

Complainant Opportunity to be Heard Through an Impact Statement

Background

The Washington Medical Commission (Commission) promotes patient safety and enhances the integrity of the profession through licensing, discipline, rulemaking and education. The Commission seeks to be efficient, effective, and transparent in its disciplinary process.

In 2011, the Legislature passed legislation ([RCW 18.130.057](#)) requiring a disciplining authority, prior to a final decision in a disciplinary proceeding, to provide the person submitting the complaint or report (complainant), or his or her representative, an opportunity to submit a statement about the impact of the provider's conduct on the complainant and his or her family and an opportunity to recommend sanctions.

The Commission will take a consistent approach to providing complainants the opportunity to submit an impact statement before the Commission imposes sanctions on a physician or physician assistant. When the Commission authorizes a Stipulation to Informal Disposition (STID) or a Statement of Charges (SOC), the Commission will notify the complainant of the opportunity to submit a written impact statement. The Commission will consider the impact statement prior to deciding whether to impose sanctions in a STID or Order.

Procedure

1. Stipulation to Informal Disposition or Statement of Charges

If the Commission authorizes a STID or an SOC, legal unit support staff, at the time the master case is set up, will determine whether an impact statement should be solicited. (Impact statements are not sent to institutions, organizations or mandatory reporters) If an impact statement should be solicited, then support staff will notify the person submitting the complaint or report, or his or her representative, of the opportunity to provide a written impact statement about the effect of the provider's conduct on the person and his or her family and of the opportunity to recommend sanctions.

- a. If an impact statement is received in a STID case, legal unit support staff will place the document in the official efile and bookmark the document within the file. The legal unit support staff will add the impact statement to the Reviewing Commission Member's (RCM) folder on the X drive. They will then email the RCM and Staff Attorney letting them know the document is available. If the Commission accepts the STID, the signed STID is forwarded to the Adjudicative Clerk Office (ACO) for service. Once ACO sends the

service packet, the support staff will send copies of the impact statement and a certification form to the respondent.

- b. If an impact statement is received in an SOC case, legal unit support staff will place the document in the official efile and bookmark the document within the file. The legal unit support staff will add the impact statement to the RCM folder on the X drive. They will then email the RCM and Staff Attorney letting them know the document is available. Support staff will ensure that a copy of the impact statement is transmitted to the Attorney General's Office (AAG). The AAG will provide the impact statement to the respondent. If the parties sign a proposed Agreed Order, support staff will send the statement and the proposed Agreed Order to the Commission panel to consider when the Agreed Order is presented for acceptance.
 - i. If the complainant requests an oral presentation of the impact statement during the presentation of the Agreed Order, the Staff Attorney will notify the RCM, panel chair, and legal support staff.

2. Formal Hearing

A Statement of Charges may result in a hearing. If the case proceeds to a hearing, the AAG will provide the impact statement to the Health Law Judge to give to the hearing panel members for consideration.

If the complainant requests an oral presentation of the impact statement, the AAG will notify the Health Law Judge at the prehearing conference. The Health Law Judge will decide the time and manner in which the oral presentation will be made.

3. Waiver and Default

If the respondent defaults or waives the right to a hearing, the Staff Attorney will ensure the impact statement will be included in the supporting documentation to be considered by the decision maker. Support staff will send the impact statement and a certification form to the respondent. The respondent must certify that the impact statement was received.

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