

*Detroit East Medical Control Authority*  
**System Protocols**  
**COMPLAINT INVESTIGATION AND RESOLUTION**

Date: March 2013

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**PURPOSE**

This protocol identifies the process by which complaints/issues will be investigated and resolved if an incident report is filed with the Medical Control Authority or the Professional Standards Review Committee (PSRO) claiming that a pre-hospital life support provider, participating in hospital, or associated personnel may be in violation of a medical standard, protocol or operational procedure adopted by the Medical Control Authority, or any state or federal law, regulation or rule. The MCA Medical Director, through the PSRO Committee, shall initiate investigation of the incident in accordance with these procedures.

All data collected by PSRO as part of an investigation is protected under P.A. 270 of 1967, MCL 331.531 to 331.533.

**PROTOCOL**

**A. FILING OF INCIDENT REPORT**

A person or agency who observes an alleged violation of any rule or regulation of the EMS System shall file an incident report form as provided by the Medical Control Authority within three (3) days of the said violation. The incident form or written communication shall be typewritten or printed plainly so as to be clearly legible. The incident form or written communication shall contain the following factual information:

- Name of individual filing report with appropriate contact information of individual filing the report.
- Date, time and location of the incident.
- Name of individual filing report with appropriate contact information (if known) of alleged violator.
- Name of individual filing report with appropriate contact information (if known) of any witnesses.
- Protocol, policy/procedure or law violated (note section if possible).
- Detailed summary of FACTS (not opinions) concerning the incident.

**B. ASSIGNMENT**

The report shall be immediately forwarded to the Medical Control Authority (MCA) office for processing. The MCA office, upon receipt of an incident form shall forward a copy to the chairperson of the PSRO Committee and the MCA Medical Director within three (3) days of receipt.

**C. MEDICAL DIRECTOR'S ROLE**

The Medical Director, upon receipt of the incident form shall within five (5) days take the appropriate steps to resolve the issue including, but not limited to, the following:

1. Contact the individual/agency that filed the form for further clarification.
2. Contact the individual/agency allegedly committing the violation in an effort to resolve the incident.

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3. Forward a copy of the incident report, in writing, to the aggrieved party with a request to forward all pertinent materials and a written response at least fifteen (15) days prior to the scheduled meeting. All of the foregoing shall be forwarded to the MCA administrative office.

**D. PSRO COMMITTEE**

The incident form, the written response and the finding of the Medical Director shall appear on the agenda of the next regular meeting of the PSRO Committee.

The PSRO Committee shall review the information and may take some or all of the following actions:

1. Meet with agency or personnel in question.
2. Institute protocol or procedures to prevent future occurrence.
3. Contact the Department.
4. Refer to the full Medical Control Authority Board for further review (if deemed appropriate).

All actions of the PSRO Committee are not final without review of the full Medical Control Authority Board. The Medical Control Authority shall address the issue at a special meeting (closed session) called by the Chair of the Medical Control Authority.

**E. MEDICAL CONTROL AUTHORITY**

A special meeting of the Medical Control Authority may be called in accordance with the bylaws.

The Medical Control Authority shall review information and take appropriate steps to resolve the issue including, but not limited to, the following:

1. Meet with the agency or personnel in question.
2. Meet with the MCA and the department.
3. Support/modify recommendation made by the Committee.

The Medical Control Authority shall issue a written decision resolving the issue to all interested parties.

If the Medical Control Authority finds the agency or individual is not in compliance with minimum standards of medical care, protocols and operational procedures or to protect the public health, safety or welfare, the Medical Control Authority may suspend or withdraw medical control.

If medical control is suspended or withdrawn, the individual or life support agency cannot provide pre-hospital care.

The Medical Control Authority must notify the MDCH within one (1) business day if medical control has been removed.

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If the aggrieved party disagrees with the final recommendation the party may request an appeal in accordance with the Appeal Procedure described below. The request must be mailed to the MCA office within thirty (30) days of the Medical Control Authority's written decision.

**F. IMMEDIATE THREAT TO PUBLIC HEALTH**

If the MCA Medical Director has reasonable cause to believe that a pre-hospital provider, participating hospital, or associated personnel is in violation of a medical standard, protocol or operational procedures that may endanger the life of a patient or is an immediate threat to the public health, the Medical Director may immediately suspend the medical control of the pre-hospital provider, participating hospital, or associated personnel. A hearing before the Professional Standard Review Organization Committee shall be set within five (5) business days to review the suspension.

**APPEAL PROCESS**

The EMS Medical Director shall inform aggrieved parties that they have the option of having their concerns heard before a fact-finding committee. The MCA Medical Director shall provide, or cause to be provided, copies of these procedures which shall be followed in petitioning for an appeal.

- A. A written request for an appeal shall be sent from the concerned party to the MCA Medical Director with a copy to the MCA office. Within this request, the issue or problem to be resolved must be clearly stated, as well as the desired disposition. Additional information may be requested by the MCA Medical Director to provide background on the issue to be contested.
- B. Seven (7) days after receipt of the appeal, the MCA Medical Director shall appoint a three (3) member fact finding committee which shall include the following:
  - 1. A representative from the department.
  - 2. An individual who has expertise in the area to be reviewed.
  - 3. MCA Administrative Staff.

The MCA Medical Director shall also identify a chairperson for the committee. If an individual identified to serve on the committee has a clear conflict of interest regarding the issue to be reviewed, they shall disqualify themselves and the MCA Medical Director shall appoint an alternate.

- C. The committee shall receive evidence and hear testimony, etc., regarding the issue and attempt to make a fair and equitable decision regarding the issue at hand. The committee shall return a recommendation to the Medical Control Authority for their review.
- D. The committee shall meet within thirty (30) days after its appointment unless mutually agreed by all concerned parties to delay until a more appropriate time. Upon conclusion of the appeal, a written recommendation and finding will be submitted to the Medical Control Authority Board within fifteen (15) days.

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**TYPES OF MATTERS TO BE HEARD BY FACT FINDING COMMITTEE**

- A. Appeals of Medical Control Authority Board decisions;
- B. Conflicts between hospitals participating in the Medical Control Authority Board; or,
- C. Other conflicts which, as determined by the MCA Medical Director and/or authority/board are appropriate for appeal.

**SEQUENCE OF PRESENTATION AT FACT FINDING COMMITTEE**

The sequence of presentation at the appeal shall be as follows:

- A. Officially, the meeting is convened by announcing the date, time and reason for the hearing.
- B. Introduction of committee members and other individuals.
- C. All names, position titles, representative agencies, and reason for attendance of individuals present shall be stated for the record by the chairperson or by the individuals as they announce their names. At this time for the record, the chairperson shall question the board members as to whether they have any knowledge or reason to believe that they may have any interest in the parties or subject matter that would prejudice or influence a fair decision.
- D. Formal Committee Procedures
  1. Recording – Oral proceedings are to be recorded. A fee covering transcription, duplicating and mailing costs, will be charged to interested parties.
  2. Overview – The chairperson shall provide an overview of the issue or problem to be resolved, and will also ask if there is any clarification of the matter to be heard.
  3. Petitioner(s) – The person requesting the appeal shall have the opportunity to present an overview of the situation and call any witnesses for testimony or present any evidence.
  4. Respondent(s) – Following the initial presentation, the other interested party or parties shall present their position, provide testimony, call witnesses, or introduce evidence.
  5. Rebuttal – An opportunity will be provided at this time for both parties to present a rebuttal and/or clarify their position(s).
  6. Committee Members Questioning – An opportunity for the committee members to question both parties shall be provided.
  7. Recap of Testimony – A reiteration of each of the positions will be stated by the chairperson.
  8. Committee Deliberation – The committee will excuse the parties and deliberate to reach a recommendation regarding the issue in conflict and report back to the Medical Control Authority.

**MEDICAL CONTROL AUTHORITY**

- A. At the next regularly scheduled meeting the Medical Control Authority will either accept or reject the recommendation of the fact finding committee.
- B. If a decision of the Medical Control Authority is appealed by an affected person, the appeal shall be made to the Department.

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Report Date \_\_\_\_\_

Person Filing / Contact Info \_\_\_\_\_

Contact Information \_\_\_\_\_

Incident Date/Time/Location \_\_\_\_\_

Witnesses / Contact Info \_\_\_\_\_

\_\_\_\_\_

Alleged Violator / Contact Info \_\_\_\_\_

Protocol, Policy, Procedure, Law Violated \_\_\_\_\_

Detailed Summary of FACTS \_\_\_\_\_

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