

**Washington State Board of Health
Policy & Procedure**

Draft Policy Number:	2015-001
Subject:	Responding to Complaints Against a Local Health Officer or Administrative Officer
Approved Date:	

Policy Statement

RCW 70.05.120 allows any person to file a complaint with the Washington State Board of Health (board) alleging the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. The board shall review complaints that allege a local health officer, or administrative officer, has refused or neglected to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW, and the state board of health rules or orders. The board will review a complaint to determine whether it merits a preliminary investigation. The board may dismiss a complaint that is beyond the scope of RCW 70.05.120, lacks sufficient information to support a preliminary investigation, or is frivolous in nature. If the board determines a preliminary investigation is warranted, the board shall assign members and/or staff to conduct a preliminary investigation and to report their findings to the board. The board will then review the findings of the investigation and make a final determination regarding the complaint.

Procedure

- 1) **Complaint Review and Notifications:** Board staff, in consultation with the Executive Director, will respond to the complainant within five business days acknowledging receipt of the complaint. The Executive Director or staff will notify Board members that a complaint has been received and will be brought to the Board for review at the next regularly scheduled board meeting. If no regular meeting is scheduled within 60 days of receipt of the complaint, or if the agenda for the regular meeting cannot accommodate review of the complaint, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purpose of reviewing the complaint. The Executive Director also shall notify the subject local health official and will provide a copy of the complaint for his or her information and review, and inform the official that he or she may provide a written response to the complaint if he or she so chooses. The Executive Director shall notify the complainant and the subject local health official of dates and times that the Board is scheduled to review or discuss the complaint. As part of the initial review, the Board will determine whether a complaint falls within its authority to review, and whether the complaint merits further action.

- 2) **Preliminary Investigation:** If the Board determines that a complaint is within the scope of RCW 70.05.120, and merits further review, the Board may direct members and/or staff to conduct a preliminary investigation. The Board may designate a sponsor to oversee staff activities. The preliminary investigation will include, but may not be limited to: a review of relevant statutory and rule authorities; gathering other background information and evidence; and interviewing the complainant, witnesses, or named parties/individuals regarding the complainant's allegations. Background information includes, but is not limited to, laws, rules, court decisions, and documents submitted by the complainant and local health jurisdiction, and other state or local entities involved in the complaint. Board staff may interview witnesses, any parties named or implicated in the complaint, consult with content or industry experts, and consult with appropriate representatives of named or implicated agencies, and others as appropriate. The Board may request the Department of Health to provide assistance in conducting the preliminary investigation.
- 3) **Findings:** The sponsor and board staff assigned to conduct the investigation shall present the findings of the preliminary investigation and a recommendation for Board consideration at a regular board meeting. As described above, board staff shall notify the complainant and subject local health official of the date and time of the board meeting at which the Board will review findings, and may request that they provide comment.
- 4) **Determination:** Based on the findings of the preliminary investigation, the board will make a determination regarding the complaint. For example, it may request further information if it cannot reach a conclusion based on the results of the preliminary investigation; close the complaint if it concludes that the local health officer or administrative officer did not fail to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders; or, if it determines that the local health officer or administrative officer failed to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders, direct the officer to remedy the failure; or, if necessary, hold a hearing under chapter 34.05 RCW regarding the officer's removal.
- 5) **Hearing:** If the Board determines that a hearing is necessary, it will be held pursuant to the provisions of chapter 34.05 RCW.