

Complaints About Poor Quality Care

When you believe that a health care professional made a mistake in your treatment or did not treat you as well as he or she should have, you might not be sure what to do next. Due to the specialized nature of these types of complaints, the CLRC cannot directly represent you in these matters. However, we hope that this handout may help you figure out what your options are and find an appropriate referral.

If you believe that someone in your health care team did not follow the standards of the medical community, there are two independent processes that could help. One is filing a complaint with the medical board in your state, and the other is filing a lawsuit for medical malpractice.

Internal Complaint

All states have a department, usually called a medical board, which oversees the licensing and regulation of doctors, surgeons, and other health care professionals in the state. Medical boards and similar regulatory departments provide information about licensed doctors, and also oversee the physician complaint process. These departments are created by law, but the statutes allow the departments to establish their own procedures for how to handle complaints.

Complaint process

The complaint process varies from state to state, but it usually involves filling out a complaint form with the regulatory agency that will then be forwarded to a review board. You are usually required to sign a release of medical information so that the review board can review any relevant medical records. If the review board determines that you may have a valid claim, they will forward the claim to an investigator. The investigator will then do additional research on the claim to determine whether the health care provider acted outside the standard of care or was negligent. If the investigator determines that the health care provider did act outside the standard of care or was negligent, the claim is forwarded to the state attorney general to have a formal lawsuit filed against the doctor.

Your state's medical board may prioritize complaints where a doctor or health care professional's negligence resulted in death or severe injury to someone's body. An investigative office may take calls on other types of complaints, such as complaints of sexual misconduct, prescription complaints, or practicing medicine without a license.

There may be delays if your complaint is not clear. If that is the case, your state's medical board may conduct additional interviews to get more information. If your complaint is about medical treatment, be prepared to give the board copies of your medical records.

Keep in mind: if you file a complaint with a medical board, you probably will not recover any of your medical expenses

If a medical board finds a doctor to be negligent, the penalties for the doctor vary by state and depend on the severity of the actions of the doctor. Doctors who are found to have been negligent may either be fined or have their licenses revoked. If a doctor is fined, the money will typically not be awarded directly to the person who filed the complaint, but instead will be deposited in a specified state fund. The person who filed the complaint will usually be kept informed of what stage the complaint is at in the process. However, the initial review and investigation will not be made part of the public record until a doctor has been found to be negligent.

Even though you might not be able to receive a monetary award if you file a complaint with a medical board, it is important to remember that you may be preventing harm to other patients by letting the authorities know about possible mistakes committed by doctors. This is a similar process to filing a police report. You might not get paid for reporting the wrongdoing, but you may play a role in stopping future harm to others. Also, if you file a complaint with the medical board, you can also file a medical malpractice lawsuit or other private lawsuit against the doctor or medical professional.

Medical Malpractice or Negligence

If a doctor or other health care professional made a mistake or did not follow the standard of care when treating you, you might be able to file a medical malpractice lawsuit to seek recovery for your injuries. Please note that filing a medical malpractice lawsuit is an independent process from filing a complaint with your state's medical board. Your state's medical board may not be able to help with your medical malpractice case.

If you choose to file a medical malpractice lawsuit, it must be filed with the court within a certain time period. This time period is called the statute of limitations. Every state's statute of limitation varies, but some are as short as one year from the date you were harmed. You might need to interview several attorneys before deciding whether to file, so you should start contacting attorneys immediately if you think you might want to file a lawsuit.

Many states have caps on the amount and types of damages that may be collected in a malpractice case. When deciding whether you should sue for malpractice, you should discuss with your attorney how much money you can realistically expect to collect. Many attorneys do not require payment upfront, but you should also discuss how much of the money you might collect would go to your attorney (sometimes called "contingency fees"), experts needed to prove your case, filing fees with the court, and whether money awarded to you would have to go to reimburse whoever may have paid for your health care (e.g. your health plan, government program, etc.). Often, people are surprised at the end of a case to learn that much of the malpractice award is going to other people involved in the case.