



KENTUCKY BOARD OF PHYSICAL THERAPY

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Complaint Processing Procedures

- I. **BOARD OF PHYSICAL THERAPY RECEIVES A COMPLAINT**
 - A. Board office sends complainant a letter acknowledging receipt of complaint.
 - B. Board office shall notify the respondent of the receipt of the complaint and the essential contents of the complaint. The Board may keep the complainant's name confidential until completion of any Board investigation.
 - C. The Respondent shall file a Reply to the Complaint with the Board within twenty (20) days after receipt of notice of the complaint. If the Board does not receive a reply within the twenty days, a reminder letter by certified mail should be sent.
 - D. The Board office assigns a number to the Complaint to maintain anonymity for full Board discussions.

- II. **RESPONDENT MAILES PRELIMINARY RESPONSE TO BOARD**
 - A. The Board office sends copies of the initiating complaint and preliminary Response to Complaint Committee.
 - B. The Complaint Committee discusses the material to determine whether:
 1. there are grounds for an investigation to be conducted, and
 2. which specific section of KRS 327 may have been violated
 - C. Complaint Committee prepares for the next full Board meeting
 1. An overview of the facts of the initiating complaint and the preliminary response, using numbered identifiers to maintain respondent's anonymity.
 2. An opinion as to whether there was an alleged violation of KRS 327
 3. A recommendation to the Board that it open a Formal Investigation or Close the numbered Complaint.

- III. **PRELIMINARY FULL BOARD DECISION: Is there sufficient evidence of a violation to merit further investigation?**
 - A. If the Board votes to close the Complaint, the Board Office will send letters to both the Complainant and the Respondent, stating that the Complaint has been closed.
 - B. If the Board votes to open an investigation, an investigator will be appointed to gather additional facts regarding the case.

- IV. **INVESTIGATION**
 - A. The Board office sends copies of the Initiating Complaint and Preliminary Response to the Investigator assigned to the Case.

- B. The Case Manager shall contact the investigator, clearly specify aspects of the Complaint to be investigated, Sections of KRS 327 under scrutiny, and a reasonable deadline for completion of the report.
 - C. The Case Manager remains informed about details of the investigation through communication with the Investigator and Board's Counsel.
 - D. At the completion of the investigation, the Complaint Committee reviews a written report of the investigation to determine:
 - 1. An opinion as to whether there was an alleged violation of KRS 327
 - 2. A recommendation to the full Board to issue a Formal Complaint or close the numbered complaint.
- V. FULL BOARD DECISION: Is there sufficient evidence of a violation to file a Formal Complaint?
- A. If not, the Full board votes to close complaint, and the Board office sends letters to Complainant and Respondent, stating that the Complaint has been closed
 - B. If the Full Board votes to issue a Formal Complaint, alleged violations are specified and a Hearing Date is scheduled.
- VI. PROCESSING OF FORMAL COMPLAINT
- A. The Complaint Committee may consult with Counsel regarding Settlement negotiations, shielding other Board members from prejudicial information should a Hearing be necessary.
 - B. The Full Board must approve the Settlement Agreement
 - 1. If settled, Counsel sends letters notifying all parties involved.
 - 2. If not settled, a Hearing is held, Complaint Committee will recuse from hearing the matter, but will serve as a consultant to Council in presentation of the case.
 - C. The Hearing body will consist of Board members previously shielded from the identity of the Respondent.
 - D. The Hearing Office is given deadline for report under KRS 13B.
- VII. HEARING DECISION: Is there enough evidence to believe a violation of the law occurred?
- A. If not, the Hearing body dismisses the Complaint, and the Board Office sends letters of Dismissal to parties involved.
 - B. If so, Hearing body determines sanctions if a quorum is present or presents sanctions for approval at next meeting of Full Board.