



Processing Complaints of Sexual Misconduct Through the Sexual Misconduct Analysis Review Team (SMART)

Introduction

The Washington Medical Commission takes very seriously complaints of sexual misconduct.¹ Sexual misconduct by physicians and physician assistants causes significant harm to patients and destroys the trust of the public in the profession. The Commission adopted a policy on sexual misconduct in 1992 and adopted rules on sexual misconduct in 2006.

In 2015, the Legislature mandated that all interviews of persons alleging sexual misconduct by a licensed health care provider must be conducted by a person who has successfully completed a training program on interviewing victims of sexual misconduct in a manner that minimizes the negative impact on the victims.² All Commission investigators successfully completed the training.

To improve its handling of complaints of sexual misconduct, the Commission adopts this Procedure to ensure that Commission members and attorneys who handle these complaints have specialized training in evaluating complaints of sexual misconduct, including an understanding of the impact of trauma on victims.

Creation of Sexual Misconduct Analysis Review Team (SMART)

All cases regarding allegations of sexual misconduct will be reviewed by a Sexual Misconduct Analysis Review Team (SMART) consisting of one at least one clinical Commissioner and at least one public member Commissioner who have both completed the SMART training. This team will also contain a member who identifies as female and a member who identifies as male.

The SMART members will complete training in trauma-informed sexual assault investigations. Newly appointed Commissioners will be offered the opportunity to complete this training during their tenure on the Commission. All Commission staff attorneys should complete the same training before being assigned to a case involving sexual misconduct.

¹ For the purposes of this procedure, a sexual misconduct case is one in which a practitioner is alleged to have violated [RCW 18.130.180\(24\)](#), [WAC 246-918-410](#) or [WAC 246-919-630](#).

² [RCW 18.130.062\(2\)](#).

Procedure

1. When a complaint is authorized for investigation, the Commission Medical Consultant will assign two SMART members to serve as reviewing commission members (RCMs), one clinical member and one public member. Both sexes will be represented. These SMART RCMs may direct the investigation of the complaint, communicating with the investigator as needed during the course of the investigation.
2. Upon completion of the investigation, the SMART team will jointly present the case to a panel of the Commission to determine whether to take disciplinary action.
3. If the panel votes to take disciplinary action, the SMART RCMs will direct the settlement process.
4. If the SMART RCMs reach a settlement with the practitioner, they will present the settlement to a panel of the Commission for approval. The practitioner must appear before the panel at the time of the presentation of the settlement and answer questions from the panel members.
5. If the case is not resolved with a settlement, the case will proceed to a formal hearing before a panel of the Commission. The hearing panel, which must consist of at least three Commission members, will include at least one SMART member, at least one public member, at least one Commission member who identifies as female and at least one Commission member who identifies as male.
6. During the compliance process, the SMART RCMs will continue to manage the case. If a SMART RCM leaves the Commission, the Commission will appoint a SMART member to replace the departing member. The new RCM will have the same traits as the departing member (clinical member or public member).

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Supersedes: None.