

509.6 INTERIM SUSPENSION IN OTHER CIRCUMSTANCES

1. Types of Interim Suspension. An interim suspension may be applicable under any of the following circumstances.

- A. ~~Standards of Practice Committee~~ Finding of Risk to Public. ~~AOC The Standards of Practice Committee~~ may petition ~~the Standards of Practice Committee~~ the Board for an order suspending the respondent CPGC during the pendency of any proceeding under these rules if: it appears that a respondent's continued practice as a CPGC poses a substantial threat of serious harm to the public.
- B. ~~Standards of Practice Committee~~ Recommendation for Decertification. When the recommended sanction in a Complaint is decertification, ~~AOC the Standards of Practice Committee may may file a~~ petition the Board for the respondent's suspension during the remainder of the proceedings.
- C. Failure ~~To to~~ Cooperate with Investigation. When any CPGC fails without good cause to comply with a request under DR 505.2.5 for information or documents, or with a subpoena issued under DR 504.6, ~~AOC the Standards of Practice Committee~~ may petition ~~the Standards of Practice Committee the Board~~ for an order suspending the CPGC pending compliance with the request or subpoena. If the CPGC complies with the request or subpoena, the Board may lift the suspension on terms the Board deems appropriate. ~~the Standards of Practice Committee may lift the suspension on terms the Standards of Practice Committee deems appropriate.~~

2. Procedure.

- A. Hearing Officer. Petitions under this regulation, and requests to lift or terminate interim suspensions, shall be heard by a Hearing Officer appointed for that purpose. The rules in DR 508.10 related to disciplinary proceedings shall apply. The Board shall act promptly upon recommendations from the Hearing Officer.
- A-B. Petition. A Petition to the ~~Standards of Practice Committee Board~~ under this ~~rule regulation~~ must set forth the acts of the CPGC constituting grounds for interim suspension. The Petition may be supported by documents or affidavits. The AOC staff must serve the Petition on the ~~Standards of Practice Committee Board~~ and respondent CPGC.
- B-C. Show Cause Order. Upon filing of the Petition, ~~the Standards of Practice Committee Chair~~ the Hearing Officer orders the respondent CPGC to appear in person or telephonically before the ~~Standards of Practice Committee Hearing Officer~~ to show cause why the Petition for interim suspension should not be granted. This Show Cause Hearing

cannot occur less than ten (10) days after service on the respondent CPGC of the Show Cause Order.

G.D. Answer to Petition. The respondent CPGC may answer the Petition. An Answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the Show Cause Hearing.

D.E. Filing of Answer. Any Answer must be filed with served on the AOC within ten (10) days of receipt service of the Show Cause Order Hearing. In lieu of a written Answer, the respondent CPGC may provide their Answer orally at the Show Cause Hearing.

D.F. Show Cause Hearing. The respondent CPGC must may appear before the Hearing Officer either in person or electronically at the hearing to show cause why the Petition for interim suspension should not be granted. The respondent CPGC may provide testimony and present witnesses at the hearing. If, after proper notice, the respondent CPGC fails to attend the hearing, the Hearing Officer may enter an Order of Default as set forth in section 508.5.3.

G. Settlement Agreement. At any time a respondent CPGC and Standards of Practice Committee the Standards of Practice Committee may stipulate that the respondent CPGC be suspended during the pendency of any investigation or proceeding because of conviction of a serious crime or for the reasons enumerated in section 509.6.1 a substantial threat of serious harm to the public. Settlement Agreements under this rule regulation are public upon filing with the AOC, but the Standards of Practice Committee Standards of Practice Committee may order that supporting materials are confidential. _

E.H. Termination of Interim Suspension. The respondent CPGC may petition the Standards of Practice Committee Board to terminate the interim suspension, and on a showing that the cause for the interim suspension no longer exists, the Standards of Practice Committee Hearing Officer may terminate recommend termination of the interim suspension to the Board. The same Hearing Officer appointed for the related Show Cause Hearing shall be used whenever practicable. The Board shall act promptly on the Hearing Officer's recommendation.

F. Show Cause Hearing. The respondent may appear before the Standards of Practice Committee at the hearing to show cause why the Petition for interim suspension should not be granted.

I. Application of Other Rules. If the Standards of Practice Committee Hearing Officer enters recommends that the Board enter an interim order suspending the respondent CPGC, the rules relating to suspended CPGCs, including DR 509.4, apply. The Board shall review the Hearing Officer's recommendation and promptly render a decision. The Board's Orders of Interim Suspension are final, and not subject to Supreme Court review (per section 510.5.4).