

Licenses and the Law Series, Part X: A Review



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

In this final article, we want to leave you with a review of the major takeaways.

First, **check your liability insurance as soon as you receive a complaint against your license, and report the claim to your insurance carrier.** Oftentimes, liability insurance includes coverage for defending against licensing complaints. However, most policies require the insured to provide the insurer with prompt or immediate notice of a complaint in order for the licensee to be covered.

Next, **respond.** Generally, when a licensing board receives a complaint against you, it will send you the complaint and ask you to respond to the allegations. Remember **not** to do the following things when you are responding:

1. Do not contact the complainant;
2. Do not contact the board unless you have a procedural question;
3. Do not alter or destroy relevant records; and
4. Stay off social media.

Also, consider doing the following before/when responding:

1. Get your file from the Board via a Freedom of Information Act (FOIA) request;
2. Start collecting evidence that supports your defense;
3. State your credentials;
4. Be thorough and professional;
5. Respond timely;
6. Reserve all potential arguments;
7. Take the allegations against you seriously; and
8. Keep a copy of your response.

As we explained in our first article, licensing boards, once they have received a complaint, will generally initiate an investigation into the allegations in the complaint. An investigator can interview relevant witnesses as well as the licensee. **Thus, we suggest you have legal representation with you at any interview by the board's investigator.** Regardless, remember that anything you tell the investigator can be relayed to the board and used against you.

If the board offers you a consent order, know that this is **a binding, admission of guilt that generally cannot be appealed.** Refusing to sign the consent order, guarantees the licensee a formal hearing in front of the licensing board.

If the board does not dismiss the complaint against you and you do not enter a consent order, then you will need to **prepare for your administrative hearing** before the board. Consider doing the following to prepare for the hearing:

1. Thoroughly review each allegation against you;
2. Determine your defense to each allegation;
3. Gather your proof to support your defense;
4. Determine whether there are any supportive witnesses to support your defense;
5. Determine whether there are any supportive documents to support your defense;
6. Prepare your own testimony and a closing statement; and
7. Obtain an expert witness.

If the board finds against you, **consider appealing**. Most importantly, if you plan to appeal, you generally must do so within 30 days of the board's order.

And finally, always remember that you are entitled to have legal counsel represent you at every stage.

This is the tenth and last 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.

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](#)

View the sixth article of the series: [Licenses and the Law Series, Part VI: Preparing for the Hearing](#)

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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