

(2) REQUEST FROM EACH OF THE PERSONS LISTED IN ITEM (1) OF THIS SUBSECTION A WRITTEN RESPONSE WITHIN 10 DAYS TO THE ALLEGATIONS SET FORTH IN THE CLAIM.

(C) (1) THE BOARD:

(I) SHALL REVIEW THE CLAIM AND ANY RESPONSE TO THE CLAIM; AND

(II) MAY CONDUCT AN INVESTIGATION OF THE CLAIM.

(2) ON THE BASIS OF ITS REVIEW AND ANY INVESTIGATION THAT THE BOARD CONDUCTS, THE BOARD SHALL:

(I) SET THE MATTER FOR A HEARING; OR

(II) IF THE CLAIM IS FRIVOLOUS, MADE IN BAD FAITH, OR LEGALLY INSUFFICIENT, DISMISS THE CLAIM.

(D) AT ANY CLAIM HEARING, THE BURDEN OF PROOF SHALL BE ON THE CLAIMANT TO ESTABLISH THE VALIDITY OF THE CLAIM.

7-4A-09.

(A) THE BOARD SHALL GIVE THE FOLLOWING PERSONS NOTICE OF THE HEARING AND AN OPPORTUNITY TO PARTICIPATE IN THE HEARING:

(1) THE CLAIMANT;

(2) EACH LICENSEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM;

(3) EACH UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM; AND

(4) EACH FUNERAL ESTABLISHMENT THAT EMPLOYS A LICENSEE OR UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM.

(B) THE BOARD MAY NOT PROCEED WITH THE HEARING UNLESS THE RECORDS OF THE BOARD SHOW THAT THE BOARD PROVIDED EACH NOTICE