

**§ 73-9-63--COMPLAINT FILED AGAINST DENTIST  
OR DENTAL HYGIENIST; HEARING**

A complaint may be filed with the secretary or executive director of the board, by any person charging a licensed dentist or dental hygienist with the commission of any of the offenses enumerated in Section 73-9-61. The complaint shall be in writing and signed by the accuser, or accusers. If upon review of the complaint, the board determines that there is not substantial justification to believe that the accused dentist or dental hygienist has committed any of the offenses enumerated in the preceding section, it may dismiss the complaint. In the event of a dismissal, the person filing the complaint and the accused dentist or dental hygienist shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed the offenses, and a hearing should be held to determine the validity of the complaint, the executive director of the board shall set a day for a hearing, and shall notify the accused that on the day fixed for hearing he or she may appear and show cause, if any, why his or her license to practice dentistry or dental hygiene in the state should not be revoked or have other disciplinary action taken against it. The notice shall be served upon the dentist or dental hygienist either personally or by registered or certified mail with return receipt requested. The board may, by regulation, establish an investigative panel consisting of at least two (2) people, one (1) of whom shall be a board member, to review complaints to determine the existence of probable cause and whether the complaints should proceed to formal hearing.

Nothing in this section shall prevent the board from determining that it should investigate a licensee without a signed complaint provided that a prior determination is made that probable cause exists that a violation of this chapter may have occurred.

For the purpose of the hearings or investigation of complaints, the board is empowered to require the attendance of witnesses, reimburse witnesses for necessary expenses and mileage incurred, subpoena documents and records, employ and compensate expert witnesses, administer oaths, and hear testimony, either oral or documentary, for and against the accused. Hearings shall be conducted by a majority of the members of the board. A record of the hearing shall be made, which shall consist of all testimony received and all documents and other material introduced. If after the hearing the board is satisfied that the accused has been guilty of the offense charged in the accusation, it shall thereupon, without further notice, order such disciplinary action as it deems proper. All procedural due process requirements as enumerated above also shall apply to any other license or permit issued by the board under this chapter or regulations duly adopted by the board.