

Montana Licensing Complaint Process

Frequently Asked Questions for Licensees

These FAQs explain the complaint process for licensees and applicants who have had a complaint filed against them.

Important: These FAQs provide general information only. They are not legal advice. Montana law and administrative rules control if there is any difference between these FAQs and the law.

I. About the Complaint

1. Why did I receive this notice?

You received this notice because a complaint was filed and the Montana Department of Labor and Industry is reviewing the matter.

2. Does a complaint mean the board has already decided I did something wrong?

No. A complaint is an allegation. It does not mean a violation has been found.

3. What is the department's role?

The Montana Department of Labor and Industry investigates complaints and prosecutes the complaint, if appropriate as determined by the board or program where the complaint was filed.

4. What kinds of conduct can lead to discipline?

That depends on the profession and the facts. Many boards apply the general unprofessional conduct standards in [§ 37-1-316, MCA](#). Programs may apply [§ 37-1-410, MCA](#). Profession-specific statutes and rules may also apply.

5. What is unprofessional conduct?

Unprofessional conduct is conduct identified by law or rule as a basis for discipline. Depending on the board or program, that may include conduct listed in [§ 37-1-316, MCA](#), [§ 37-1-410, MCA](#), and profession-specific laws and rules.

6. Where can I find the laws and rules for my profession?

You should review:

- your profession's practice act,
- board or program rules,
- [§ 37-1-316, MCA](#) for generally applicable board unprofessional conduct provisions, and
- [§ 37-1-410, MCA](#) for generally applicable program provisions, if applicable.

7. Will I receive a copy of the complaint?

Yes. The complaint is generally provided to you so that you may respond.

II. Responding to the Complaint

8. What should I do when I receive a complaint?

Read the complaint carefully and respond as requested. Provide truthful, complete information and any records or documents that are requested or that may be helpful in consideration of the complaint.

9. Do I have to respond?

Yes. You should respond if the Montana Department of Labor and Industry (DLI) asks you to do so. A complete response helps (DLI) review the matter. Failure to respond may be considered unprofessional conduct and subject you to separate disciplinary action.

10. How soon do I need to respond?

Follow the deadline in the letter or notice you receive. If you need more time, contact the assigned staff member as soon as possible.

11. Can I have a lawyer help me respond?

Yes. You may choose to have a lawyer assist you at your own expense.

12. Can I submit documents or witness statements?

Yes. You may submit documents, records, written explanations, and other information that you believe is relevant.

13. What happens if I do not respond?

The Montana Department of Labor and Industry may continue to review the complaint based on the information available. In some cases, failing to respond may make it harder for your position to be fully considered. In addition, failure to respond may subject you to separate disciplinary action.

14. What happens if I miss a deadline?

Contact the assigned staff member as soon as possible. Missing a deadline may affect your ability to respond or request further process.

15. Can I continue practicing while the complaint is being reviewed?

Yes, unless specifically notified otherwise. This will depend on the facts, the law governing your profession, and whether any separate action affects your license status.

16. Will this affect my license right away?

Not necessarily. A complaint does not by itself mean your license will be restricted or disciplined. Any action affecting your license depends on the process and the facts found.

17. Can I see the evidence collected during the investigation?

Access to investigative information depends on the stage of the case, whether a cause finding has issued, and other factors.

18. Can I contact board members directly about my case?

No. You should communicate through the assigned staff member, your attorney, or the office handling the complaint.

III. Confidentiality and Public Information

19. Is the complaint confidential?

During review and investigation, the Montana Department of Labor and Industry protects the complaint and related documents from public release. However, the complaint itself is usually shared with you so you can respond.

20. Will the complainant stay anonymous?

Usually no. If the complainant is known to the Montana Department of Labor and Industry and is important to proving the allegations, that person may need to testify.

21. If the complaint is dismissed, will it be public?

No. Dismissed complaints generally remain confidential unless a court orders release.

22. Will discipline be public?

Yes. Final disciplinary orders are public and may be available through Licensee Lookup.

23. Will the complaint be reported to national databases or other states?

That depends on the profession, the type of action taken, and any reporting rules that apply. If discipline is imposed, reporting obligations may exist under profession-specific law or other requirements.

24. Where can the public see my license status or public discipline history?

Current license status and public disciplinary information may be available through Licensee Lookup.

IV. Investigation, Review, and Outcomes

25. What happens during the investigation?

The Montana Department of Labor and Industry may gather documents, request a written response, interview witnesses, and review other relevant information.

26. What is the difference between a complaint, an investigation, and discipline?

- A **complaint** is an allegation or report.
- An **investigation** is the process of gathering facts.

- **Discipline** is action taken only if the board or program decides that a violation occurred and discipline is warranted.

27. What is a screening panel?

A screening panel is a group that reviews the investigation and decides whether the case should be dismissed or move forward.

28. What happens after the investigation is complete?

After the facts are gathered, the matter is reviewed through the board or program process to decide whether further action is appropriate.

29. What are the possible outcomes?

Possible outcomes may include:

- dismissal,
- proposed disciplinary action,
- a settlement agreement, or
- a hearing.

30. What happens if disciplinary action is proposed?

You will receive written notice explaining the alleged facts, the alleged violations, and your opportunity to request a hearing.

31. Can I resolve the matter without a hearing?

In many cases, yes. Some matters may be resolved by agreement.

32. Can I enter into a settlement agreement without admitting every allegation?

That depends on the terms of the proposed agreement and the position of the board or program. You should read any proposed agreement carefully and consider whether to seek legal advice.

33. Can I request a hearing?

Yes. If disciplinary action is proposed, you may have the right to request a hearing.

34. What is a hearing?

A hearing is a formal process where evidence may be presented, and legal arguments may be made before a decision is reached.

35. Who decides the case if there is a hearing?

A hearing officer handles the hearing process, and the final decision is made through the board or program process.

36. How long does the process take?

The process may take several months or longer, depending on workload and case complexity.

37. How long can the hearing process take?

A contested case may take several months to complete.

38. What discipline can be imposed?

Depending on the case and the governing law, discipline may include:

- reprimand,
- fine,
- license restriction,
- suspension, or
- revocation.

For many boards, disciplinary authority is addressed in Title 37, chapter 1, including [§ 37-1-312, MCA](#), and for programs in [§ 37-1-406, MCA](#), along with any profession-specific statutes and rules.

39. Can the board order me to pay money to the complainant?

No. The board or program cannot award damages or require settlement of a private dispute.

40. Will the complainant be told the outcome?

Yes. The complainant is generally given notice of the outcome.

V. Special Situations and Help**41. What if the complaint involves unlicensed practice?**

Complaints about unlicensed practice follow a different process and may involve legal action.

42. What if I need disability accommodations or language assistance?

If you need an accommodation or language assistance to participate in the process, contact the office as soon as possible.

43. Who can I contact with questions?

You can contact the Compliance Unit:

Email: DLIBSDCOMPLAINTS@MT.GOV

Phone: (406) 841-2312

Mail:

Office of Legal Services

P.O. Box 1728

Helena, MT 59624

If a staff member has been assigned to the matter, you may also contact that person.

44. Should I get a lawyer?

That is your choice. Licensees have a right to be represented by counsel. These FAQs are not legal advice. If you need legal advice, you should consult a private attorney.