

CHAPTER 33-30-05 GRIEVANCES AND DISCIPLINARY PROCEEDINGS

Section

33-30-05-01	Grievance Procedure
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33-30-05-01. Grievance procedure.

Grievances must be processed in accordance with North Dakota Century Code chapter 28-32.

History: Effective February 1, 1988.

General Authority: NDCC 43-43-04

Law Implemented: NDCC 43-43-04

33-30-05-02. Grounds for disciplinary proceedings.

The state health officer may refuse to issue or renew, suspend, revoke, or place on probationary status any license issued under this chapter or issue a written warning to a licensee upon proof at a hearing that the applicant or licensed person has engaged in unprofessional conduct. A person has engaged in unprofessional conduct if a person:

1. Obtained a license by means of fraud, misrepresentation, or concealment of material facts.
2. Violated the code of ethics referred to in section 33-30-04-01.
3. Has been convicted of a criminal offense, and the state health officer in accordance with North Dakota Century Code section 12.1-33-02.1, has determined that the person has not been sufficiently rehabilitated or that the offense has a direct bearing on the person's ability to serve the public in the capacity of a licensed environmental health practitioner.
4. Violated any order or rule adopted by the state health officer pertaining to the practice of environmental health.
5. Violated any provision of North Dakota Century Code chapter 43-43.
6. Is grossly negligent in the practice of environmental health.
7. Is addicted to the use of alcoholic beverages, drugs, narcotics, or stimulants to such an extent as to be incapacitated from the practice of environmental health.

History: Effective January 1, 1993.

General Authority: NDCC 43-43-04

Law Implemented: NDCC 43-43-07

33-30-05-03. Hearings and disciplinary proceedings - Appeals.

1. Upon receipt of a written and signed complaint that alleges that a licensee practicing in this state has engaged in unprofessional conduct as defined under section 33-30-05-02 and which sets forth information about which a reasonable person might believe that further inquiries should be made, the state health officer shall investigate the matter.
2. If the investigation reveals grounds to support the complaint, the advisory board shall initiate a disciplinary action by serving upon the licensee by certified mail a complaint setting forth the allegations upon which the action is based specifying the issues to be determined.

3. If a written response contesting the allegations is not received by the board within twenty days of service of the complaint, the allegations are deemed admitted and appropriate disciplinary sanctions are to be imposed.
4. If a disciplinary action has been initiated as provided in subsection 2, the state health officer may offer to meet with the licensee informally for the purpose of determining whether the disciplinary action, including imposition of appropriate sanctions, can be resolved by mutual agreement.
5. If an informal agreement cannot be reached, or the state health officer elects not to offer the licensee an opportunity for informal resolution of the matter, the licensee is entitled to a hearing under North Dakota Century Code chapter 28-32. Appeal from the board's final decision may be taken in accordance with North Dakota Century Code section 28-32-42.
6. Employers of persons licensed under this article will be notified of any action taken with respect to said license.

History: Effective January 1, 1993; amended effective May 1, 2004; April 1, 2012.

General Authority: NDCC 43-43-04

Law Implemented: NDCC 43-43-07