

1 Rule 21 NCAC 10 .0503, as published in 30:19, pp. 2043-4 of the N.C. Register, is amended with changes to read as  
2 follows:

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4 **21 NCAC 10 .0503 DETERMINATION OF PROBABLE CAUSE**

5 (a) General. Formal complaints shall be investigated by the Chiropractic Review Committee. The committee shall  
6 hold a hearing to determine whether there is probable cause to believe a violation of the laws governing Chiropractic  
7 has occurred.

8 (b) Composition of Chiropractic Review Committee. The committee shall be composed of:

9 (1) the secretary of the Board of ~~Examiners, Examiners.~~ If the secretary is unable to attend a particular  
10 probable cause hearing, he or she may designate another physician member of the Board to serve in  
11 his stead and assume his or her duties at said hearing;

12 (2) the attorney for the Board of ~~Examiners, Examiners;~~ and

13 (3) a licensee selected by the secretary from among those who, at the most recent election held pursuant  
14 to 21 NCAC 10 Rule .0103(c), were elected candidates for Board membership but were not  
15 appointed to the Board. an alternate Board member. "Alternate Board member" means:

16 (A) a former Board member selected by the secretary; or

17 (B) a licensee licensee selected by the secretary from among those who, at any election held  
18 pursuant to 21 NCAC 10 Rule .0103(c), have been elected nominees for Board membership but not  
19 appointed to the Board.

20 (c) Notice of hearing. The secretary shall provide notice of the probable cause hearing to the chiropractor complained  
21 against by certified mail at least 15 days in advance of the hearing. Notice may be served in any manner permitted by  
22 Rule 4 of the North Carolina Rules of Civil Procedure for service of process upon a natural person. in accordance with  
23 G.S. 150B-38(b).

24 (d) Conduct of Probable Cause Hearing. The probable cause hearing shall be informal, and the secretary may  
25 establish at his discretion such procedures as are necessary to facilitate examination of the evidence. shall preside. The  
26 Chiropractic Review Committee may consider evidence at the probable cause hearing which that would not be  
27 admissible if offered at the hearing in a contested case.

28 (e) Action by the Chiropractic Review Committee. After examining the evidence presented at the probable cause  
29 hearing, the Chiropractic Review Committee may dispose of each charge in the formal complaint as follows:

30 (1) If no probable cause exists to believe that a violation of G.S. 90-154 has occurred, the charge may  
31 be dismissed. dismissed.

32 (2) If the respondent admits the charge, he may be directed to cease and desist from commission of  
33 those acts which violate the provisions of G.S. 90-154, G.S. 90-154; or

34 (3) If a charge is denied and probable cause is found, or if a charge, while admitted, is of such gravity  
35 as to make the imposition of punitive sanctions appropriate, the complaint shall be presented to the  
36 Board of Examiners for its decision on the merits in accordance with the statutes governing  
37 contested cases. merits.

- 1 *History Note:* Authority G.S. 90-141; 90-143; 90-154;
- 2 *Eff. December 1, 1988;*
- 3 *Amended Eff. October 1, 2016.*