

What to Do if You Have a Concern About the Quality of Care from a Connecticut Doctor

Advice and resources for dealing with quality concerns

For many of us, our doctor is one of the most important people in our lives. We trust him or her to help keep us well or care for us when we're sick. There are over 10,000 doctors actively practicing in Connecticut, and most provide high-quality care to their patients. There are times, however, when people have concerns about the quality of care received from a doctor. If this happens to you or a loved one, this tip sheet can help. It gives you:

- Practical advice about what to do and who to talk with, including phone numbers and addresses
- Links to resources that can help

This tip sheet explains steps you can take in your doctor's office to deal with your concerns about quality. It also tells you how to contact places that regulate or oversee doctors.

Is it worth it to pursue a concern about quality?

For many of us, it's not easy to act on a concern about the quality of physician care that we or our loved ones receive. It's even harder if we try to talk with a doctor or their staff about our concerns, but don't feel we're getting anywhere. The process can be stressful, frustrating and take a long time. In the end, it's possible that others may not agree with the way we see the situation.

Is it worth the time and energy to take action about the quality of a doctor? Only you or your loved one can decide. In making the decision, think about the continued harm that might take place if you do nothing—and think about how the actions you take might lead to better care for future patients and their families.

What is quality of care?

Quality health care is doing the right thing, at the right time, in the right way, for the right person and with the best possible results. Generally, care delivered by doctors and other health professionals must meet a "standard of care." That standard is the expected level and type of care provided by the average

competent health professional in a given situation. A standard of care is based on good scientific studies or agreement among experts.

What can you expect as a patient regarding the quality of care from a doctor?

To become a doctor, students have to go through a long training process. This includes hands-on learning in hospitals and other health settings. When they finish training, doctors promise to "do no harm" to their patients.

As professionals, doctors voluntarily follow codes of ethics that lay out the way they are to behave. For example, the American Medical Association Code of Ethics notes some patient rights in the patient-physician relationship:

- The patient has the right to receive information from physicians and to discuss the benefits, risks and costs of treatment options.
- The patient has the right to make decisions regarding health care recommended by his or her physician and may refuse any recommended treatment.
- The patient has the right to courtesy, respect, dignity, and timely attention to his or her needs.

The American Board of Internal Medicine Foundation and other partners have published a new physician code or charter. The Foundation works with an organization that certifies physicians who care for adults. This document specifically addresses quality and competence in what is expected of doctors:

- Physicians must be committed to lifelong learning and be responsible for maintaining the medical knowledge and clinical and team skills necessary for providing quality care.
- Physicians must be dedicated to continuous improvement in the quality of health care. This commitment means not only keeping their skills up-to-date, but also working with other professionals to reduce medical error, increase patient safety, keep an eye on costs and make sure patients are getting the best possible care.
- Physicians are required to provide care that is based on the wise and cost-effective management of limited resources. This includes avoiding unneeded tests and procedures that expose patients to avoidable harm and expense.
- Physicians must make sure that patients are completely and honestly informed before and after they receive treatment.

What are examples of quality concerns you might experience?

Health care quality concerns could arise for a variety of reasons while you are under a doctor's care. Some concerns are the result of a specific action a doctor or staff member takes (or doesn't take) as they treat you or a family member. This includes misdiagnosing a condition or giving you a drug that you shouldn't take.

Other quality concerns result from how well the doctor's staff work together to safely care for you—for example, making sure that the right medical chart goes with the right patient or that patient messages are delivered on time.

Some of these actions in a doctor's office may not affect your health at all; some may cause inconvenience or pain; others may cause serious harm.

The most common complaints received by organizations that oversee or regulate doctors nationwide are:

- Over-prescribing drugs or prescribing the wrong drug
- Failing to diagnose a medical problem that is found later
- Failing to respond to a call from a hospital to help a patient in need
- Failing to get back to a patient with medical results in a timely manner, which leads to harm to that patient
- Failing to provide appropriate care after a surgical procedure

What should concern patients the most—and what concerns organizations that oversee doctors— is when there is a pattern of problems with a doctor. If something happens once, it is usually a mistake. If it happens again and again, it may indicate a larger problem of competence or quality that could hurt any patient.

What steps should you take if you have a concern about quality?

Step 1 — Talk to your doctor or another staff member who can address your concern.

Depending on what kind of problem you have and your relationship with your doctor, you might talk directly to him or her or to another office staff member about your concern. For example, if your concern relates to the way the doctor's office is organized, the doctor and staff may not know how it feels to be a patient in their office. They might be particularly interested if you thought mistakes could result from what you see. Speaking honestly about your concerns gives your doctor or another staff member the opportunity to explain why things happen the way they do. It may also lead to changes in the office.

If your concern is more medical in nature—for example, getting the wrong prescription, the wrong dose, or the wrong referral—you should speak with the doctor directly to correct the problem. Then think about whether this has happened before and be alert to whether it happens again.

If your concern is with a doctor that you've been referred to for specialty care, share your concerns about that physician with your personal doctor. It will help your doctor decide whether to refer other patients to that physician. Or, if your concern is with a doctor you're seeing while in the hospital or another health organization, again, let your personal doctor know. He or she may be able to tell you who in the facility can help you.

Step 2 — Leave the practice.

If you continue to have concerns about the quality of a doctor and their staff, you have the option to

leave the practice and go to another doctor. Remember to check with your health insurance plan to see which doctors work with your plan and which are taking new patients.

You do not need to tell your doctor why you are leaving, but you might consider writing a note with your concerns. The more specific you are, the more he or she might be able to understand your views and possibly take action on them.

If you leave the practice, you should request copies of your medical records to take with you. Under the law, you have the right to request a copy of your records. The doctor can charge you sixty-five cents per page and the cost of first class mail to send you the records (X-rays may cost more).

For more information, see this information about getting your medical records:

http://www.ct.gov/dPh/cwp/view.asp?a=3121&q=396154&dphNav=|&dphNav_GID=1821

Step 3 — File a complaint with the Connecticut Department of Public Health.

If you feel you have received care from a doctor that has harmed you or other patients, or you feel a doctor poses a safety threat, you can file a complaint with the Connecticut Department of Public Health (DPH). DPH oversees the licensing of doctors and physician assistants in the state and investigates when there are concerns or complaints. If a complaint moves forward, it may go before the Connecticut Medical Examining Board. This 21-member Board is made up of 13 doctors, 1 physician assistant and 7 “public members” (i.e., people who are not health professionals).

Connecticut doctors are required to keep a patient's medical records for 7 years. So the issue that you're concerned about should have happened within that time period.

Be aware that if DPH pursues your case, the process can take a long time and involve many steps before any action, if needed, is taken against a doctor. Your concerns become the DPH and the Medical Board's concerns. This means that you will not be able to decide what happens with the case. State lawyers will present the case on behalf of the public. They do not represent you personally.

DPH received 553 complaints about doctors in 2013 and took action against 14 doctors. Nine doctors are pending disciplinary action and 75 doctors are still under investigation.

Filing the Complaint: DPH has a form that you should use to file your complaint. It is available online to print out, fill in and mail, or you can call them and have them mail you a copy: 860-509-7552.

Connecticut Department of Public Health Practitioner Complaint Form

http://www.ct.gov/dph/lib/dph/practitioner_licensing_and_investigations/plis/inv/petition_form.pdf

Mail to:

Connecticut Department of Public Health
Practitioner Investigations Unit
410 Capitol Ave., MS# 12 HSR
P.O. Box 340308
Hartford, CT 06134-0308

Or Fax to: 860-509-7535

Or by e-mail to: oplcdph@ct.gov

When DPH receives your complaint, you should get a letter within 10 days acknowledging that it has been received. Staff will review your complaint and determine whether they have the ability under the law to investigate the issue further.

If they do investigate, you will get another letter indicating the name and contact information for the investigator assigned to your case. If they decide that your complaint is not something they can act on, they will send you a letter telling you why.

The types of complaints that will lead to an investigation include:

- Incompetent or negligent conduct in the practice of medicine
- Abuse or excessive use of drugs, alcohol or other substances
- Improper prescribing of drugs
- Sexual misconduct

The investigation: The DPH investigator assigned to your case will gather and review medical records. They also send the doctor in question an “allegation letter” that lists the concerns raised in the complaint. The doctor has an opportunity to respond to these concerns in writing.

All of this information is then usually sent to a consultant (another doctor in the same field as the doctor you filed a complaint about). The consultant reviews the files to see if they think the care provided to you was appropriate. They write their opinion. This information is added to the case file and sent back to the doctor in question for review. The doctor has the opportunity to challenge the consultant's findings and the consultant has the opportunity to respond to the doctor's view.

Based on all of this information, DPH decides whether there is enough evidence to proceed with the case. If the care provided by the doctor in question is thought to be appropriate, the investigation is closed. All investigations are kept on file for 5 years, but no information about them is available to the public.

If you are the patient whose care led to the complaint, you have the right to view all of the investigation files, including the consultant's report. If you filed the complaint on behalf of a patient, you can only review information in the file that does not include private health information about the patient.

Next Steps: If the consultant determines that the care provided to you was not appropriate, lawyers in the Legal Office within DPH prepare a “statement of charges” against the doctor. This is a list of allegations, or concerns, about the care that the doctor provided to the patient.

At this point, the case may be settled with the doctor through something called a "consent order" (a negotiated settlement that will end the case). You will receive a copy of the consent order before it goes to the Medical Board to be approved. You can also attend the Medical Board meeting where the

consent order will be discussed.

If the case is not settled, the lawyers present the case in a hearing before a 3-person panel of the Medical Board. You may attend this hearing, though you may not speak.

After the hearing, the panel members review the facts and issue a Memorandum of Decision (MOD) which is the written results from the hearing. It lays out the facts in the case and the conclusions of the panel. It also identifies what actions, if any, should be taken against the doctor. Actions include taking away or limiting a doctor's license to practice in Connecticut—or requiring that the doctor get additional training or education. They can also fine the doctor up to \$25,000.

The MOD is then presented to the full Medical Board for approval. The MOD about a doctor is available to the public on the websites noted below (See Connecticut Department of Public Health “Search for License” and Connecticut Department of Public Health Regulatory Action Report)

How long does this process take? On average, it takes a year or more to go through the entire process.

Can I remain anonymous when I file a complaint? A complaint can be filed anonymously—that is, you don't give your name or contact information. However, this might limit the ability of the DPH to investigate. Generally, if the complaint moves forward it may be necessary at some point to tell the doctor the name of the person who made the complaint.

Additional information about the Connecticut Medical Examining Board:

http://www.ct.gov/dPh/cwp/view.asp?a=3143&q=388902&dphNav_GID=1830

Where else can you go with a concern about the quality of a Connecticut doctor?

Medicare: If Medicare (the federal health insurance program for people over age 65 or people under 65 who are disabled) pays for the care you're receiving from a doctor, you have an additional place to go with a quality concern. Medicare pays a Quality Improvement Organization (QIO) to take complaints from Medicare patients. Be advised up front, however, that these organizations primarily help doctors improve the care they provide. They do not punish doctors.

In Connecticut, the QIO is called Livanta. You can call Livanta at the following number: 866-815-5440

Explain to the person who answers the phone what your concerns are. Depending on the type of problem you are having, they may be able to help you right away. For example, with your permission, they may be able to call the doctor's office to see if they can help solve your problem. In other cases, they may ask you to send your complaint in writing using a complaint form.

After you file a complaint with Livanta and allow release of your medical records, a doctor will review your records. After the review, you will get a letter indicating whether the standard of care was met in your case or not—that is, whether the expected level and type of care was provided.

For more information about the Livanta complaint system and to access an online complaint form:
<http://bfccqioarea1.com/>

Other Health Organizations

Doctors often practice as part of larger organizations such as a medical group, hospital or managed care plan or HMO. Each of these organizations might have a process that patients can use to express concern about the quality of a doctor. Generally, these organizations will review a concern about a particular doctor's quality through a process called "peer review." This means that other doctors in the same field review the practices of a doctor in question.

If the health organization confirms that there's a quality concern with your doctor, they can limit the doctor's ability to practice in a hospital or HMO. Under certain circumstances, the organization must report its actions to the Connecticut Department of Public Health. As noted above, that office can then conduct an investigation.

A health organization may also be required to report its actions against a doctor to the federal National Practitioner Data Bank. The data bank keeps information on doctors who have a record of unprofessional behavior or malpractice. The public does not have access to the data bank, but hospitals or health plans where that doctor might try to work should be checking it.

If you're a patient of a large medical group: Look on the website of your medical group for any information about voicing a complaint. It might be in a section on "Member Rights" or in the "Customer Service" or "Contact Us" section. You can also ask an administrative staff member whether there is a number to call or a process to follow.

Your health insurance plan or HMO: Doctors usually work with a health insurance plan or HMO. Call your health plan's customer service number, explain the problem and ask whether you can file a complaint about the care provided by a doctor affiliated with their health plan. Or look in the section of the HMO's website that is devoted to complaints, appeals or grievances for information or forms to file.

Physician Organizations

The physician's specialty society: A few physician specialty societies (the professional association affiliated with the physician's type of practice—for example, pediatrics or orthopedics) accept and have a process to review complaints against their members. For example, the American College of Physicians (ACP), an association of internal medicine doctors who generally treat adult patients, has a process for addressing "ethical complaints" from patients against their physician members. For more information about the ACP process:

http://www.acponline.org/running_practice/ethics/complaints

Consumer Organizations

Connecticut Center for Patient Safety (CTCPS) represents the health care consumer voice in

Connecticut. It provides a variety of information and resources about patient safety and quality. In response to inquiries, CTCPS refers patients and families to available resources and assists them in addressing their needs and concerns.

<http://www.ctcps.org/>

The Safe Patient Project (SPP) is a project of Consumers Union (the publishers of *Consumer Reports* magazine) that seeks to end medical harm in the health system. The Project is collecting stories about patients' experiences and concerns with their care in hospitals and from doctors across the nation, including Connecticut. While they can't help with your specific complaint, the collective power of stories from patients and families can help pass laws and create other changes to make the health care system safer.

<http://safepatientproject.org/>

In a joint effort with the **Empowered Patient Coalition**, the Safe Patient Project is conducting a survey about medical events from the perspective of the patient. For more information about the survey:

<http://empoweredpatientcoalition.org/report-a-medical-event>

ProPublica is a nonprofit investigative journalism organization. They have an online patient harm questionnaire that asks for details about your concern. They write articles about people's experience of patient harm to bring public attention to these issues. The organization won't publish any information that would identify you without your permission. ProPublica also sponsors a Facebook group that can connect you with other patients who have been harmed.

Here is a link to their patient harm questionnaire:

<http://www.propublica.org/getinvolved/item/have-you-been-harmed-in-a-medical-facility-share-your-story>

On Facebook, search for: ProPublica Patient Harm Community

Where can you find out information about doctors in Connecticut?

Connecticut Department of Public Health “Search for License”

Search for “Physician/Surgeon” and enter the name of the doctor to find out whether the doctor has any actions taken against their license. The site also provides a profile which includes where the doctor went to medical school and did their residency, Board certification status, location, and hospitals where he or she practices. It also includes any felony convictions or malpractice settlements or awards.

<https://www.elicense.ct.gov/Lookup/LicenseLookup.aspx>

Connecticut Department of Public Health “Regulatory Action Report”

Quarterly compilation of disciplinary actions taken against all licensed individuals (including physicians/surgeons) in the state. Quarterly files have to be searched individually.

http://www.ct.gov/dPh/cwp/view.asp?a=4061&q=387280&dphNAV_GID=1601

DocInfo

A databank about doctors maintained by the Federation of State Medical Boards (a non-profit organization representing all the state medical boards in the country) that includes information on disciplinary actions, licensure history, board certification and other items. You can purchase a physician profile with this information for \$9.95.

<https://s1.fsmb.org/docinfo/>

Other useful information

If you're concerned about the quality of care in a Connecticut hospital, managed care plan or HMO, or nursing home, or care provided by registered nurses or pharmacists, here's where to go for more information:

IPI Hospital Tips Sheet:

What to Do if You Have a Concern about Quality in a Connecticut Hospital
Tip Sheet on CT Hospitals

Managed Care/HMO:

Connecticut Insurance Department
<http://www.ct.gov/cid/cwp/view.asp?q=390244>

For additional information about your rights in a Connecticut HMO, contact the Connecticut Office of the Healthcare Advocate:

<http://www.ct.gov/oha/site/default.asp>

IPI Nursing Home Tip Sheet:

What to Do if You Have a Concern about Quality in a Connecticut Nursing Home
Tip Sheet on CT Nursing Homes

Pharmacists/Pharmacies:

The Commission of Pharmacy
Department of Consumer Protection
<http://www.ct.gov/dcp/cwp/view.asp?a=1629&q=438372>

If you or someone in your family has experienced a serious drug reaction, you can report it to the Federal Food and Drug Administration (FDA). To find out more:

<http://www.fda.gov/Safety/MedWatch/HowToReport/ucm053074.htm>

Registered Nurses:

Connecticut Board of Examiners for Nursing
<http://www.ct.gov/dph/cwp/view.asp?a=3143&q=388910>

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