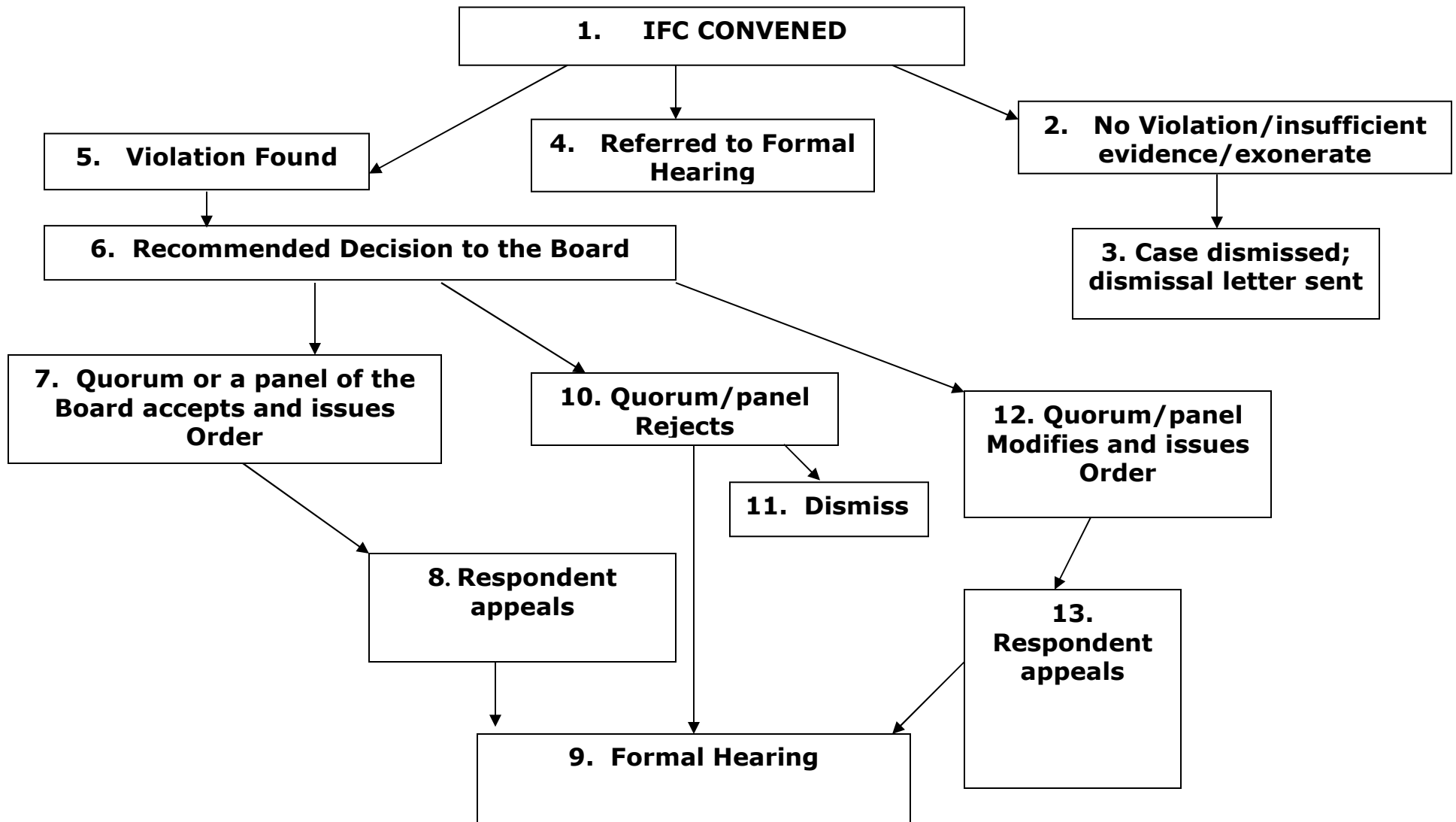


Guidance for Conduct of an Informal Conference by an Agency Subordinate of a Health Regulatory Board at the Department of Health Professions



Narrative explanation of Flow Chart on Delegation to an Agency Subordinate

This describes the process in which a subordinate hears a case at an informal conference up to a case that may be referred to a formal hearing.

- 1:** Pursuant to a notice, the designated agency subordinate (“subordinate”) will convene the informal conference (“IFC”). An IFC before a subordinate is conducted in the same manner as an IFC before a committee of the board. Following the presentation of information by the parties, the subordinate will consider the evidence presented and render a recommended decision regarding the findings of fact, conclusions of law, and if appropriate, the sanction to be imposed.
- 2:** The subordinate may recommend that the respondent be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory or regulatory violation has occurred.
 - 3:** If the subordinate makes such a finding, the case is dismissed and a dismissal letter is issued to the respondent notifying him of the determination.
- 4:** The subordinate may decide that the case should be referred to a formal hearing. A formal hearing before the board would then be scheduled and notice sent to the respondent.
- 5:** The subordinate may determine that a violation has occurred and recommend the findings of fact and conclusions of law along with an appropriate sanction.
 - 6:** With the assistance of APD, the subordinate drafts a recommended decision that includes findings of fact, conclusions of law and a recommended sanction. The recommendation is provided to the respondent and to the board and must be ratified by a quorum of the board or a panel consisting of at least five members of the board.
- 7 through 9:** If the quorum or panel of the board accepts the recommended decision (**7**) and the respondent objects to and appeals the order (**8**), the matter proceeds to a formal hearing (**9**). A case appealed to a formal hearing proceeds in the same manner as cases considered by special conference committees and appealed to a formal hearing.
- 10:** A quorum or panel of the board may reject the recommended decision of the subordinate, in which case:

The quorum or panel may decide to refer the case for a formal hearing **(9)**; or

The quorum or panel may decide to dismiss the case. A dismissal letter is issued to the respondent notifying him of the decision of the board **(11)**.

12: A quorum or panel of the board may modify the subordinate's recommended decision and issue an order reflecting the modified decision to the respondent.

13: If the respondent objects to and appeals the order, the matter proceeds to a formal hearing. A case appealed to a formal hearing proceeds in the same manner as cases considered by special conference committees and appealed to a formal hearing.