



How to Complain Effectively about Unsafe Medical Care

By **Patrick A. Malone**

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If you believe your care provider has caused serious harm by negligence or **malpractice**, **consult an attorney** about legal relief. But that's using a machete, and sometimes the job requires a butter knife.

If you have a medical procedure – surgery, a screening test – whose outcome is not what you were led to expect, or has made you worse off, there are several ways to lodge complaints. **Many of these options** recently were spelled out in an article in the Los Angeles Times.

Often, as simple a gesture as writing a letter can have the desired effect, especially if your primary objective is to have your problem acknowledged. If you've expressed concern, for example, about enduring, post-procedure pain that hasn't been addressed, a letter to your doctor seeking the name of another practitioner who can evaluate your symptoms, review the procedure that caused them and suggest how to treat it can be a wake-up call.

As The Times reported, a doctor no longer interested in treating a patient is legally required to notify him or her in writing. The doctor also is obliged to provide references to another physician, and instruct the patient or new provider how to access the records relevant to your treatment.

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If you're trying to get, say, a surgeon, to accept responsibility for an adverse outcome, Dr. Michael Carome, deputy director of the Health Research Group at Public Citizen in Washington, D.C., outlines what to do. "Failure to do so," he said in *The Times*, "amounts to patient abandonment, an infraction that would justify an investigation by the state medical board."

Most **state medical boards** – the agencies responsible for licensing medical practitioners, monitoring their behavior and imposing discipline – have similar provider requirements. Jennifer Simoes of California's Medical Board said that a patient should file a complaint if he or she "believes the quality of care that they received was poor or not the standard of care they should have received."

Other state agencies also are appropriate places to report medical mistreatment and misadventure, such as **state insurance commissions**, which monitor health-care coverage by private insurers. Complain to your insurance company via letter, and copy your state insurance commission.

Medical societies, which range from all-encompassing organizations such as the American Medical Association (AMA) to groups whose membership is limited to certain medical specialties, such as the American Academy of Orthopedic Surgeons (AAOS), are concerned about their reputations. It's in their best interest to ensure their members are responsive to patient needs and complaints.

To find a state medical society, visit the [AMA's website](#) and click on the "Patients" tab to link to the Medical Societies Directories.

If your problem relates to a surgery or procedure performed in a hospital, file a complaint with that facility's patient advocate and, if it has one, the ombudsman. Many hospitals are accredited by the Joint Commission, about which [we recently wrote](#). It's an independent, nonprofit organization that accredits and certifies U.S. health-care organizations and programs.

The Joint Commission also accepts patient complaints, and its Office of Quality Monitoring uses consumer complaints to help assess if a hospital meets its accreditation standards. In *The Times*' story, Michael Kulczycki, executive director of the Joint Commission's Ambulatory Care Accreditation Program, said of patient complaints, "We would focus on the continuity of care and appropriate follow-up to the patient."

File complaints at <http://www.jointcommission.org>. Click on Report a Complaint About a Health Care Organization in the Action Center box on the home page. After reviewing a complaint, the Joint Commission can present your issue to the hospital and ask it to review the doctor's actions to see if additional action is necessary.

Medicare patients have additional avenues to voice complaints. Contact your regional Medicare Quality Improvement Organization (QIO), which reviews medical care and helps consumers who complain about the quality of their care. Locate a QIO near you at <http://www.ahqa.org>. Click on QIO Locator.

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As always, you have legal rights to safe and responsible medical care. Don't be reluctant to exercise them if you're not getting the attention, professional courtesy and resolution you believe you deserve. As Carome said in The Times, "Ultimately another way physicians are held accountable is through litigation."

You can find out more about non-lawsuit options for making a [complaint about a doctor, nurse, hospital or other health care provider by reading the Health Care Advocates' Power Kit](#) on Patrick Malone's law firm website. It contains addresses of all the relevant agencies and tips on how to make an effective complaint.

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