

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS

In the Matter of the Counselor)
Registration of:)
) OPS NO. 90-07-31-065 MA
) (PM 6412)
 GREGORY L. JANTZ,) ORDER ON REQUEST FOR
) EXTENSION OF TIME
 Respondent)
)
_____)

Colleen Klein, Review Judge for the Office of Professional Standards, having reviewed and considered the Respondent's written request for an extension of time within which to file a Motion for Reconsideration and/or Clarification and the Declaration of Christine L. Hook in support of the Respondent's request dated June 21, 1993, now hereby issues the following:

FINDING OF FACT

1.1 The Review Judge issued Findings of Fact, Conclusions of Law and Final Order dated May 25, 1993 (the Final Order). The Final Order was mailed by certified mail to the attorney for the Respondent, Christine Hook, and was received by her office on Tuesday, June 8, 1993.

1.2 On June 21, 1993, the Office of Professional Standards received by facsimile transmission a request from Ms. Hook for an extension of thirty days in which to file a petition for reconsideration and/or clarification. In support of the request is a declaration from Ms. Hook stating that the need for additional time is because of her recent illness and because the Respondent will be out of town until July 2, 1993.

CONCLUSIONS OF LAW

2.1 Within 10 days of service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. The place of filing and other procedures, if any, shall be specified by agency rule. RCW 34.05.470. Filing with the administrative hearings unit shall be complete upon actual receipt during office hours at the appropriate office. WAC 246-08-070.

2.2 The statutory time period for filing a petition for reconsideration of a final order is a jurisdictional requirement that cannot be waived. Counsel for the Respondent received the Final Order on June 8, 1993. The statutory time period within which a petition for reconsideration had to be filed with the Office of Professional Standards ended on Friday June 18, 1993. The Office of Professional Standards did not receive the request for an extension of time within the time period for filing a petition for reconsideration. Because the time period for filing a petition for reconsideration is jurisdictional, the Respondent's request for an extension of time to file a petition for reconsideration must be denied.

2.3 The Respondent also requests an extension of time for filing a petition for clarification of the Final Order. A request for clarification of an order is different from a request for reconsideration. To clarify means to explain or make clear. To reconsider means to examine or rethink with the possibility of change or modification. While the Administrative Procedures Act does not specifically provide for a request for clarification of

a Final Order, the decision-maker should have an opportunity to clarify unclear or ambiguous terms in order for the parties to implement the decision. A request for clarification should be made within a reasonable period of time after issuance of the final order.

2.4 The Respondent's request for an extension of time in which to file a request for clarification of the terms of the final order was made within a reasonable time after issuance of the Final Order and, therefore, should be granted. The Respondent may file his request for clarification of the terms of the order on or before the close of business July 12, 1993. However, the Respondent's request for clarification must be limited to, and for the purposes of, clarifying an ambiguity in the terms of the Order and not for purposes of modifying, amending or changing the decision. Therefore, the Respondent's request for clarification, if any, must specify the terms of the Order which are unclear or ambiguous. Argument concerning the correctness of the Findings of Fact, Conclusions of Law or the Order will not be heard or considered and shall not be included in the Respondent's petition for clarification.

This decision and order does not stay the effectiveness of the Final Order nor does it alter the original period of time for filing a petition for judicial review of the Final Order.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Review Judge hereby issues the following order:

3.1 The Respondent's request for an extension of time in which to file a petition for reconsideration is DENIED.

3.2 The Respondent's request for an extension of time in which to file a request for clarification of the Final Order is GRANTED. The Respondent may file his request for clarification of the terms of the Final Order with the Office of Professional Standards on or before the close of business July 12, 1993. Such request for clarification may not argue the correctness of the Findings of Fact, Conclusions of Law or the Order but may seek clarification of an ambiguous or unclear provision in the Order for purposes of carrying out the decision.

DATED THIS 28TH OF JUNE, 1993.

s/s

COLLEEN KLEIN
Review Judge
Office of Professional Standards