

WAC 182-70-620 Notice of violation and recommended penalty. (1)

If, based on the investigation, the WA-APCD program director determines that the facts support finding an inappropriate disclosure or use of protected information and imposition of a penalty as set forth in the investigation report, the WA-APCD program director shall notify the alleged violator. The WA-APCD program director shall cause service of the notice of violation and recommended penalty on each alleged violator. The notice shall include the following information:

(a) Date when the recommended penalty and other actions imposed will take effect, if not appealed;

(b) Each inappropriate disclosure or use of protected information found and the facts supporting each inappropriate disclosure or use of protected information;

(c) The recommended penalty, other monetary amounts to be assessed, including the cost of the investigation, and any other action authorized by WAC 82-75-625 and 82-75-630;

(d) If the person will be prohibited from receiving data from the WA-APCD in the future, the period of the recommended prohibition;

(e) Notice that each alleged violator may request a hearing in accordance with WAC 82-75-645 to dispute the finding of a violation, the recommended penalty, or both. The notice shall state that if no hearing is requested within thirty days of the date of issuance of the notice, the office shall issue a final, unappealable order.

(2) In the event the alleged violator or violators do not timely request a hearing, the WA-APCD program director will provide the report and recommendation to the director, who shall issue a final order, which will include the date upon which the order becomes effective.

(3) The WA-APCD program director shall provide a copy of the investigation report and the notice prepared pursuant to subsection (1) of this section to all data suppliers with protected information identified in the report as having been inappropriately disclosed or used. This notice is separate and in addition to any other notice required by law.

[WSR 19-24-090, recodified as § 182-70-620, filed 12/3/19, effective 1/1/20. Statutory Authority: RCW 43.371.070 (1)(h). WSR 18-15-002, § 82-75-620, filed 7/5/18, effective 8/5/18.]