

Policy

| | | |
|-----------------|--|--|
| Title: | Use of Notice of Correction | MD2009-02 |
| References: | N/A | |
| Contact: | Michael Farrell, JD, Policy Development Manager | |
| Phone: | (509) 329-2186 | E-mail: michael.farrell@doh.wa.gov |
| Effective Date: | January 16, 2009; Reaffirmed February 12, 2016 | |
| Approved By: | W. Michelle Terry, MD, FAAP, Chair (signature on file) | |

Background

The Medical Quality Assurance Commission is committed to protecting the health and safety of the citizens of Washington. This commitment is furthered by assisting physicians and physician assistants who make an effort to comply with statutes and rules enforced by the Commission. The “notice of correction,” found in [RCW 43.05.100](#), is a mechanism for facilitating greater understanding of the statutes and agency rules and achieving compliance.

Under [RCW 43.05.100\(1\)](#), the Commission may issue a notice of correction when it becomes aware of conditions that are not in compliance with applicable statutes and agency rules. A notice of correction shall include a description of the conditions that are not in compliance, a reference to the specific statute or rule at issue, a date by which compliance is required, a notice of the means to obtain assistance from the Commission, and notice of how to request an extension of the deadline for compliance.

It is also a goal of the Commission to be consistent in how it addresses cases that are similar in nature. In furtherance of that goal, the Commission adopts the following procedure regarding the use of the notice of correction.

Policy

The Commission will decide whether to issue a notice of correction on a case-by-case basis. However, in order to achieve consistency in the disposition of cases, a case appropriate for notice of correction will have the following characteristics:

1. The statute or rule violation does not constitute unprofessional conduct under the Uniform Disciplinary Act, [RCW 18.130.180](#).¹

¹ RCW 18.130.180(7) and (11) are not included in this limitation. These provisions address violations of healthcare related laws or rules, and can theoretically be applied all cases in which a notice of correction is otherwise appropriate.

2. The violation did not result in patient harm, and has a low risk of patient harm.
3. The violation was a single occurrence or a small number of occurrences.
4. The licensee does not have a significant disciplinary history.
5. The licensee does not dispute the violation.
6. The violation is likely to be remedied by providing notice to the licensee.

The following are examples of cases in which a notice of correction may be used:

1. A violation of [RCW 69.41.010\(13\)](#) and [RCW 69.41.120](#), which requires that a prescription for medication be legible, in that it is hand printed, typewritten, or electronically generated.
2. A violation of [Chapter 70.122 RCW](#) and [WAC 246-978-020](#), which require attending physicians prescribing medication under [Chapter 70.122 RCW](#) to provide specified documentation to the Department of Health within thirty days of three separate triggering events.
3. Failure to complete continuing medical education requirements.
4. Practice on an expired credential for a moderate period of time (less than 60 days).
5. Minor record keeping or reporting problems.
6. Name tag violations by physician assistants.