

Washington Medical Commission
Licensing. Accountability. Excellence.

Medical Regulation in Washington: Licensing, Complaints, and Discipline

WAMSS Conference
April 24, 2024
Marisa Courtney, Licensing Manager
Micah Matthews, Deputy Exec.

Objectives:

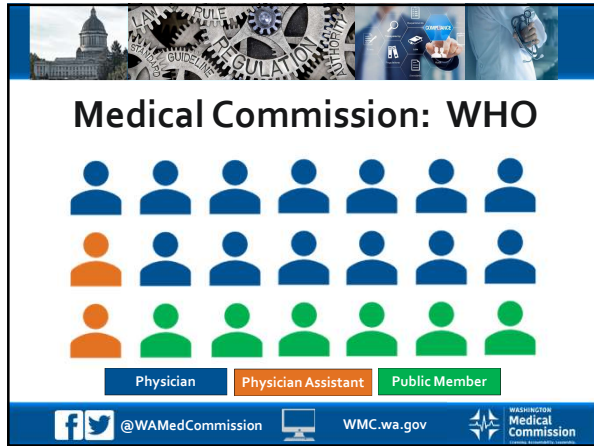
1. Understand the WMC licensing process, available license types, and pathways to licensure.
2. Understand the report/complaint process at WMC to include processing timelines, assessment procedures, and communication expectations for the complainant and licensee.
3. Understand the discipline process at WMC to include basic phases of discipline, timelines, statistics, communication requirements, and alternatives to discipline in current use.
4. Overview of the WMC policy process and opportunities for attendees to engage and provide direct feedback to the WMC.

@WAMedCommission
 WMC.wa.gov
 Washington Medical Commission

About the WMC

- Founded in Article XX of state Constitution
- Practice of Medicine regulated by the WMC under:
 - 18.71 (MDs) – 1881, before statehood
 - 18.71A (PAs) – added in 1971
 - 18.71 B (MD Compact) – added in 2017
 - 18.71(C?) (PA Compact) – added in 2024
 - 18.71 (D?) (Certified Anesthesia Assistants) – added in 2024
- Discipline is governed by the Uniform Disciplinary Act 18.130 RCW
- WMC is a full authority independent regulator
 - Certain admin support provided through DOH
 - Independent control over rules, policy, staff, and budget

@WAMedCommission
 WMC.wa.gov
 Washington Medical Commission



Medical Commission: WHO

Graphic showing 18 icons representing the composition of the Medical Commission: 7 Physicians (blue), 7 Physician Assistants (orange), and 4 Public Members (green).

Physician Physician Assistant Public Member

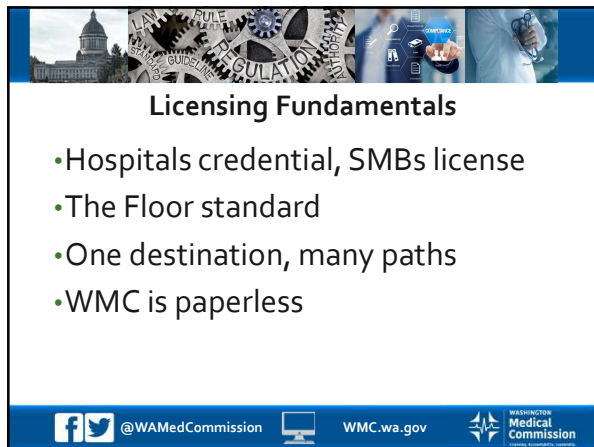
@WAMedCommission WMC.wa.gov Washington Medical Commission



WMC Organization

- 62 Dedicated staff
- \$27 million biennial budget
- 100% fee funded
- Units: Admin, Operations, Licensing, Complaint Intake, Investigations, Legal, Compliance, Quality & Engagement, Communications, Policy & Legislative


@WAMedCommission WMC.wa.gov Washington Medical Commission



Licensing Fundamentals





- Hospitals credential, SMBs license
- The Floor standard
- One destination, many paths
- WMC is paperless


@WAMedCommission WMC.wa.gov Washington Medical Commission



Licensing Standards-Primary




- Recognized education program
- PAs: pass PANCE
- MDs: 24 months of GME
- USMLE 1-3
- BGCs
- Seven-year chronology

  @WAMedCommission  WMC.wa.gov 



Licensing Standards-Compact

- All the standard requirements AND...
- ABMS board eligible
- No discipline or investigations
- Valid Letter of Qualifications


  @WAMedCommission  WMC.wa.gov 



Compact Update




- We have issued over 5,000 compact licenses since 2017
- Five days or less, 42 jurisdictions
- Rules changes-post Dobbs
- PA Compact-adopted 2024
 - 5/7 states so far


  @WAMedCommission  WMC.wa.gov 



Licensing Pathways-IMGs pt. 2

- Exceptional Waiver
 - Research
 - Medical Excellence
 - Employment
- Apprenticeship model coming





  @WAMedCommission  WMC.wa.gov 




What is Panel L?

- Commission members that meet monthly to review and decide licensing applications/requests.
- Panel L reviews:
 - Initial applications
 - Reactivation applications
 - Requests related to the Interstate Medical Licensure Compact (IMLC).





No renewals!


  @WAMedCommission  WMC.wa.gov 



Panel L Decision Outcomes





- Approve License
- Request for additional information
- Application placed on hold
- Notice of Required Examination (NRE):
 - Ex: DUI within the last 3 years or other substance use issues.
- Notice of Decision: Denial or APUC.
 - Stipulation to practice is a non-disciplinary practice condition or restriction agreement that the applicant must enter with the WMC to receive the license. (Ex. WPHP compliance)
- Letter of Qualification (LOQ) Ineligibility


  @WAMedCommission  WMC.wa.gov 



Reports/Complaints





- Reports vs. Complaints
- Publicly disclosable to any who ask via DOH portal
- WMC receives 1,900+ per fiscal year. 99% reviewed within 21 days at weekly Case Management Team meetings
- Authorization rate=roughly 30%
- Options: close, open-investigate, close-practitioner support
- Practitioner Support: voluntary specific education on CME or WMC policies to encourage learning and avoid future complaints.


  @WAMedCommission  WMC.wa.gov 



Investigations




- Performance timeline is 170 days to complete. Current avg. is 101.
- A Reviewing Commission Member (RCM) is assigned to each investigation
 - RCM may direct investigation, help formulate investigative plan
 - RCM presents case and makes recommendation to charging panel, may not vote.
- WMC investigative process modeled after FBI. Innocent until proven guilty, gather all evidence and request feedback from the licensee last
- 10 investigators: five clinical, 4-5 non-clinical. Workload is 400-600/yr


  @WAMedCommission  WMC.wa.gov 



Discipline





- WMC has a full-service Legal Unit
 - Three Paralegals
 - Two Legal Assistants
 - Five Staff Attorneys
- Work closely with the Office of the Attorney General
- Performance measure for case disposition is 140 days, does not include the adjudication process
- Cases presented monthly to two panels for review and decisions
- Like complaints, investigations and cases are presented de-identified and redacted to reduce potential bias


  @WAMedCommission  WMC.wa.gov 



Discipline - Options





- Close. No further action and a letter is sent to the complainant and the licensee.
- Further investigation, including hiring outside expert
- File charges.
- Administrative Hearing-outcome may be appealed
- Informal Discipline – may not be appealed
- Agreed Order – may not be appealed


  @WAMedCommission  WMC.wa.gov 



New Developments





- Uniform Telehealth Act (2024)
- Uniform Disciplinary Act Update- Reproductive Fraud
- Discrimination in Healthcare
 - Tiered response
 - Growing Issue
 - Cultural Competence CME


  @WAMedCommission  WMC.wa.gov 



Complaint and Discipline Stats





- 70-100 disciplinary items per year.
 - 70 percent of those are informal discipline – no admission of wrongdoing
- 1,900+ reports received/year, authorization rate of roughly 30 percent, resulting in 70-100 actions per year.
- If you have an investigation, = 17% chance of receiving discipline.
- If you receive a complaint, = 5% chance of receiving discipline.
- If you are licensed, = .003% chance of receiving discipline.


  @WAMedCommission  WMC.wa.gov 



Post Discipline





- Revocation/suspension-no options
- WMC Compliance Program
 - Designed to guarantee disciplinary actions and remediation are adhered to and the licensee returns from WMC monitoring to safe practice.
 - Typically consists of CME, research, peer presentations, fines/cost recovery, and personal appearances before the commission.
 - Can last from 1-5 years typically.


  @WAMedCommission  WMC.wa.gov 



Alternatives to Discipline





- Washington Physician Health Program or WPHP
 - The only legally allowable therapeutic alternative to discipline.
- Practitioner Support Program
 - Voluntary
 - Education based
 - Mostly communication related
- Off-Ramping

  @WAMedCommission  WMC.wa.gov 



Policy Process

- By law: four (4) open public business meetings per year.
 - Policies, guidelines, interpretive statements, and rules must be adopted
- Development of Guidance
 - Occurs at two meeting outside of the business meeting
 - The revised document may be referred for further stakeholder work or voted to move forward to the full WMC for consideration of adoption.
 - Secretary Review: Rules, policies, and interpretive statements

  @WAMedCommission  WMC.wa.gov 



Questions?

Please contact Marisa Courtney
(Marisa.Courtney@wmc.wa.gov)
Or
Micah Matthews
(Micah.Matthews@wmc.wa.gov)

  @WAMedCommission  WMC.wa.gov 
