

# Complaint Process and Frequently Asked Questions

## Complaint Process FAQ Disclaimer

The information provided in the FAQs below is provided for informational purposes. The governing provisions of Montana Code Annotated (MCA) and Montana Administrative Rules (ARM) control the handling of any complaint. The information provided is not legal advice. If you need legal advice, you should consult a private attorney.

The current license status and information regarding disciplinary action(s) against any licensee can be accessed online at [Licensee Lookup](#).

## 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 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 members investigate complaints of unprofessional conduct filed against licensees and license applicants. 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 is "unprofessional conduct?"

If you are filing a complaint, it may be helpful to look at how the Board or Program defines unprofessional conduct or scope of practice of the license before you file the complaint. You can find these definitions in the Montana Code Annotated and the Administrative Rules of Montana located on the board or program website at [BSD.DLI.MT.GOV](#).

## 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, fill out our 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) 841-2313  
Email: [DLIBSDCOMPLAINTS@MT.GOV](mailto:DLIBSDCOMPLAINTS@MT.GOV)

## Will my complaint be confidential?

Your complaint will be provided to the subject of the complaint with a request to respond to the information in the complaint. Based on competing privacy interests and our consumer protection mission, we protect the complaint and related documents from public dissemination during our review and investigation process.

Dismissed complaints remain confidential, unless ordered by a court to release them, while final orders of disciplinary action are publicly available on [Licensee Lookup](#).

### **Can I file a complaint and remain anonymous?**

Generally, no. To bring formal charges, the department must have evidence in the form of a document or statement to prove whether someone has engaged in unprofessional conduct. If your statement is the sole manner of proving unprofessional conduct, your testimony may be required at an administrative hearing. If you have personal knowledge of a serious risk of harm presented by a licensee or unlicensed person and have concerns about identifying yourself as a complainant, you should contact the office to discuss the matter with a Compliance Specialist.

### **What happens after a complaint is filed?**

We will review the complaint to determine if it falls under the legal authority of a Board or Program to process. If the complaint is NOT covered by our laws, we will notify the person filing the complaint that it will not be processed. If the complaint IS covered by our laws, we may gather additional information which may range from a request for a written response, witness interviews, or document collection and analysis.

### **How long will it take to review and investigate the complaint?**

Depending on the current caseload and the nature and complexity of a case, the review and investigation may take several months or longer to complete.

### **What happens after the Department review and investigation is completed?**

After the facts have been gathered, a Department attorney will take the case to a panel of board members known as the “screening panel.” In the case of programs, the investigation is reviewed by program staff.

The panel may dismiss the case if it decides there is no violation of law or that formal disciplinary action is unwarranted. Alternatively, the panel may find reasonable cause to believe a violation of the laws has occurred that warrants disciplinary action. In this case, the department attorney will send a written Notice of Proposed Board Action & Opportunity for Hearing to the licensee that summarizes the alleged facts and violations of law.

In either case, the person who filed the complaint and the licensee will receive written notice of the decision of the panel.

## **Can the licensee challenge the board's decision?**

In many cases, if the licensee or license applicant admits to certain facts and agrees to appropriate disciplinary sanctions, the case may be resolved by a stipulated agreement.

Alternatively, the licensee may request a hearing before an impartial hearing officer to contest the proposed disciplinary action. A contested hearing process may take several months to complete and will result in a recommendation to a different panel of board members (known as the "adjudication panel") for a final order

## **What sanctions can the board impose?**

Board disciplinary sanctions against licensees are authorized by § 37-1-312, Montana Code Annotated (program sanctions by § 37-1-406, Montana Code Annotated) and range from reprimand or fines, to restriction, suspension, or revocation of the license, depending on the severity of the violation.

These sanctions constitute the limit of board authority. A board or program cannot award personal money damages, make judicial determinations, or require action on the part of a licensee to settle any private dispute.

## **How are unlicensed practice complaints handled?**

The process for unlicensed practice complaints differs from the process for complaints against licensees. Legal actions against unlicensed persons, if warranted, may include an injunctive action by the Board or referral to a county attorney for criminal prosecution.

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

We will notify you in writing of the disposition of your complaint.

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 testify at a hearing or other legal proceeding. Please inform us of any change in your address or other contact information.

A violation of laws may not necessarily warrant discipline or legal action and is in the discretion of the Board. A screening panel's decision is not subject to appeal by the person filing a complaint.

### **What other consumer resources are available?**

Depending on your issue, there are many other governmental and non-profit resources available to consumers including, but not limited to the Montana Department of Justice Office of Consumer Protection, the U.S. Food and Drug Administration's Health Related Consumer Information Center, the USA.gov Consumer Action Handbook, 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 <https://dphhs.mt.gov/>

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

If you have questions, you may email the Compliance Unit at [DLIBSDCOMPLAINTS@MT.GOV](mailto:DLIBSDCOMPLAINTS@MT.GOV) or call (406) 841-2312. If you have already filed a complaint, you may contact the Compliance Specialist assigned to your case. If you need legal advice, you should consult a private attorney.