



Montana Department of LABOR & INDUSTRY

Complaint Process FAQ's – for BSD Website

Complaint Process FAQ's Disclaimer (for Website)

The information provided below is of a general nature and provided for informational purposes only. We make no guarantee regarding the accuracy, timeliness, or completeness of the information provided on this website. This information is not to be taken as legal advice pertaining to any individual, nor as a limitation or restriction on the handling of any complaint filed with our agency. If you need legal advice, you should obtain professional legal assistance.

What is the role of the Board and Department in Processing Complaints?

The Boards and Programs within the Department of Labor & Industry Business Standards Division (“Department”) set and enforce standards of conduct for professions and occupations requiring licensure under Title 37 of the Montana Code Annotated.

Our department’s compliance, investigative, and legal staff process and sometimes investigate complaints of unprofessional conduct filed against licensees and license applicants. We also process and sometimes investigate unlicensed persons practicing a profession that requires a license.

We are impartial fact-finders and do not represent either the person filing a complaint or the person against whom the complaint is filed.

What expectations should I have as the person filing the complaint?

You should understand that the Board or Program has full discretion in acceptance, investigation, and resolution of the complaint. A violation of laws does not necessarily warrant discipline.

A person filing a complaint is not a “party” to the proceedings. The “parties” in a disciplinary action are the Department and the Licensee or License Applicant. The “parties” in an unlicensed practice case are the Board and the unlicensed person.

We may ask you to submit additional information, clarify the complaint, or to testify at a hearing or other legal proceeding. We expect to be kept informed of any change in your address or other contact information.

How do I file a complaint?

If you want us to review the conduct of an applicant for licensure, a person who holds a license, or an unlicensed person performing services that require a license (collectively referred to as “service providers”), you must fill out the complaint form.] Please be as thorough as possible and attach additional documents to ensure that you include all pertinent information. You may mail, fax, or email the complaint and related information to:

Compliance Unit
P.O. Box 200514
Helena, MT 59620-0514
Fax: (406) 841-2363
Email: dlibsdcomplaints@mt.gov

How do I know what constitutes unprofessional conduct?

It may be helpful to look at how the Board or Program defines unprofessional conduct or scope of practice of the particular license type involved before you file the complaint. These definitions and standards are located in the Montana Code Annotated and the Administrative Rules of Montana, and may be accessed under the individual board or program website at bsd.dli.mt.gov.

What happens after I file the complaint?

After you submit a complaint, we will determine if it falls within our legal authority. If the complaint is NOT covered by our laws, we will notify you.

If the complaint IS covered by our laws, we will conduct an appropriate investigation. Depending on the case, this may range from a simple request for a response to conducting multiple witness interviews and forensic document analysis.

How long does an investigation take?

While our goal is to complete investigations in a reasonable length of time, depending on the current caseload and the nature and complexity of a particular case, the investigation may take several months to complete.

What happens after the investigation is completed?

After the facts have been gathered, a panel of board members will evaluate the information. The case may be dismissed if the panel determines there has been no violation of law or that formal action is unwarranted. Alternatively, the case may proceed if the members find reasonable cause to believe a violation of the laws has occurred that warrants formal action.

Can the licensee challenge the board's decision?

The service provider may request a hearing to contest the members' decision to take formal action. A contested hearing process may take several months to complete.

In many cases, if the service provider admits to certain facts and appropriate disciplinary sanctions, the case will be resolved by a stipulated agreement.

Another panel of board members who did not participate in the decision to proceed with formal action will make the final decision.

What sanctions can the board impose?

Disciplinary sanctions against licensees or license applicants, if warranted, may involve sanctions ranging from a reprimand or fines, to restriction of the practice, suspension, or revocation, depending on the severity of the violation.

Legal actions against unlicensed persons, if warranted, may include an injunctive action or referral to a county attorney for criminal prosecution.

These sanctions constitute the limit of our authority. We do not have the authority to give legal advice, award personal damages, or make judicial determinations. Our decisions do not constitute a legal opinion. To pursue such things, you should obtain professional legal assistance.

Will my complaint be confidential?

Your complaint will be provided to the service provider for a response. The completed and submitted complaint form is considered a government document under Montana Public Records law. In general, we treat the complaint and related documents as confidential information, unless we are ordered or compelled by law to release them

If we start a formal action, the case becomes public and the final decision or “order” will be publicly available on [Licensee Lookup](#).

Can I file a complaint and remain anonymous?

Generally speaking, no. In order to bring formal charges, the department must be able to introduce a document or testimony that demonstrates someone has engaged in unprofessional conduct. If you have personal knowledge of a serious risk of harm presented by a licensee, you should contact the office to discuss the matter with a Compliance Specialist.

I have a question about the complaint process. Who should I contact?

We will notify you in writing of the final outcome of your complaint against the service provider. A diagram of the complaint and formal process may be found [here](#). If you have questions, you may email them to the Compliance Unit at DLIBSDComplaints@mt.gov or call (406) 841-2333. If you have already filed a complaint, you may contact the Compliance Specialist assigned to your case. If you need legal advice, you should obtain professional legal assistance.

What other consumer resources are available?

Depending on the type of issue you have, in addition to seeking private legal counsel, there are many other governmental and non-profit resources for consumers available by searching on-line, and include, but are not limited to the [U.S. Food and Drug Administration's](#) Health Related Consumer Information; the USA.gov [Consumer Action Handbook](#); the [Montana Department of Justice, Office of Consumer Protection](#); your local city Chamber of Commerce; the Better Business Bureau; American Association of Retired Persons (AARP); Consumer Reports; and Consumers Union.

The Montana Department of Public Health and Human Services (DPHHS) regulates health care facilities, residential care facilities, and nurse aides. If you have a complaint involving one of these facilities or persons, you should contact DPHHS or visit their website at dphhs.mt.gov.