

**Department of Health
Medical Quality Assurance Commission**

Procedure

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| <i>Title:</i> | <i>Whistleblower Protection</i> | <i>Number: MD2013-02</i> |
| <i>References:</i> | <i>RCW 43.70.075, RCW 18.130.095, WAC 246-15</i> | |
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| <i>Effective Date:</i> | <i>January 11, 2013</i> | |
| <i>Supersedes:</i> | | |
| <i>Approved By:</i> | <i>Signature on file Mimi Pattison, MD, FAAHPM, Chair</i> | |

BACKGROUND:

The Medical Quality Assurance Commission promotes patient safety and enhances the integrity of the profession through licensing, discipline, rule making and education. The Commission seeks to be efficient and effective in its disciplinary process.

RCW 43.70.075 provides that the identity of a whistleblower who complains in good faith to the Department of Health about a health care provider shall remain confidential. RCW 43.70.075(2)(c) defines a “whistleblower” as “a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.”

RCW 18.130.095(1)(a) provides that “a license holder must be notified upon receipt of a complaint, except when the notification would impede an effective investigation. At the earliest point in time, the license holder must be allowed to submit a written statement about the complaint....”

The Commission gives effect to both RCW 43.70.075 and to RCW 18.130.095(1)(a), by notifying a license holder when a complaint is received, but keeping the identity of the complainant confidential. If the release of the complainant’s name is necessary to conduct an effective investigation, the Commission will ask the complainant to sign a whistleblower release, permitting the Commission to release the whistleblower’s identity to the license holder. The Commission maintains the confidentiality of the whistleblower’s identity for all other purposes.

The Commission has found that in some cases, the process of obtaining a whistleblower release delays the investigation of the complaint. To increase efficiency and timeliness in processing complaints, the Commission recently placed a whistleblower release form on the web site that the complainant can download, complete, and send to the Commission.

PROCEDURE:

1. When the Commission receives a complaint, a panel of the Commission reviews the complaint to determine whether to investigate the complaint. If the Commission decides to investigate a complaint, the Chief Investigator will determine if a whistleblower release is needed to investigate the complaint.
2. If a whistleblower release is needed, and the complainant did not send one in with the complaint, Commission staff sends a letter to the complainant acknowledging the complaint, explaining the whistleblower protection under RCW 43.0.05 and enclosing a whistleblower release.
3. If the complainant does not return the whistleblower release within 14 days, the investigator sends a second letter to the complainant acknowledging the complaint, explaining the whistleblower protection under RCW 43.0.05 and enclosing a whistleblower release.
4. If the complainant does not return the whistleblower release within 14 days of the second letter, the investigator prepares a memo describing the issue and refers the case to the Chief Investigator.
5. The Chief Investigator takes the case to the Commission for disposition.
6. The Commission reviews the case and decides whether to close the case or whether the case can be investigated without disclosure of the complainant's identity.