

## **Alabama Board of Examiners of Nursing Home Administrators**

### **Guidance Regarding Investigations of Complaints Pursuant to Complaints and Inquiry Procedures established in Rule 620-x-8-.01 of the Alabama Administrative Code**

All complaints received by the Board of Examiners of Nursing Home Administrators must be submitted in writing and signed with contact information included. Anonymous complaints will not be investigated. Complaints should be submitted on the Alabama Board of Examiners of Nursing Home Administrators Complaint Form, as found in Rule 620-x-14, App. A, Form-1 of the Alabama Administrative Code and in the Forms link on the Board's website.

The Executive Secretary of the Board will notify the Board members at the next scheduled Board meeting that a complaint has been received.

Under Rule 620-x-8-.01(2) of the Alabama Administrative Code, the Board is authorized to appoint persons to investigate complaints. If the Board feels that it is improper for or beyond the expertise of the Executive Secretary to conduct the investigation with the assistance of the Attorney General's office representative assigned to the Board, the Executive Secretary will ask for a member of the Board to be appointed to assist with the investigation. These individuals constitute the Investigative Committee.

The Executive Secretary will notify the individual(s) against whom a complaint has been made of the existence of a complaint and the nature of the complaint. The individual will be given an opportunity to comment and present information regarding the complaint. A copy of the complaint will not be sent to the individual(s) at that time.

The Executive Secretary may request an affidavit of facts from the individual(s) who filed the complaint(s), if necessary.

The Executive Secretary will log in the complaint and place a notation in the administrator's file that a complaint has been received.

Upon completion of the investigation, pursuant to Rule 620-x-8-.01(2) of the Alabama Administrative Code, the Executive Secretary or Attorney General's office representative will report the investigative findings to the full Board if the investigative committee recommends either that (1) the complaint file be closed based on lack of probable cause or (2) the Board accept a proposed Settlement Agreement negotiated by the Committee. If the Investigative Committee recommends that an Administrative Complaint be filed against an individual, then the facts regarding the case will not be discussed or reported to the full Board before the formal hearing. Individuals against whom administrative complaints are filed will be entitled to a formal hearing in accordance with the procedures established in Section 34-20-14 of the Code of Alabama (1975) and Rules 620-x-7-.02 and 620-x-8-.01 of the Alabama Administrative Code.

If a Board member was involved in the investigation then he/she must abstain from voting on any action regarding the complaint

When final action is determined, the Executive Secretary will enter the information in the administrator's file and register the action with the Disciplinary Data Bank, if necessary.