

Procedure

Title:	Complainant Request for Reconsideration—Closed Cases	PRO2017-08
References:	RCW 18.130.057	
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Supersedes:	MD2012-02	
Effective Date:	August 11, 2017	
Approved By:	Warren Howe, MD, Chair (signature on file)	

Background

In 2011, the Legislature passed [RCW 18.130.057](#) which sets forth a process allowing a person to request the disciplining authority to reconsider a decision to close a case by providing new information.

Procedure

This procedure describes the process the Medical Quality Assurance Commission (Commission) uses when a complainant requests reconsideration of a complaint or report closed prior to issuing a statement of charges or a stipulation to informal disposition.

1. The Commission notifies the complainant in writing that the complaint is closed and the reason for closure. The closure letter also notifies the complainant of the one-time opportunity to submit a request for reconsideration within 30 days of receipt.
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.