

**State of Washington
Department of Health**

Delegation of Decision Making to Health Law Judges

I, Michelle Terry, MD, Chair of the Washington State Medical Quality Assurance Commission, acting upon authorization of the board or commission and under the authority of RCW 18.130.050(8), delegates each of the functions indicated below to a presiding officer serving in the Adjudicative Service Unit:

- To serve as the final decision-maker upon review of brief adjudicative proceedings.
- Consistent with RCW 18.130.400, to serve as the decision-maker in response to an ex parte motion for summary suspension in which the respondent is alleged to have violated RCW 18.130.050 (8)(b) (DSHS actions).
- Consistent with RCW 18.130.370, to serve as the decision-maker in response to an ex parte motion for summary suspension or restriction of a license in which the respondent is alleged to have violated RCW 18.130.050(8)(a) (out of state, federal or foreign jurisdiction actions).
- Consistent with RCW 18.130.170(2)(b) to serve as the decision-maker in response to a motion for an investigative mental health or physical health examination.
- To serve as the final decision-maker in response to a motion for hearing on noncompliance with Orders. (This does not apply to STIDS)
- To serve as the final decision-maker in adjudicative proceedings in which a party is in default for failure to submit a request for adjudicative proceeding. This delegation does not include cases pertaining to standards of practice or where clinical expertise is necessary.
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.180(5) (suspension, revocation, or restriction of the respondent's license to practice a health care profession in any state, federal or foreign jurisdiction).
- To serve as the final decision-maker in adjudicative proceedings where the Department has brought a motion for noncompliance. (noncompliance fast track docket)
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is charged with violation of RCW 18.130.180(9) (failure to comply with an order issued by the board or commission or its predecessor).
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.180(17). (conviction of a felony or gross misdemeanor related to the practice of his or her profession)

- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.180(24) (verbal or physical abuse of a client or patient).
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.180(23) (current misuse or alcohol, controlled substances, or legend drugs).
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.180(6) (diversion or prescribing controlled substances for oneself).
- To serve as the final decision-maker in adjudicative proceedings in which the respondent is alleged to have violated RCW 18.130.170 (mental health or physical health).
- To approve or deny proposed settlements (in all cases other than those that pertain to standards of practice or where clinical expertise is necessary) that are filed nine (9) calendar days before the scheduled hearing.
- To serve as the final decision-maker in proceedings related to reinstatement of a license previously suspended, revoked, or restricted by the board or commission.
- To serve as the final decision-maker in proceedings related to modification of any disciplinary order previously issued by the board or commission.
- To serve as the final decision-maker for brief adjudicative proceedings if review of an initial decision is requested.
- To serve as the final decision maker in proceedings on a case-by-case basis as determined by the board or commission and upon completion by the board or commission, or its designee, a delegation form for the particular case.

This delegation remains in effect until revoked, terminated or modified. To the extent that this delegation conflicts with prior delegations to presiding officers at the Adjudicative Service Unit, this delegation prevails.

DATED this 30th day of May, 2016.

(Signature on file)

Michelle Terry, MD
Chairperson
Medical Quality Assurance Commission