
PROCESS FOR PROFESSIONAL LICENSING COMPLAINTS

➤ **Filing of Complaints**

- Any individual can file a complaint against a licensee or registrant of the 29 licensing boards and commissions regulated by the Department of State's Bureau of Professional and Occupational Affairs (BPOA).
- Complaints are filed by using the 'Statement of Complaint' form found on the Department's website or utilizing the Pennsylvania Licensing System (PALS); complaints cannot be filed via phone.

➤ **Handling of Complaints**

- When a formal complaint form is received, a file is opened and assigned to a paralegal who reviews it and determines whether or not an investigation is required. In making this determination, the paralegal may confer with a prosecuting attorney in the Department's Legal Office.
- Some complaints contain within themselves all the information that is necessary to determine whether a violation has occurred, and those complaints do not require investigation.
- Most complaints, however, involve issues of credibility, require that witnesses be interviewed, and/or require that documents be obtained for review by the Legal Office. Those complaints will be forwarded to the Department's Bureau of Enforcement and Investigation (BEI).

➤ **Investigations by the Bureau of Enforcement and Investigation (BEI)**

- When a complaint is forwarded to BEI, investigators are required to obtain the necessary information to enable the prosecuting attorney to determine whether disciplinary charges should be filed against the licensee against whom the complaint was made.
- Investigations can take anywhere from a few days to several months, depending on the complexity of the case. There are five BEI regional offices in the state.
- Once the investigation is complete, BEI forwards the investigation report to the Professional Compliance Office, which sends the matter to a prosecuting attorney for review and determination as to whether or not formal disciplinary charges should be filed.

➤ **Action by the DOS Prosecution Division**

- Decisions about whether or not to prosecute cases are constrained by the applicable licensing laws, rules and regulations, which set forth specifically enumerated offenses for which the licensing boards may impose discipline on a licensee.

- Enumerated offenses vary in each of the different licensing acts; however, all acts and regulations contain language relating to dishonest or unethical practice.
- If there is not enough evidence to warrant the filing of a disciplinary action, the case is closed.
- If it is determined there may be violations, the following options are available to a prosecuting attorney:
 - Send a warning letter in lieu of prosecuting.
 - Send a compliance letter.
 - Refer the matter to another authority (law enforcement or another agency).
 - If the evidence supports the filing of formal disciplinary charges against the licensee, the prosecuting attorney initiates the action by preparing an 'Order to Show Cause', which sets forth allegations and directs the licensee to file a written answer to those allegations within 30 days.
- ***If a file appears that there is an immediate threat to the public health and safety, an Immediate Temporary Suspension ("ITS") can be filed by the Prosecuting Attorney. This is a document that would immediately suspend the Respondent's license for 30 days until a hearing is held and the suspense is continued or lifted at that time.***

➤ **Hearings and Action by Licensing Boards**

- After a licensee files a written response to allegations, the matter is generally scheduled for a hearing. If a hearing is scheduled, the case is heard in front of a hearing examiner and a decision, known as an 'Adjudication and Order', is rendered, usually within six months after the record has been closed.
- This is a Proposed 'Adjudication and Order' that is reviewed by the respective Board and is either adopted as final or is re-written as the Final 'Adjudication and Order'.
- Some matters are amendable to settlement by means of a Consent Agreement and do not result in a hearing. These Consent Agreements are presented by the prosecuting attorney to the Board at a Board meeting and can either be accepted or rejected by the Board. Ultimately, the Board has the final say.
- All licensees have the right to appeal a decision to Commonwealth Court.
- Disciplinary action by a respective Board can range from a warning letter, to a civil penalty or fine, to a suspension or revocation of a license.