

Procedure

Title:	Personal Appearance Procedure	PRO2018-02
References:	N/A	
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Approved By:	Warren Howe, MD, Chair (signature on file)	

Pre-Appearance

Three weeks prior to a scheduled personal appearance by a respondent, the compliance team contacts the assigned reviewing commission member (RCM) and staff attorney, provides each with the respondent's relevant documents, and invites each to express, within one week, any questions or concerns they may have regarding the respondent's upcoming appearance.

The compliance team then conducts a pre-personal appearance conference call with the respondent, and his or her attorney if applicable, at least two weeks prior to the personal appearance. The team describes the personal appearance setting and process (see below), explains that the appearance serves the Commission's statutory obligation to provide "meaningful oversight", and answers questions that the respondent may have. The respondent and the attorney, if any, are informed that the attorney's role is limited to advising the client, but not to make a presentation to the panel.

The respondent is also informed that the personal appearance is informal. It is not a hearing, and that no findings or determination of compliance or non-compliance is made during the appearance. However, should the panel, in the course of the appearance, be made aware of a matter that poses a risk to the public or to the respondent, an investigation may be authorized, and a statement of charges (SOC) may be issued.

Two weeks before the appearance, panel members receive in secure electronic format the documents they need to review in order to provide meaningful oversight of the respondent's progress.

Appearance

The personal appearance is open to the public. The personal appearance begins with the panel chair welcoming the respondent and reading the script (attached to this procedure as Appendix A as updated) describing the sequence of events. The staff attorney then briefly summarizes the case, followed by the compliance officer's report on the respondent's progress to date. The chair then invites the respondent to offer remarks if he/she chooses, but the respondent's attorney is not invited to make a presentation. The panel members are then offered an opportunity ask questions and make comments, followed by questions and comments by the RCM. A representative of WPHP may be invited to provide comments in relevant cases.

The chair then asks the respondent and members of the public to briefly leave the room in order to allow the panel to review and discuss the information provided by the respondent. When the respondent returns to the room, the panel may follow up on questions or concerns raised during their review, as well offer the respondent suggestions for improvement in matters relevant to the Stipulation to Informal Disposition (STID) or Order. The appearance concludes with the chair acknowledging the respondent's attendance, affirming that the respondent will receive a letter confirming fulfillment of the appearance requirement, and excusing the respondent.

Post Appearance

If the panel believes that a respondent has failed to adequately comply with the STID or Order, the panel may choose to reconvene as a Case Management Team (CMT) in closed session, and in consultation with the staff attorney and RCM, decide whether to issue an SOC for failure to comply with the order or stipulation. The panel should also vote to authorize an investigation in case additional information is needed to develop the case.

In the event that the respondent's answers to the panel prompt concerns of a potentially serious violation or risk to the public other than non-compliance with the order or stipulation, the panel can authorize an investigation directed to address those concerns. The staff note-keeper documents the CMT panel make-up and its authorization for investigation or further action in the form of an SOC or statement of allegations for non-compliance.

Staff prepares a letter confirming fulfillment of the appearance requirement, to be signed by the panel chair.

When the respondent has met all the terms of the STID or Order, the final step is for the respondent to be released from the restrictions on the license. The RCM and the staff attorney make a recommendation to the panel whether the respondent must make a final appearance for a decision by the panel, or whether appearance will be waived and the termination will be authorized by the RCM.