

Chapter 246-14 WAC

UNIFORM PROCEDURES FOR COMPLAINT RESOLUTION

WAC

246-14-010	Intent.
246-14-020	Definitions.
246-14-030	What happens if a time period expires?
246-14-040	Initial assessment of reports.
246-14-050	Investigation of complaints.
246-14-060	Case disposition.
246-14-090	Adjudication of statement of charges.
246-14-100	Resolution of a statement of allegations.
246-14-110	What happens if a case returns to a prior stage?
246-14-120	Notice of applicable time periods.

tive 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-020, filed 5/3/00, effective 7/2/00.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-14-070	Limited extensions of basic time periods. [Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-070, filed 5/3/00, effective 7/2/00.] Repealed by 07-24-073, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095.
246-14-080	Extension with management oversight. [Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-080, filed 5/3/00, effective 7/2/00.] Repealed by 07-24-073, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095.

WAC 246-14-010 Intent. These rules establish basic time periods for processing and resolving complaints against credentialed health care providers and applicants. The rules also provide enforcement mechanisms to ensure timely disposition of complaints and adjudicative proceedings. The department of health does not anticipate that the basic time period will be used in all cases. These rules are adopted as required by RCW 18.130.095(1). The intent is to promote timely protection of the public and fairness to credential holders, applicants, and complainants, without sacrificing public safety.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-010, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-010, filed 5/3/00, effective 7/2/00.]

WAC 246-14-020 Definitions. (1) A "report" is information received by the department of health which raises concern about conduct, acts or conditions related to a credential holder or applicant or about the credential holder or applicant's ability to practice with reasonable skill and safety. If the disciplining authority determines a report warrants an investigation, the report becomes a "complaint."

(2) "Days" are calendar days unless otherwise indicated. If a time period would end on a Saturday, Sunday, or state holiday, that time period will end on the next business day.

(3) "Enhanced management oversight" is enhanced direction of a case imposed by department management as an enforcement mechanism when a basic time period is exceeded. Management will ensure the case moves through the stage promptly. Some examples of enhanced direction may be staffing changes, resource reallocation, and work planning.

[Statutory Authority: RCW 18.130.095. 08-20-121, § 246-14-020, filed 9/30/08, effective 10/31/08; 07-24-073, § 246-14-020, filed 12/4/07, effective 9/30/08]

WAC 246-14-030 What happens if a time period expires? When a basic time period expires, enhanced management oversight will occur. The reason for the delay will be noted in the tracking system, but work on the case will not be interrupted.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-030, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-030, filed 5/3/00, effective 7/2/00.]

WAC 246-14-040 Initial assessment of reports. (1) Initial assessment is the process of determining whether a report warrants an investigation and becomes a complaint. The complainant and credential holder or applicant will be notified as soon as possible after the initial assessment is complete.

(2) The basic time period for initial assessment is twenty-one days.

(3) All reports will be reviewed for imminent danger within two working days. If imminent danger is identified, the report will be immediately forwarded for processing.

[Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-040, filed 5/3/00, effective 7/2/00.]

WAC 246-14-050 Investigation of complaints. (1) Investigation is the process of gathering information which examines the complaint and the situation surrounding the complaint.

(2) The basic time period for investigation is one hundred seventy days.

[Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-050, filed 5/3/00, effective 7/2/00.]

WAC 246-14-060 Case disposition. (1) Case disposition is the process of deciding whether to issue a statement of charges on a complaint, to take informal action, or to close the complaint without action. It includes the processes necessary to implement the decision.

(2) The basic time period for case disposition is one hundred forty days.

(3) If a complaint returns to the case disposition stage because a stipulation to informal disposition has been rejected, there is a new basic period of sixty days.

[Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-060, filed 5/3/00, effective 7/2/00.]

WAC 246-14-090 Adjudication of statement of charges. (1) Procedures for adjudication of statements of charges are contained in chapters 246-10 and 246-11 WAC. Those rules provide for twenty days to file an answer, with a

sixty-day extension for good cause, and thirty days to issue a scheduling order. They also provide for continuances.

(2) The basic time period for settlement, discovery, and commencement of hearing is one hundred eighty days or less, to be set in the scheduling order.

(3) The basic time period for issuing an order is forty-five days. For secretary professions, the forty-five day period begins upon completion of the hearing. For boards and commission professions, the forty-five day period begins upon completion of the hearing and deliberations.

(4) If no answer is filed or default occurs during the adjudication, a proposed final order of default will be submitted to the disciplining authority within sixty days of notice of failure to respond or notice of default. A final order will be issued within forty-five days of the submission.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-090, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-090, filed 5/3/00, effective 7/2/00.]

WAC 246-14-100 Resolution of a statement of allegations. (1) If a statement of allegations is issued, the respondent will have twenty-eight days to make an initial response. If no response is made, the program's attorney may determine informal disposition has been rejected. The case will be returned to case disposition.

(2) If a response is made, the basic period for completion of informal resolution is sixty days. If informal resolution has not been reached within that time, the case will return to case disposition to determine appropriate action.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-100, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-100, filed 5/3/00, effective 7/2/00.]

WAC 246-14-110 What happens if a case returns to a prior stage? If a case returns to a prior stage, any unused basic time period days in the prior stage may be used.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-110, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-110, filed 5/3/00, effective 7/2/00.]

WAC 246-14-120 Notice of applicable time periods. (1) Affected credential holders, applicants, and complainants will be notified of applicable time periods as soon as possible consistent with effective case management.

(2) Other information about applicable time periods will be released according to public records law.

[Statutory Authority: RCW 18.130.095. 07-24-073, § 246-14-120, filed 12/4/07, effective 1/4/08. Statutory Authority: RCW 18.130.095(1). 00-10-114, § 246-14-120, filed 5/3/00, effective 7/2/00.]