

# Procedure

Title:	Complaint Opportunity to be Heard Through an Impact Statement	PRO2017-05
References:	<a href="#">RCW 18.130.057</a>	
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Approved By:	Warren Howe, MD, Chair (signature on file)	

## Background

The Medical Quality Assurance 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 a cover sheet and notice on colored paper and the impact statement on the left side of the investigative file, and will send a copy of the impact statement to the reviewing commission member, the staff attorney, and the respondent. The respondent must certify to the Commission that the impact statement was received prior to the presentation of the STID. When a STID is signed and ready for presentation to the Commission for approval, support staff sends the impact statement and the STID to the Commission members via email. If the Commission accepts the STID, support staff will send a cover letter, the impact statement, and a certification form to the respondent at the same time that the signed STID is forwarded to the Adjudicative Clerk Office for service.
- b. If an impact statement is received in an SOC case, legal support staff will place a cover sheet and notice on colored paper and the impact statement on the left side of the investigative file, and will send a copy of the impact statement to the reviewing commission member and the staff attorney. Support staff will copy the impact statement along with the rest of the file and transmitted to the Attorney General's Office along with a request for services. If the impact statement is received subsequent to a request for Attorney General services, support staff will send the statement to the Assistant Attorney General (AAG) assigned to the case. The AAG will provide the impact statement to the respondent. The respondent must certify that the impact statement was received. If the parties sign a proposed Agreed Order, support staff will send the statement, the certification, and the proposed Agreed Order to the Commission panel to consider when the Agreed Order is presented for acceptance.

## **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 impact statement will be included in the supporting documentation to be considered by the decision maker, and a copy will be sent to the respondent. The respondent must certify that the impact statement was received.