

## Complainant Request for Reconsideration—Closed Cases

### Background

In 2011, the Legislature passed [RCW 18.130.057](#) setting forth a process allowing a person to request the disciplining authority to reconsider a decision to close a complaint by providing new information. This procedure describes the process the Washington Medical Commission (Commission) uses when a complainant requests reconsideration of a complaint which was closed prior to issuing a statement of charges or a stipulation to informal disposition.

### Procedure

1. The Commission sends a closure letter to the complainant, informing them that their complaint has been closed and explains the reason for closure. This letter also notifies the complainant that they have a one-time opportunity to request reconsideration. The request must include new information that was not previously provided, and it must be submitted within 30 days from the date of the closure letter.
2. Within the 30 day time limit, the Commission receives a request for reconsideration from a complainant.

A Commission panel reviews the complainant's request for reconsideration and all submitted information. The panel determines whether there is new information – essential additional information connected to the original complaint, which was not previously provided.

- a. If the Commission determines there is no new information related to the original complaint that merits investigation, the case remains closed. Commission staff notifies the complainant.
- b. If the Commission determines the information is new and related to the original complaint:
  - i. If the case in question was closed prior to investigation, the Commission panel decides whether the complaint merits investigation.
    1. If the Commission decides that the complaint and new information does not merit an investigation, the case remains closed. Commission staff notifies the complainant.
    2. If the Commission determines the complaint and new information merit an investigation, the Commission re- opens the case and authorizes an investigation. The Commission notifies the complainant. The case is investigated and evaluated using normal investigation and case disposition procedures.

- ii. If the case in question was closed post-investigation, the Commission notifies the respondent of the request for reconsideration with the newly submitted information, and provides the respondent 30 days to submit a response. A Commission panel reviews the response from the respondent along with the request for reconsideration and newly submitted new information. The Commission then determines if the case merits re-opening. Commission staff notifies the complainant and respondent of the final decision.
- c. If the Commission determines the information is not related to the original complaint, the case under consideration remains closed and a new complaint is created. Commission staff notifies the complainant.

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