

WAC 246-919-620 Cooperation with investigation. (1) A physician must comply with a request, under RCW 70.02.050, for health care records or documents from an investigator who is acting on behalf of the disciplining authority under RCW 18.130.050(2).

(a) The physician shall submit the requested items within twenty-one calendar days of receipt of the request by the physician or the physician's attorney, whichever is first. If the physician fails to comply with the request within twenty-one calendar days, the investigator shall contact the physician or the physician's attorney by letter as a reminder.

(b) Investigators may extend the time for response if the physician requests an extension for good cause for a period not to exceed thirty calendar days. Other requests for extension may be granted by the commission chair or the commission's executive director.

(c) If the physician fails to comply with the request within three business days after the receipt of the written reminder, a statement of charges may be issued under RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(d) In negotiating a settlement on a statement of charges based on RCW 18.130.180(8), the commission may take into consideration whether the physician has complied with the request after the statement of charges has been issued.

(2) A physician shall comply with a request from an investigator who is acting on behalf of the disciplining authority under RCW 18.130.050(2) for information, which may include, but is not limited to:

(a) Nonhealth care records or documents including, but not limited to:

- (i) An explanation of the matter under investigation;
- (ii) Curriculum vitae;
- (iii) Continuing medical education credits;
- (iv) Malpractice action summaries; or
- (v) Hospital affiliations.

(b) The physician shall submit the requested items within twenty-one calendar days of receipt of the request by the physician or the physician's attorney, whichever is first. If the physician fails to comply with the request within twenty-one calendar days, the investigator shall contact the physician or the licensee's attorney by letter as a reminder.

(c) Investigators may extend the time for response if the physician requests an extension for good cause for a period not to exceed thirty calendar days. Other requests for extension may be granted by the commission chair or the commission's executive director.

(d) If the physician fails to comply with the request within three business days after the receipt of the written reminder, then a subpoena shall be served upon the physician to obtain the requested items.

(e) If the physician fails to comply with the subpoena, a statement of charges may be issued under RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(f) In negotiating a settlement on a statement of charges based on RCW 18.130.180(8), the commission may take into consideration whether the physician has complied with the request after the statement of charges has been issued.

[Statutory Authority: RCW 18.71.017 and 18.130.050. WSR 20-22-003, § 246-919-620, filed 10/21/20, effective 11/21/20. Statutory Authority: RCW 18.71.017 and 18.71A.020. WSR 96-03-073, § 246-919-620, filed 1/17/96, effective 2/17/96.]