



What Every Facility Should Know About Patient Complaints and Grievances

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Objectives

- ❖ Understand the foundational context
- ❖ Recognize the importance of the grievance process
- ❖ Overview of grievance policy and procedure
- ❖ What's my role
- ❖ Investigation
- ❖ Respond appropriately to the patient
- ❖ Q & A

Absurd Question: Why Does this Matter?

- ❖ Medicare Condition of Participation
 - Largest source of hospital revenue
- ❖ Importance of patient satisfaction
- ❖ Private 3rd party reviewers and opinion aggregators
- ❖ Reduce licensure complaints
- ❖ Compliance
- ❖ Opportunity for risk mitigation

Why individuals complain

- Seeking information about and/ or an apology for a negative or unexpected outcome.
- Want reassurance that action will be taken to reduce the likelihood that a similar incident will happen again.
- Want someone to be held accountable for what happened.
- Want compensation for the perceived harm.

Unmet expectations, poor communication and a level of dissatisfaction are often at the root of these complaints.



Foundational Context

- ❖ **Federal laws require hospitals to “protect and promote patient’s rights” as a condition for participation in the Medicare program. 42 USC § 482.13**
 - Inform patient's rights, in advance of furnishing or discontinuing patient care whenever possible
 - Establish and operate a grievance process (detail to follow)
- ❖ **Sets standards**
 - Exercise of rights in plan of care, including requesting/refusing treatment
 - Privacy and safety
 - Confidentiality and patient access to records
- ❖ **States might have their separate requirements**

Complaint vs. Grievance

Complaint: Any concern expressed about unmet expectations that can be promptly resolved by the staff present.

VS.

Grievance: Any complaint written (in any form) or verbal (personally or by telephone) about patient care or services that is **not** resolved the same day by staff present regardless of inpatient, outpatient, or released/discharged status.



Overview of grievance policy and procedure

Grievance Process Elements

- ❖ Must inform each patient who to contact to file a grievance
- ❖ Hospital's governing body ultimately accountable
 - But can delegate to a committee
- ❖ Mechanism for *timely* referral of patient concerns regarding quality of care or premature discharge to the appropriate Utilization and Quality Control/ Quality Improvement Organization
- ❖ Must establish a clearly explained procedure for the submission of a patient's written or verbal grievance
- ❖ Process must specify time frames for review of the grievance and the provision of a response
- ❖ Resolution of the grievance must include written notice to patient of decision that contains
 - Name of the hospital contact person
 - Steps taken on behalf of the patient to investigate the grievance
 - The results of the grievance process
 - The date of completion

Patient Consent

If someone other than a patient makes a grievance, information is to be received and addressed, but no patient information may be discussed unless patient permission is sought and documented in the medical record (and a HIPAA authorization, if necessary).





What's my role?

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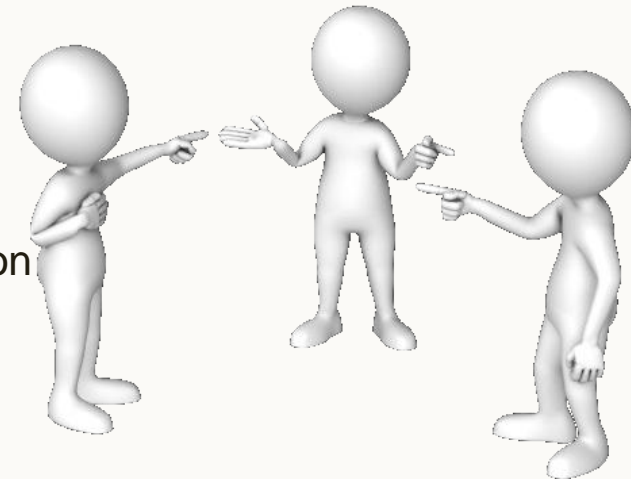
❖The Governing Board

- The governing board is responsible for approval and effective operation of the grievance process, including compliance with CMS requirements.
- The board of directors may delegate responsibility to a grievance committee.
- The grievance committee meets, as needed, to discuss resolution and annually to discuss process and data.
- The grievance committee needs an adequate number of participants.

❖Staff Resolutions of Grievances

❖Patient Advocate Role - Liaison

- Monitor compliance with laws and policies
- Assures process for patient receiving communication
- Annual training
- Assist employees to resolve grievances
- Record keeping
- Prepare and present reports and data to administrative team on a routine basis



Identify the need for changes, make recommendations, problem solve



Investigations

Investigation

- ❖ Review the patient's perceptions
- ❖ Review relevant records
- ❖ Interview staff and others involved in the patient's grievance
- ❖ Document



Patient Notice

Timing – Grievances are addressed as quickly as possible and effort shall be made to respond to grievances within 7 calendar days, with notice if additional time is needed including the name of the contact person(s) for any further correspondence and the anticipated days for the response.

ALL grievances can't be resolved in 7 days, but MOST should be resolved within that timeframe.





Response to the patient

Response to the Patient

Once the investigation is complete, the patient advocate will provide the patient written notice, in an understandable language and manner that includes:

1. Name of facility contact
2. Steps taken on the patient's behalf to investigate the grievance
3. Results of the investigation
4. Date of completion
5. Any steps taken to correct the situation

Caveat:

The response should not include statements that could be used in a legal action against the hospital, but the hospital **MUST** provide adequate information to address each item in this requirement. The hospital is not required to provide an exhaustive explanation of every action the hospital has taken to investigate the grievance, resolve the grievance or other actions taken by the hospital.



The complaint response letter layout



Sample statements for response letter

Salutation

Thank you for your letter of...regarding/ concerning/in connection with...

We appreciate your raising your concerns with us...

Offer an apology/condolences (if appropriate)

We sincerely apologize for...

Please accept my/our apologies for...

We would like to apologize for...

We would like to offer my/our condolences to you and/or your family on the loss of...

We appreciate that this is a difficult time for you/your family...

Accept the complaint/concern

We agree our usual high standard of service was not met in this instance...

We clearly did not meet your expectations...

We take these concerns very seriously...

We try to learn from these types of situations, and we thank you for your feedback...or your feedback will help us improve...

Results of investigation and changes (if made)

As a result of our review, we found that...

The problem was the result of.../resulted from...

The cause of/reason for the situation was...

We have modified/changed our...

We have implemented a system to...

To prevent this from happening again we have set up/implemented a...

Express regret

We sincerely regret this happened to you...

We are very sorry...

We truly regret the unfortunate circumstances of your stay...

We understand how disappointing it can be when your expectations are not met...

Conclusion

Please do not hesitate to contact me/us...

We are available at... We can be reached at...

Resolution & Closure

A grievance is considered resolved when the patient is satisfied with the actions taken on their behalf.

If a patient remains unsatisfied following notice, the Grievance Committee shall evaluate the matter and a follow-up notice regarding the review outcome shall be issued.

The grievance is considered closed if appropriate and reasonable actions were taken on the patient's behalf even though the patient remains unsatisfied.



Q & A

