

Licenses and the Law Series, Part III: Who Can File a Complaint



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In addition, this article was co-authored by former Attorneys Lindsey Vechik Peyton Hildebrand.

As we explained in our previous two articles, most licensing boards will “serve” the licensee with a copy of the complaint that it receives and request the licensee’s response.

A complaint against a professional license can generally come from anyone, including a licensee’s former client, a relative, law enforcement, the licensee’s coworkers, or even the licensee himself.^[1] Some licensing boards even allow for board-initiated complaints. The Arkansas Board of Examiners in Counseling and Marriage & Family Therapy (“Counseling Board”) is an example. Per the Counseling Board’s rules, “[t]he Board may, on its own motion or recommendation by the subcommittee, initiate its own complaint and conduct an investigation of a suspected violation if reasonable cause exists to believe a violation has occurred.”^[2]

Usually, licensing boards in Arkansas require a complainant to submit a formal written complaint to the licensing board as opposed to a verbal complaint. Many boards have websites in which the complainant can directly complete a complaint.

The Nursing Board, for example, requires that the complaint “be via written document or submitted online.”^[3] Similarly, the Medical Board does not accept verbal complaints. For the Medical Board, complaints must be mailed or faxed to the Medical Board. The Counseling Board also requires complaints to be in writing. In addition, this board specifically requires the writing to be on the complaint form that it provides at the Counseling Board’s office or its website.^[4]

When a complainant includes contact information, some boards may contact the complainant for more information. The Nursing Board will contact the complainant when the complaint lacks sufficient information to identify the nurse accused of violating the Nurse Practice Act.

Some boards allow for a complainant to file a complaint anonymously, while others require the complainant to sign the complaint and include identifying information so that the board can contact him or her. For example, the Nursing Board allows for anonymous complaints to be filed. In contrast, the Medical Board requires the complainant’s full name and return address as well as the complainant’s signature. The Counseling Board’s form requires the complainant’s signature affirming the truth of the information provided in the complaint.

Currently, Arkansas administrative law does not guarantee licensees the right to know who his or her accuser is or to confront him or her in the hearing, but that does not prohibit licensing boards from instilling these requirements themselves.

Because all of these boards have various requirements and rules, it is important to hire an attorney who will preserve your defenses throughout the process.

[1]For example, the Arkansas State Medical Board (“Medical Board”) provides that “any person may file a complaint with the Arkansas state Medical Board”; the Arkansas State Board of Nursing (“Nursing Board”) provides that “[a] complaint can be made by anyone who has information that a licensed nurse may have violated the NPA. This includes, but is not limited to: consumers, other nurses or professionals and associates.”

[2]Ark. Board of Examiners in Counseling and Marriage & Family Therapy Rule 8.1 (2020 Rule Revisions).

[3]<https://www.healthy.arkansas.gov/images/uploads/pdf/DisciplinaryProcess.pdf>

[4]Ark. Board of Examiners in Counseling and Marriage & Family Therapy Rule 8.1 (2020 Rule Revisions)

The article was co-authored by Mitchell Williams Law Clerk Danielle O’Shields.

This is the third article of the Mitchell Williams “Licenses and the Law” Series, which explains the process of when a licensed professional receives a complaint against his/her license. The series will be published bi-monthly for a total of 10 articles. The fourth article will publish on April 12, 2022.

View the first article of the series: [Licenses and the Law Series, Part I: Overview of the Process](#)

View the second article of the series: [Licenses and the Law Series, Part II: Receiving a Complaint](#)

View the third article of the series: [Licenses and the Law Series, Part III: Who Can File a Complaint](#)

View the fourth article of the series: [Licenses and the Law Series, Part IV: Responding to a Complaint Against Your License](#)

View the fifth article of the series: [Licenses and the Law Series, Part V: Potential Board Sanctions Against Licensees](#)

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View the seventh article of the series: [Licenses and the Law Series, Part VII: The Hearing: Part I](#)

View the eighth article of the series: [Licenses and the Law Series, Part VIII: The Hearing - Part II](#)

View the ninth article of the series: [Licenses and the Law Series, Part IX: The Appeal](#)

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For more information about complaints against professional licenses, contact [Attorney Stuart Miller](#) at smiller@mwlaw.com or [Attorney Peyton Hildebrand](#) at phildebrand@mwlaw.com.