Central DuPage Emergency Medical Services System

COMPLAINTS

INTRODUCTION AND	EMS MEDICAL DIRECTOR:
APPROVAL: 2/09	
REVIEW & APPROVAL:	EMSS COORDINATOR:
REVISION & APPROVAL:	

Section 515.450 Complaints

- a) For the purposes of this Section, "complaint" means a report of an alleged violation of the Act or this Part by any System participants and/or providers covered under the Act. Complaints shall be defined as problems related to the care and treatment of a patient.
- b) A person who believes that the Act or this Part may have been violated may submit a complaint by means of a telephone call, letter, fax, or in person. An oral complaint will be reduced to writing by the Department. The complainant is requested to supply the following information concerning the allegation:
 - 1) Date and time or shift of occurrence;
 - 2) Names of the patient, EMS personnel, family members, and other persons involved;
 - 3) Relationship of the complainant to the patient or to the provider;
 - 4) Condition and status of the patient; and
 - 5) Details of the situation.
- c) All complaints shall be submitted to the Department's Central Complaint Registry or to the EMS Medical Director (EMSMD). If the complaint involves a trauma patient, the complaint shall also be submitted to the Trauma Center Medical Director along with the EMSMD. Complaints received by the EMSMD or Trauma Center Medical Director shall be forwarded to the Department's Central Complaint Registry within five working days after receipt of the complaint. Complaints received by the Department shall be forwarded to the EMSMD or Trauma Center Medical Director. The substance of the complaint shall be provided in writing to the System participant or provider no earlier than at the

- commencement of an on-site investigation pursuant to subsection (e) of this Section.
- d) The Department and the EMSMD or Trauma Center Medical Director shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure.
- e) The Department shall conduct an investigation jointly with the EMSMD, EMS Coordinator or Trauma Center Medical Director if a death or serious injury has occurred or there is imminent risk of death or serious injury, or if the complaint alleges action or conditions that could result in a denial, non-renewal, suspension, or revocation of licensure or designation. If the complaint alleges a violation by the EMSMD, EMS Coordinator or Trauma Center Medical Director, the Department shall conduct the investigation. If the complaint alleges a violation that would not result in licensure or designation action, the Department shall forward the complaint to the EMSMD or Trauma Center Medical Director for review and investigation. The EMSMD or Trauma Center Medical Director may request the Department's assistance at any time during an investigation. In the case of a complaint between EMS Systems, the Department will be involved as mediator or lead investigator.
- f) The EMSMD or Trauma Center Director shall forward the results of the investigation and any disciplinary action resulting from a complaint to the Department. Documentation of the investigation shall be retained at the hospital in accordance with EMS System improvement policies and shall be available to the Department upon request. The investigation file shall be considered privileged and confidential in accordance with the Medical Studies Act [735 ILCS 5/8-2101].
- g) Based on the information submitted by the complainant and the results of the investigation conducted in accordance with subsection (e) of this Section, the Department will determine whether the Act or this Part is being or has been violated. The Department will review and consider any information submitted by the System participant or provider in response to an investigation.
- h) The Department shall have final authority in the disposition of a complaint. Complaints shall be classified as "valid", "invalid", or "undetermined".
- i) The Department shall inform the complainant and the System participant or provider of the complaint results (i.e., whether the complaint was found to be valid, invalid, or undetermined) within 20 days after its determination.
- j) The EMS System shall have a policy in place requiring compliance with this Section.

k) A complainant or EMS System participant or provider who is dissatisfied with the determination or investigation by the Department may request a hearing pursuant to Section 515.160 of this Part. A request for a hearing shall be submitted to the Department within 30 days after the determination is mailed.

(Source: Added at 27 Ill. Reg. 1276, effective January 10, 2003)