

**HOUSE BILL NO. 1212**

Introduced by

Representatives Delmore, Hawken, N. Johnson, R. Kelsch, S. Meyer

Senator Nelson

1 A BILL for an Act to amend and reenact section 43-41-11 of the North Dakota Century Code,  
2 relating to groundless complaints made to the board of social work examiners.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 43-41-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **43-41-11. Hearings and disciplinary proceedings - Appeals.**

- 7 1. Upon the filing of a written and signed complaint that alleges that a licensee  
8 practicing in this state has engaged in conduct identified as grounds for disciplinary  
9 action under section 43-41-10, and which sets forth information upon which a  
10 reasonable and prudent person might believe that further inquiry should be made,  
11 the board shall cause the matter to be investigated.
- 12 2. The board may investigate a complaint on its own motion, without requiring the  
13 identity of the complainant to be made a matter of public record, if the board  
14 concludes that good cause exists for preserving the anonymity of the complainant.
- 15 3. If the investigation reveals no grounds to support the complaint, the board, five  
16 years following the date on which the complaint was filed, shall expunge the  
17 complaint from the social worker's individual record in the board's office.
- 18 4. If the investigation reveals grounds to support the complaint, the board shall initiate  
19 a disciplinary action by serving upon the licensee a notice of disciplinary action  
20 setting forth the allegations upon which the action is based, as well as a  
21 specification of the issues to be considered and determined.
- 22 ~~4.~~ 5. If a written response contesting the allegations is not received by the board within  
23 twenty days of the date that the notice of disciplinary action was received or

- 1                    refused, the allegations must be deemed admitted and disciplinary sanctions  
2                    deemed appropriate by the board must be imposed.
- 3        ~~5.~~ 6.    The board may at any time enter into an informal resolution to resolve the  
4                    complaint or disciplinary action.
- 5        ~~6.~~ 7.    An appeal from the board's final decision may be taken in accordance with the  
6                    provisions of section 28-32-42.