

WASHINGTON STATE BOARD OF HEALTH

Date: November 9, 2020

To: Washington State Board of Health Members

From: Keith Grellner, Chair

Subject: Complaint Against Spokane Regional Health District Public Health Administrator

Background and Summary:

Under RCW 70.05.120, any person may file a complaint with the State Board of Health (Board) concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. When a complaint is received, the Board determines whether the complaint falls within its authority to review and, if so, whether it merits further action. If it does, the Board may direct members and/or staff to conduct a preliminary investigation.

On November 3, 2020 the Board received two complaints against the Spokane Regional Health District Administrator (SRHD), Amelia Clark. The complaints, one from Ben Stuckart and a second submitted by Maria Howard, PhD and co-signed by an additional 162 individuals, both allege violations of Chapter 70.05 of the Revised Code of Washington (RCW). An additional complaint alleging violations of Chapter 70.05 RCW was received by the Board from Ron Tussey on November 6, 2020.

The complaints specifically allege that the health administrator failed to:

1. Terminate the local health officer in accordance with RCW 70.05.050; "...the local health officer shall not be removed until after notice is given, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal".

These allegations are in the context of the termination of the SRHD Health Officer, Dr. Bob Lutz, on October 29, 2020. The complainants claim that Dr. Lutz was removed from his position with neither an opportunity for a public hearing, or a full meeting and vote of the SRHD Board of Health. In his complaint, Mr. Stuckart provides a link to a press release from the SRHD which states no vote was held. The complainants also note the SRHD Board of Health's by-laws reflect that a local health officer may only be appointed or removed by formal action by the SRHD Board.

The SRHD Board of Health held a special meeting on Thursday, November 5, 2020, the agenda for which included a possible action regarding the approval of the termination of Dr. Bob Lutz, Health Officer. At that time, the SRHD Health Board voted to terminate Dr. Lutz effective immediately.

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Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

The Board determines that an investigation is warranted and directs staff to conduct a preliminary investigation under RCW 70.05.120 and report their findings to the Board.

OR

The Board determines that the complaints lack sufficient information to support a preliminary investigation and direct staff to notify the complainants of their decision.

Staff

Samantha Pskowski, Policy Advisor

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

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