Department of Health
Medical Quality Assurance Commission

Policy Statement

Title:	*Complainant Request for Reconsideration – Closed Cases*	*Number: MD2012-02*
References:	*RCW 18.130.057*	
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Approved By:	*Signature on file* *Mimi Pattison, MD, FAAHPM, Chair*	

BACKGROUND

In 2011, the Legislature passed RCW 18.130.057 which sets forth a process allowing a person to request the disciplining authority to reconsider a decision to close a case by providing new information. The Medical Quality Assurance Commission updates its 2008 policy on reconsideration to be consistent with the new law.

POLICY

This updated policy describes the process the Medical Quality Assurance Commission uses when a complainant requests reconsideration of a complaint or report closed prior to issuing a statement of charges or a stipulation to informal disposition.

PROCEDURE

1. The Commission notifies the complainant in writing that the complaint is closed and the reason for closure. The closure letter also notifies the complainant of the one-time opportunity to submit a request for reconsideration.

2. The Commission receives a request for reconsideration from a complainant.

3. A Commission panel reviews the request for reconsideration and all submitted information and determines whether there is new information related to the original complaint.

    A. If the Commission determines there is no new information related to the

original complaint that merits investigation, the case remains closed. Commission staff notifies the complainant.

B. If the Commission determines the information is new and related to the original complaint:

   i. If the case in question was closed prior to investigation, the Commission panel decides whether the complaint merits investigation.

      a. If the Commission decides that the complaint and new information does not merit an investigation, the case remains closed. Commission staff notifies the complainant.

      b. If the Commission determines the complaint and new information merit an investigation, the Commission re-opens the case and authorizes an investigation. The Commission notifies the complainant. The case is investigated and evaluated using normal investigation and case disposition procedures.

   ii. If the case in question was closed post-investigation, the Commission notifies the respondent of the request for reconsideration with the newly submitted information, and provides the respondent 30 days to submit a response. A Commission panel reviews the response from the respondent along with the request for reconsideration and newly submitted new information. The Commission then determines if the case merits re-opening. Commission staff notifies the complainant and respondent of the final decision.

C. If the Commission determines the information is not related to the original complaint, the case under consideration remains closed and a new case is opened. Commission staff notifies the complainant.