, § 3(2227), modified.

Commission Comment: The Commission deleted figures in subsection (c) that repeated written words pursuant to 1 CMC § 3806(e).