

Procedure

Title:	Processing CRP certified cases	PRO2018-01
References:	RCW 43.70.510 , 70.41.200 , 4.24.250	
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Approved By:	Warren Howe, MD, Chair (signature on file)	

Purpose

The Washington Medical Commission (Commission) adopts this procedure to ensure the consistent, transparent and fair processing of cases that have completed a communication and resolution program (CRP) and have been certified by the Foundation for Health Care Quality's CRP Event Review Board.

Background

The Washington Medical Commission supports the use of a Communication and Resolution Programs following an adverse event as an innovative approach to reducing medical error. The Commission encourages institutions, clinics and individual practitioners to employ CRPs, and then to apply for CRP certification. If the Foundation for Health Care Quality's CRP Event Review Board certifies the case because all the essential elements have been met, including transparent communication with the patient and family, systems changes that enhance patient safety, and shared learning, it sends the applicant a CRP Event Review Report. The applicant may choose to send this report, and other documents, to the Commission.

Information and documents created specifically for, and maintained by, CRP certification are protected from public disclosure and from discovery in a civil action.ⁱ Information and documents shared with the Commission maintain that protection.

If the applicant sends the CRP Event Review Report to the Commission, the Commission investigator will handle the report, and any other documents submitted with the report, in accordance with the Commission's procedure for handling confidential and protected material.ⁱⁱ The Commission will consider this report and any accompanying material when deciding whether to take disciplinary action against an individual respondent.

Procedure

1. A case that has been CRP certified by the Foundation will follow the same investigative process as all other cases.
2. The assigned staff attorney notifies the Policy Development Manager who tracks the progress of the case through to conclusion.
3. The Reviewing Commission Member (RCM) reviews the investigative file, including the CRP certification report and any other documents submitted by the institution or the respondent.
4. The RCM presents the case to a panel at a Commission meeting. The RCM presents all relevant evidence to the panel, including that the case was certified by the Event Review Board.
5. The Commission will review the results of its own investigation the CRP certification report with its accompanying documents and use its discretion to determine how to dispose of the case.
 - a. The fact that the case was certified is not determinative. The panel maintains discretion to take disciplinary action when warranted to protect the public.
 - b. CRP cases are limited to cases involving human error. CRP cases do not include reckless or intentional conduct, gross negligence, sexual misconduct, boundary violations, patient abuse, drug diversion, criminal activity, and other unethical or unprofessional behavior.
6. If the Commission panel decides to close the case without action, the panel will choose a closure code. The most common closure code for a CRP case will be A-3 unique closure, although the panel may find that another closure code is more appropriate.
7. The assigned staff attorney will draft the closure letter and may use the approved template for CRP-certified cases. The letter will focus primarily on the findings of the Commission's investigation, but should note that the case was certified by the Foundation's Event Review Board. The staff attorney may only include information that is available to the public under the Public Records Act and may not include information protected under RCW 43.70.510 which protects information and documents created for and maintained by a coordinated quality improvement program. The RCM will review the letter before it is sent to the complainant and the respondent.
8. If the Commission decides to take disciplinary action, the Commission uses its normal process. The staff attorney maintains the confidentiality of the certification report and any other documents generated as part of the CRP certification process.

ⁱ [RCW 70.41.200](#), [43.70.510](#) and [4.24.250](#).

ⁱⁱ "Investigations Involving Protected Material, adopted April 9, 2018.