

# North Carolina Veterinary Medical Board

## Summary of the Complaint Process

The General Statutes of North Carolina established the North Carolina Veterinary Medical Board for the purpose of regulating the practice of veterinary medicine and surgery. The General Statutes along with the Administrative Code establish protocols for the review of complaints and set grounds for possible disciplinary action. Complaints are filed against licensees of the Board rather than veterinary practice facilities. The complaint protocols apply to licensed veterinarians, registered veterinary technicians, applicants for examination, and faculty certificate holders of this Board. Complaints **cannot** be accepted anonymously, by fax, or telephone calls.

## Types of Complaints:

The Board investigates complaints concerning the practice of veterinary medicine and the standard of care provided by a licensee of the Board and includes, but not limited to:

- Incompetence
- Malpractice
- Fraud
- Gross negligence
- Misrepresentation

## Fee Issues:

The Veterinary Practice Act does not address the issue of fees. Therefore, the Board has no authority concerning fees or the jurisdiction to settle monetary disputes. Monetary disputes would be handled through the courts.

## Contract Disputes:

The Veterinary Practice Act does not address contract disputes, therefore these types of disputes are generally not within the jurisdiction of the Board.

## Filing a Complaint

A letter of complaint should be typed and mailed to:

North Carolina Veterinary Medical Board  
P. O. Box 37549  
Raleigh, N. C. 27627

It should be noted that complaints **cannot** be accepted anonymously, by fax, or telephone calls. A formal complaint is serious, the process takes time and may require that all parties travel to a meeting of the Board, and provide testimony under oath.

The letter of complaint needs to include the following information:

- The name(s) of the accused individual(s) whom the complaint is to be filed against.
- Name(s) of any veterinarians or veterinary practices that may have more information or medical records concerning the pet.
- Detailed account of the complaint/situation, including pet's name, age, and breed.
- Copies of any documentation(s) or information pertaining to the complaint.
- Remember to provide a mailing address, and telephone number(s) should the Board need to contact you.

## **The Procedure for Investigation and Review of Complaints**

- A copy of the letter of complaint is forwarded by certified mail to the accused individual for a response. They are given 20 days from the time they receive the letter of complaint to respond in writing.
- A copy of the accused individual written response is then forwarded to the complainant.
- If the accused individual's response does not address the concerns of the complainant, the complainant is required, within 20 days and in writing to the Board office, request that the committee proceed with the review of the complaint.
- Should the complainant not reply, to the accused individual's response, the Committee on Investigation could dismiss the complaint.
- When the final complainant reply is received, the Board staff will then forward the complaint information packet to the Committee on Investigations for review. This committee consist of three Board Members, one of which serves as the committees' chairperson.
- After the complaint is reviewed, the Committee on Investigations relays its findings during the next meeting of the full Board.
- The Attorney for the Board prepares all letters that summarize the findings of the Committee of Investigation. These prepared summaries are mailed to all parties.

It should be noted that some complaints may need to be continued until the next meeting of the Committee on Investigations. Complaints may be continued because more information is needed, lack of requested documents, etc. All parties will be informed of this continuation by the Board, in writing.

## **Possible Actions by The Board**

- Dismissal of the complaint
- Issue a Letter of Caution
- Issue a Letter of Reprimand
- Suspension of Licensee to practice veterinary medicine in North Carolina

**Dismissed Complaints** The Committee on Investigations can dismiss a complaint when it

- Determines that no probable cause exists.
- Lacks the jurisdiction to proceed.
- Lacks a response from person that made the complaint.

A Letter of Dismissal is prepared by the Board's Attorney and mailed to all parties. A record of the Letter of Dismissal shall be maintained in the Board office

**Letter of Caution**

A Letter of Caution may be issued when no probable cause is found, but it is determined by the Committee on Investigations that the conduct of the accused individual is not in accordance with

- Accepted professional practice.
- May be the subject of discipline if continued or repeated.

A Letter of Caution will be prepared by the Board’s Attorney and mailed to all parties. A record of the Letter of Caution shall be maintained in the Board office.

**Letter of Reprimand**

When probable cause is found, but it is determined that a disciplinary hearing is not warranted, the Committee on Investigations can issue a Letter of Reprimand to be sent to the accused individual. The Letter of Reprimand is prepared by the Board’s Attorney and mailed to all parties.

Acceptance of Reprimand: If the Letter of Reprimand is accepted by the accused individual, a record of the Letter of Reprimand shall be maintained in the Board office.

Refusal of Reprimand: The accused individual has 15 days to refuse the Letter of Reprimand from the date received. A written refusal and request for a hearing shall be addressed to the committee and filed with the Executive Director of the Board. This is pursuant to Chapter 150B of the North Carolina General Statutes and Title 21, Chapter 66 of the North Carolina Administrative Code. Legal counsel for the Board shall prepare and file such Notice of Hearing.

**Administrative Hearing**

When disciplinary action is refused by the licensee and probable cause was found, the Attorney for the Board will file a Notice of Hearing. All parties involved in the complaint are informed and must travel to a meeting of the Board, to provide testimony under oath. Hearing procedures are similar to a court of Law.

Method of Notice: The Board shall give notice to all parties of a Notice of Hearing in person or by certified mail. In the event that the notice is accomplished by certified mail the delivery date on the return receipt, shall be the date served.

Notification Deadline: The Board shall give the party or parties in a contested case a Notice of Hearing, no less than 15 days before the hearing.

**Suspension of License/Registration**

If the Board determines that public health, safety or welfare, requires such action, it may issue an order suspending a license or registration. The Board’s Attorney will prepare the order requiring the licensee or registrant to immediately cease the practice veterinary medicine in North Carolina.