

# WEST MICHIGAN REGIONAL PROTOCOL

## COMPLAINT INVESTIGATION & RESOLUTION POLICY

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**Purpose:** This policy is provided as a means to receive, investigate, and resolve complaints regarding licensees falling under the purview of the Medical Control Authority.

**I. Definitions:**

**Complaint**

For the purpose of this policy, a complaint shall be defined as any notification of dissatisfaction or concern regarding medical care rendered by a MCA licensed EMS provider/agency, or any issues that involve the performance of the EMS system in whole or in part.

**Privileged Documents:**

Privileged documents are those which contain statements made by involved individuals who request to remain anonymous, or which include information that would identify these individuals through descriptions of their role(s) in the incident.

**Formal Inquiry:**

Formal inquiry means that a complaint has been found to either be valid, or that more detailed inquiry is necessary to determine the validity of the complaint; either of which will require that the subject individual/agency be notified of the specific complaint(s). A formal inquiry may involve the gathering of incident reports which provide explanations for care rendered or justification for actions, as well as subject/witness interviews.

**II. Complaints which will be Considered**

All complaints, in order to be considered for action by the Medical Control Authority (MCA), shall meet the following criteria:

- A. A complaint may be submitted either verbally or in writing. Hearsay or "second hand" complaints may not be accepted or investigated by the MCA.
- B. The complainant must provide the MCA with his/her name, address, and telephone number. A request for anonymity by a complainant may be honored by the MCA.
- C. The complaint must be directed toward a licensee or agency within the Medical Control Authority.

**III. Complaints Not Considered**

Complaints regarding conduct of a licensed individual, exclusive of medical practice or actions bearing upon medical practice, shall be referred to the employer of the individual; these will not be investigated by the Medical Control Authority.

Complaints directed toward an individual acting while employed by an agency outside of the jurisdiction of the Medical Control Authority shall not be accepted or investigated but will be forwarded, or the complainant directed to, the MCA/agency under whose jurisdiction it does fall.

**IV. Receipt of Complaints**

Complaints may be received by the Medical Control Authority directly, by the involved agency, or by an individual themselves. Once a complaint which falls under the above definition is received, it must be forward to the MCA for investigation. The MCA will notify the complainant that the complaint was received either verbally or with a written notification (notifications may not be made for drug-bag issues). The complainant for a case that will be considered should be asked if they would like to be contacted by the agency/individual that is the subject of the complaint. This will allow the complainant the opportunity to voice a request to remain anonymous or to allow their information to be provided to the subject of the complaint.

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### V. Investigation of Complaints

Once a complaint is received by the MCA, the person(s) charged with complaint investigation will gather information to determine the validity of the complaint and, if valid, will communicate with the employing agency of the subject(s) involved in the complaint. The MCA may request copies of documents, incident reports, and audio recordings relating to a complaint without formal notification of the complaint to the subject individual/agency. All requests for information will be documented in the investigation notes or with attached documentation/emails.

Formal notification of the subject licensee/agency will occur if disciplinary actions or formal inquiry are indicated. A copy of the initial complaint, or a complaint summary (if the initial complaint contains privileged information), may be provided upon request.

### VI. Documentation

The documentation of the investigation of a complaint shall include the following:

- A. The name, address, and telephone number of the complainant
- B. A copy of the stated complaint
- C. The date and time of the receipt of the complaint
- D. A copy of the complaint acknowledgement, if appropriate.
- E. A copy of the notice to the subject licensee, if appropriate.
- F. A copy of the pertinent protocol(s) and/or policy/policies.
- G. Written statements of witnesses including notes from telephone interviews
- H. Copies of pertinent reports; copies or transcriptions of audio tapes; copies of other pertinent documents.

### VII. General Complaint Review

The complaint review process will seek to identify first the validity of each complaint. Complaints found to be invalid will be closed as unsubstantiated; notification to the individual or the agency will only occur if prior knowledge of the complaint was provided to, or exists with, the involved individual/agency.

Complaints found to be valid, but of a less severe nature (not a level 1 infraction, per the Medical Incident Review and Corrective Action Policy) will be handled in cooperation with the agency's quality improvement personnel or management. These incidents may involve education and remediation but may not involve suspension, limitation or revocation of the individual's or agency's privileges to function in the MCA area. Complaints found to be valid level 1 infractions will be reviewed as sentinel events and the Medical Director will be fully apprised of the incident prior to calling a special meeting.

### VIII. Sentinel event Complaint Review

A sentinel event complaint shall be reviewed at a special meeting called for that purpose. The subject individual/agency shall be provided with copies of all non-privileged documentation gathered regarding the complaint, prior to a review meeting. The fact that there are privileged documents which are not being provided will be communicated to the subject individual/agency, if that is the case.

The subject individual/agency may request a postponement, of up to thirty (30) days, of a special meeting in order to prepare his/her/their response to the complaint. The subject individual/agency must submit copies of all supporting documentation to the Medical Control Authority at least one week prior to the review meeting.

- A. The following steps shall be taken in the complaint review process:

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1. The violation of policy or protocol shall be defined.
  2. The impact on patient outcome will be evaluated
  3. The subject licensee shall be given time to speak on the issue of the complaint including the opportunity to present supporting documentation
  4. Counseling, remedial, and/or disciplinary action shall be considered and/or ordered as deemed appropriate by a majority vote of the MCA or their designated and pre-established Professional Standards Review Organization/Quality Review Committee.
- B. The complainant shall, to the extent allowed under confidentiality statutes, be notified of the outcome of the complaint review process. The employer shall be notified if one of their employees has their privileges suspended or revoked.

2-1-2007