

How to file a Consumer Complaint

Video Script

Intro

Hello, and welcome to the Osteopathic Board of California's video that will serve as a guide on how to file a complaint. In this video, you will learn about the types of complaints the Board investigates, the process to filing a complaint, the duration of a complaint investigation, and what to expect after a complaint has been filed.

Mission

The Board's mission is to protect the public by requiring competency, accountability, and integrity in the safe practice of medicine by osteopathic physicians and surgeons.

Consumer Protection

One of the most important ways the Board protects consumers is by investigating consumer complaints and identifying licensees who have engaged in any activity which may be unsafe and could put the public at risk.

Types of complaints

The types of complaints the Board investigates include:

- Quality of care such misdiagnosis, delay in treatment, medication causing side effects, surgical complications, or negligent care.
- Office of practice issues, including failure to sign a death certificate, failure to provide records, or misleading advertising.
- Inappropriate prescription/Excessive prescribing/prescribing unsafe combination of controlled substance.
- Provider impairment such as working under the influence of drugs or alcohol and mental or physical impairment.
- Sexual misconduct or other unprofessional conduct.
- Dishonesty, including filing fraudulent insurance, Medi-Cal and Medicare claims.
- And unlicensed practice.

How to access the complaint form?

The easiest and fastest way to file a complaint is by visiting the Board's website w-w-w dot o-m-b-c dot c-a dot g-o-v and downloading the complaint form.

You will find the form by clicking on the consumers/complaint tab, then click "File a Complaint". On this page, you can download a PDF version of the form in English and Spanish which can be filled out, printed, and mailed to the Board.

It's important to know, all information requested is voluntary except for the name of the osteopathic physician and surgeon your complaint is regarding. Keep in mind, failure to provide all necessary information may delay or prevent the investigation of your complaint.

The information on the complaint form will be used to determine whether a violation of state law has occurred. If a violation is substantiated, the information may be shared with other government agencies, such as the Attorney's General Office.

What details are needed on the complaint form?

Once the form is downloaded and printed, write the full name, office address, telephone number, and license number (if known) of the individual your complaint is against. Please include the dates of treatment and reason for treatment.

Check the box that relates best to the question "has the patient been examined by another professional for the same condition". If yes, complete an additional form titled "Other Provider/Facility Authorization for Release of Health Information" and mail it along with your complaint form when complete.

Check the box that relates best to the question "have you filed a complaint with any other agency/department". If yes, please provide the name of the agency/department and provide a case number if one has been provided to you by that agency/department.

Next, check the box that best describes the nature of your complaint. If you select "Other", make sure to provide the nature of your complaint.

On the next section "Details of Complaint", write your complaint in chronological order and in detail. Include information such as dates, names, titles, specific concerns about the treatment provided, and the name(s) including contact information of any witnesses.

Complete the "Subject (Physician) Authorization for Release of Patient Health Information" form. This form is necessary to obtain information from the physician your complaint is regarding. You can also find this form on the file a complaint tab.

- Check all the record types that apply.
- Fill in the patient information, name, date of birth, medical record number or SSN, date of death, if applicable)

On the next page, write the patient's full name and fill in the authorization section which includes the osteopathic physician, facility name, address, phone number and treatment date or dates, if multiple.

If you were treated by another provider or healthcare facility related to your complaint, please complete one of the following medical release forms in its entirety:

“Other Provider/Facility Authorization for Release of Patient Health Information” or the “Kaiser Authorization for Release of Patient Health Information” (If the care and treatment related to your complaint was rendered at a Kaiser facility, fill out the Kaiser form and check if it's a “northern” or “southern” facility).

- Check all record types that apply.
- Fill in the patient information, name, date of birth, medical record number or SSN, date if death, if applicable)
- On the second page, fill in the patient's full name, under the authorization section provide other provider/facility name, address, phone number and treatment date or dates. You can add up to 3 per form.

If the authorization pertains to a Kaiser facility, check all record types that apply.

- Fill in the patient information, name, date of birth, medical record number or SSN, date if death, if applicable)
- On the second page, fill in the patient's full name on the top of the page, on the authorization section check the box that applies, and provide treatments date or dates.

These two forms can also be found on the file a complaint tab.

Submit Supporting Documents

Any supporting documents that include patient records, photographs, audio, or video recordings, letters, emails, or texts, billing statements, proof of payments, police reports, court documents, and internal employment administrative investigations should be included when submitting your complaint.

Be sure to sign and date all forms and mail them to the Board located at 1300 National Drive Suite 150 Sacramento, CA 95834 or you can submit by fax at 916-928-8392.

Duration of the complaint process

The duration of the complaint investigation process varies from one month to several months, or as long as a year depending on several factors. Possible results of an investigation vary from:

- Determination of no violation.
- Insufficient evidence.
- Citation
- or formal disciplinary action.

Consumer protection is the Board's primary goal, and the Board will pursue a proper resolution for every reported concern.

Statute of Limitations

A statute of limitations is a legal term referring to a restriction on the time that is allowed to elapse between two specific events. For the Osteopathic Medical Board of California (Board), the statute of limitations means there is a limited time during which an individual may file a complaint. Specifically, it is the time allowed between either the date the Board is notified of a violation, or the date of an incident cited in a complaint, and the date an Accusation (or formal charges against the physician's license) is filed. The law (Business and Professions Code section 2230.5) specifically provides the following timeframes, whichever of these occurs first determines the length of the statute of limitations:

- Three (3) years between when the Board discovers the act or omission alleged as the ground for disciplinary action and when an Accusation to take disciplinary action is filed, OR
- Seven (7) years between when the act or omission alleged as the ground for disciplinary action occurred and when an Accusation to take disciplinary action is filed.

Please note: the deadline for the statute of limitations is when the Board files an Accusation. In order to file an Accusation, the Board must thoroughly investigate a complaint to obtain the evidence necessary for the Attorney General's Office to draft the Accusation. On average, it takes approximately one (1) year to one and a half (1½) years for the Board to perform such an investigation and get the

Accusation filed. Therefore, it is important for the Board to receive a complaint in enough time to complete the investigation and file the Accusation before the three- or seven-year statute of limitations runs out (please see below for exceptions). While the Board makes every effort to expedite investigations of complaints received close to the statute of limitations deadline, due to the Board's clear and convincing burden of proof, there may not be sufficient time to gather all the evidence necessary to prove a violation of the law. If this occurs the Board is unable to pursue the complaint.

In this same law there are certain exceptions to these timeframes. These exemptions are:

- Accusation filed against a licensee alleging the procurement of a license by fraud or misrepresentation is not subject to the statute of limitations;
- An Accusation filed alleging unprofessional conduct based on incompetence, gross negligence, or repeated negligent acts of the licensee is not subject to the statute of limitations upon proof that the licensee intentionally concealed from discovery his or her incompetence, gross negligence, or repeated negligent acts;
- An Accusation filed against a licensee alleging sexual misconduct must be filed within three years after the Board discovers the act or omission alleged as the ground for disciplinary action, or within **10 years** after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first;
- If an alleged act or omission involves a minor, the seven-year statute of limitations period or the **10-year** statute of limitations does not begin until the minor reaches the age of majority; or
- A statute of limitations period will be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the Board due to an ongoing criminal investigation.

What to expect after filing a complaint

You will be notified of the Board's action in writing by mail. The Board will notify you in writing or by phone if additional information is needed, or if your complaint is incomplete. The Board will keep you updated of the status of your complaint by sending you status letters throughout the duration of the investigation. If your quality-of-care case is deemed to not have enough evidence to pursue a formal investigation after a medical consultant review is completed, you will be given an opportunity to provide additional information during an interview with a Board

enforcement analyst. If your case warrants further investigation, you will be given an opportunity to provide a patient impact statement. If you have any questions about the complaint process, please contact the Board at (916) 928-8390 ext. 5. or email the Board's enforcement unit Osteoenforcement@dca.ca.gov.

The Board can take enforcement action against a licensee or individual if the investigation reveals that laws relating to the practice of Osteopathic Medicine were broken. This can include suspending or revoking licenses, issuing an administrative citation, or referring the matter to other agencies, or the district attorney for criminal prosecution.

Call to action: If you see something, say something.

If you feel you've received unprofessional services or would like to report a concern, file a complaint with the Board. Visit [w-w-w dot o-m-b-c dot c-a dot g-o-v](http://www.om-b-c.ca.gov) or call (916) 928-8390 ext. 5. We want to hear from you.