

WASHINGTON STATE BOARD OF HEALTH

Date: November 9, 2022

To: Washington State Board of Health Members

From: Kelly Oshiro, Board Vice Chair

Subject: Update – Board Policy Number 2015-001, Responding to Complaints Against a Local Health Officer or Administrative Officer

Background and Summary:

Under RCW 70.05.120, any person may file a complaint with the Board concerning the failure of the local health officer or administrative officer to properly carry out public health laws under chapters 70.05, 70.24, and 70.46 RCW and Board rules.

The Board previously adopted Policy 2015-001, Responding to Complaints Against a Local Health Officer or Administrative Officer, which establishes the procedure by which the Board will handle complaints under RCW 70.05.120.

Current policy states that 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 is determined that the complaint merits further action, the Board may request a preliminary investigation be completed by members and/or staff. Following the completion of a preliminary investigation, the Board will hear the results of the investigation at a public meeting and may take action, including scheduling a hearing in accordance with the Administrative Procedures Act (APA).

Since adoption of the policy, the Board has received and heard three complaints. In reviewing these complaints, staff have identified potential gaps in the policy that need updating. Areas for possible update include clarification on who may conduct a preliminary investigation, removing gendered language, clarification of the Board sponsor role, and increased specificity about who may serve as the presiding officer for a hearing. The goal of these recommendations is to provide additional transparency and clarification on how the Board will process future complaints received against local health officers or health administrators in accordance with RCW 70.05.120.

The Board reviewed proposed revisions to the policy at its June 2022 meeting. In September 2022, the Board convened an ad-hoc committee to review and recommend further revisions. I have asked Kaitlyn Donahoe, Board Staff, to provide an overview of proposed revisions to Policy 2015-001 for the Board's consideration.

Recommended Board Actions:

The Board may wish to consider and amend, if necessary, the following motion:

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The Board adopts the proposed revisions to Policy 2015-001, Responding to Complaints Against a Local Health Officer or Health Administrator, along with any further revisions agreed upon at today's meeting, and directs staff to finalize the policy with the Board's Chair and Executive Director.

Staff

Kaitlyn Donahoe

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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