



## What to Do if You Have a Concern about Quality in a New York Hospital

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### Advice and resources for dealing with quality concerns

Thousands of people become patients in one of New York's 229 hospitals every year. Some are treated in the emergency room. Others come to the hospital to have a baby, have surgery, or get treatment when they're sick. These hospital patients expect to receive quality care, and mostly they do.

There are times, however, when people have concerns about the quality of hospital care received. 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 within the hospital to deal with your concerns about quality of care. It also tells you how to contact the places that regulate or oversee hospitals. You can also consider filing a lawsuit, but that is not the focus of this tip sheet.

### 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 care we or our loved ones receive. 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 on concerns about the quality of hospital care? 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.

### 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 having the best possible results.

### In a New York hospital, what are your rights when it comes to quality of care?

New York and federal laws give hospital patients many rights. Hospitals must tell patients about these rights by giving them a handout when they enter the hospital.

Some of the rights related to quality include:

- The right to considerate and respectful care in a clean and safe place
- The right to receive complete information about your care
- The right to file a complaint

For a booklet titled *Your Rights as a Hospital Patient in New York State* see:  
<http://www.health.ny.gov/publications/1449.pdf>

## **What are examples of quality concerns you might experience?**

Health care quality concerns could arise for a variety of reasons in a hospital. Some might result from a specific action a hospital staff member takes (or doesn't take) as they treat patients. Examples include staff washing their hands to prevent an infection or giving you a drug that you shouldn't get. Other quality concerns could result from how well the staff work together to safely care for you. For example, making sure the right medical chart goes with the right patient or that information about a patient gets to the right department.

Because hospitals are treating sick people, they've set up systems of checks and balances to lessen the chance that they'll make a mistake. Sometimes those systems aren't followed, or other actions lead to mistakes. Some mistakes may not affect your health at all; some may cause inconvenience or pain; others may cause serious harm.

What should concern patients the most—and what concerns organizations that oversee hospitals—is when there's a pattern of problems in a hospital. If something happens again and again, it could be a sign of a larger problem with quality of care that could hurt any hospital patient.

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

### **Step 1 — Talk with hospital staff who can fix the problem.**

For many concerns, it's usually best to try to fix your concern with the people caring for you first. This would probably be your nurse or a hospital social worker. If you don't feel that they are helping you, there is often a hospital department devoted to addressing patient concerns. These departments have names such as Patient Relations, Patient Advocate, Guest Relations, Ombudsman or Customer Service. The hospital operator can connect you with the department, or you can look for contact information on the papers you received when you came into the hospital.

Once you contact them, a Patient Relations staff person should quickly talk with you about your concern. They will then talk with others who can help address it. This might include the head nurse, physicians or other staff caring for you.

**What if there's serious change in a patient's condition?** Hospitals have regular procedures to deal with patients who get sicker in the hospital. However, sometimes patients or families notice something about a patient's condition that the health-care team doesn't see or address. For example, a small change in a loved one's mental state that could indicate a serious health change.

Most hospitals have a special team for this situation called a rapid response team or medical emergency team. This team can be called to examine a patient who's quickly becoming sicker. If you cannot get the attention of the staff caring for your family member, don't hesitate to call the hospital operator yourself and tell them you have an emergency.

### **Step 2 — File a complaint or grievance with the hospital.**

After dealing with the Patient Relations department, if your problem is still not solved, under the law, you can file a complaint or grievance with the hospital. The hospital must give you contact information for filing a grievance. It also must review, investigate and resolve the grievance in a reasonable amount of time—generally 7 days. The hospital should respond in writing, in language you can understand.

The letter should tell you the steps taken on your behalf to investigate the grievance, the results and a contact person. You or the hospital may also want to meet in person to talk about what happened.

A grievance is considered closed when you are satisfied with the actions taken by the hospital. There may be times, however, when the hospital feels it has taken reasonable steps to address your concern, but you are still unsatisfied. That's when you may consider filing your concern with a hospital oversight organization—the next step below.

### **Step 3 — File a complaint with organizations outside the hospital.**

If your concern about quality is still not resolved or you want to prevent a similar event from happening to another patient, there are several places outside a hospital where you can file a complaint. These include the New York State Department of Health and the Joint Commission.

#### **The New York State Department of Health**

New York hospitals are licensed by the New York State Department of Health (DOH). This means that they must meet certain rules and regulations in order to care for patients and receive payment. One function of DOH is to investigate complaints about any facility they license. The department received 1,100 complaints about New York hospitals in 2012.

There are several ways that you can file a complaint with DOH:

Call this toll-free number: 800-804-5447

Contact one of the DOH District Offices:

[http://www.health.ny.gov/facilities/hospital/regional\\_offices.htm](http://www.health.ny.gov/facilities/hospital/regional_offices.htm)

Mail your complaint to:

Department of Health  
Centralized Hospital Intake Program  
433 River St. Suite 303  
Troy, NY 12180-2299

**Submitting the complaint:** Be as specific as possible about your concern when you are writing your complaint. And make sure you make a copy of what you send. Once DOH receives your complaint, you will be notified that they have it.

**The investigation:** What happens next depends on how serious your concerns are and when they happened. Some complaints involve serious harm such as death or a very bad injury. If this happens and there is still a threat to patients, it is called "immediate jeopardy." In this case, DOH staff should be at the hospital investigating within 2 days of getting the complaint. Investigations on other complaints are begun within 45 days.

Complaint investigations that involve visits to the hospital are unannounced—the hospital administration and staff are not told in advance that a DOH investigator is coming. Other investigations may not involve a visit to the hospital.

Depending on the type of complaint, the DOH investigator might talk to you or other patients and family members. They might look at your medical records, talk to and watch staff members and inspect the hospital. Once the investigation is done, you should get a letter that gives information about the investigation and the outcome. If you disagree with the findings of the investigation, you can discuss them with the investigating office and request that they review the information again.

**What are the outcomes?** If the investigation finds that there is a hospital quality problem, DOH will issue a report outlining the problems they found (called a Statement of Deficiencies). They will also

tell the hospital what it has to do to correct the problems. Sometimes, the hospital may have to pay a fine of up to \$10,000 for violations that harm patients. Eight New York hospitals received fines in 2009. Information on hospital complaints and investigation outcomes is available on several websites noted below.

**How long will it take?** Some hospital complaints are handled immediately. Others are assigned 45 or 90 days for completion.

### **Can you remain anonymous when you file a complaint?**

You have the right to remain anonymous when you file a complaint with DOH—that is to not give your name or contact information. If you do give your name and contact information, you can ask that DOH staff treat it confidentially and not tell the hospital that you are the person complaining.

If you do want to remain completely anonymous, it may make your case more difficult because it may limit DOH staff's ability to verify information. You also won't be able to follow up and learn about the case or receive information about what happened.

### **The Joint Commission**

The Joint Commission is a non-profit organization that evaluates and accredits (that is, judges quality against a set of rules or standards) health care organizations across the country. The Joint Commission does its work by periodically going on site to survey hospitals in action. It has accredited many New York hospitals. Those hospitals have to meet many standards and patient safety goals related to patient care, including the quality of care they give to patients.

You can file a complaint with the Joint Commission in several ways:

On-line: [http://www.jointcommission.org/report\\_a\\_complaint.aspx](http://www.jointcommission.org/report_a_complaint.aspx)

E-mail: [complaint@jointcommission.org](mailto:complaint@jointcommission.org)

By Fax:

Office of Quality Monitoring  
(630) 792-5636

By Mail:

Office of Quality Monitoring  
The Joint Commission  
One Renaissance Blvd.  
Oakbrook Terrace, IL 60181

**Writing the complaint:** Be as specific as possible in no more than two pages and provide the name, address, city and state of the accredited hospital. For more information, call the Joint Commission's toll-free number: 800-994-6610, 8:30 AM to 5:00 PM CST. The Joint Commission's online complaint form (web address noted above) gives additional information about what is needed for a complaint submission.

**How the Joint Commission responds to complaints:** The Joint Commission looks at each complaint to make sure that it's something they can act on. If so, it is then put into one of three categories:

- High Priority Quality Events – Such as an unexpected event that results in a patient death or serious injury. This type of complaint is processed within 2 business days. It may lead to an

unannounced visit to the hospital or some other action where the hospital must explain what happened.

- Medium Priority Incidents – Such as delays in treatment, or a serious medication error. They are processed within 10 business days and also may require the hospital to explain what happened.
- Low Priority Incidents – All other complaints that don't fit into the above two categories. The Joint Commission adds them to the hospital's record, but takes no further action.

After the Joint Commission receives your complaint, they send you a letter telling you that they have your complaint. That letter includes a tracking number you can refer to if needed. After the investigation is done, you should receive another letter telling you whether and which Joint Commission hospital standards were investigated. You also receive limited information about the outcome of the investigation. If your complaint triggered an unannounced survey of the hospital, the findings from that survey can be shared with you. In every case, information from the complaint becomes part of the Joint Commission's record about the hospital. It can help staff look for patterns of problems at the hospital the next time it is reviewed.

### **Other Hospital Accrediting Organizations**

Some hospitals in New York are accredited by an organization called DNV. To find out if your hospital is accredited by this organization, search this database:

<http://dnvglhealthcare.com/hospitals>

For more information about how to file a complaint against a DNV-accredited hospital:

<http://na1.ipressroom.com/pr/blackout/file-complaint.aspx>

A few hospitals in the state are accredited by another accrediting agency called the Healthcare Facilities Accreditation Program (HFAP):

<http://www.hfap.org/AccreditedFacilities/index.aspx?FacilityType=HOSPN>

Here is information about how to file a complaint against a HFAP accredited healthcare organization:

<http://www.hfap.org/resources/complaintinformation.aspx>

## **Where else can you go with a concern about the quality?**

### **Government Agencies**

**Medicare:** If Medicare (federal health insurance program for people over age 65 or people under 65 who are disabled) pays for your or your loved one's care, you have an additional place to go with a quality of care concern. Medicare pays a Quality Improvement Organization (QIO) to take complaints from Medicare patients. In New York, that organization 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 right away. For example, with your permission, they may be able to call the hospital 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 reviews your records. Then you get a letter indicating whether the hospital did or didn't provide the expected level and type of care in your case. Livanta generally focuses on improving the performance of the hospital, not on punishing it.

For more information about the Livanta complaint system and to get an online complaint form:

<http://bfccqioarea1.com/>

**Concerns about being discharged too early from the hospital:** If you're a Medicare patient and you feel a hospital is asking you to go home before you or your family think you're ready, you can ask for an appeal from Livanta. They will quickly review your case and decide whether Medicare should continue to pay for your hospital stay or not.

Hospital Appeals Phone Number: 866-815-5440

### **Other Health Organizations**

**Your health insurance plan or HMO:** Hospitals 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 in a hospital affiliated with the health plan. Or look in the "complaints, appeals or grievances" section of the HMO's website for information or forms to file.

### **Consumer Organizations**

**The Safe Patient Project** is a project of Consumers Union (publisher of Consumer Reports magazine) that seeks to end medical harm in the health system. The Project is collecting stories from patients about their experiences and concerns with care in hospitals and physicians' offices across the nation, including New York. The Project can't help with your specific complaint. It can use the collective power of stories from patients and families to help pass laws and press for other changes to make health care 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

### **What if the hospital retaliates against you or a loved one for filing a complaint?**

Being concerned about staff punishing you or a loved one is understandable given that you depend on them for care. However, it is absolutely against the law to retaliate against a patient for filing a concern. If you feel you are being retaliated against, contact the state Department of Health (DOH).

DOH Complaint Line: 800-804-5447

## **What are patient surveys about hospital care?**

Some patients will receive a survey asking a series of questions about their recent hospital stay. Use this as an opportunity to give feedback about the care you received. Hospitals pay close attention to the results of these surveys because the results are published for the public to see.

## **Where can you find information about complaints and quality in New York hospitals?**

There are several online resources you can check for information about the quality of care provided by New York hospitals, including:

### **New York State Hospital Profiles:**

This site provides information about quality of care in a variety of areas including heart care, pneumonia and care for surgical patients. It also includes information on complaints and how often the hospital performs procedures such as hysterectomies, hip replacements, knee surgery and other surgeries.

<http://hospitals.nyhealth.gov/>

**New York State Department of Health Adult Cardiac Surgery Reports:** This site provides information on hospitals that conduct coronary artery bypass surgery, valve surgery or angioplasty (also known as percutaneous coronary intervention or PCI) in New York. The reports are technical and the data on hospitals is not up to date, but the information may still be of interest or use.

<http://www.health.ny.gov/statistics/diseases/cardiovascular/>

**myHealthFinder:** This site provides a variety of information including mortality (death) rates for certain hospital procedures such as aneurysm repair, coronary artery bypass graft (CABG) surgery or care of heart attack patients.

<http://www.myhealthfinder.com/>

### **National Resources**

#### **Hospital Compare:**

A federal website that provides information on heart care, pneumonia, surgical care and children's asthma care. It also includes information on hospital death measures, whether patients are hospitalized again within 30 days of leaving the hospital, and the results of patient surveys about their care.

<http://www.medicare.gov/hospitalcompare/search.html>

#### **The Joint Commission:**

This national accrediting organization provides a Quality Report about facilities it licenses, including information on whether the hospital met certain patient safety goals, its performance on heart care, pneumonia and pregnancy care and the results of patient surveys about their care.

<http://www.qualitycheck.org>

Upon request, the Joint Commission also provides the number of complaints a hospital has received. Call 800-994-6610 to request that information.

### **Other useful information:**

If you're concerned about the quality of care in a New York managed care plan or HMO or a nursing home, or the care provided by a physician or registered nurse, here's where to go for more information:

#### **Managed Care:**

New York State Department of Health - Complaints and Appeals

[http://www.health.ny.gov/health\\_care/managed\\_care/complaints/index.htm](http://www.health.ny.gov/health_care/managed_care/complaints/index.htm)

Health Care Bureau of the NY State Office of the Attorney General

<http://www.ag.ny.gov/bureau/health-care-bureau>

#### **IPI Doctor Tip Sheet:**

**What to Do if You Have a Concern about the Quality of Care from a New York Doctor**

<http://www.informedpatientinstitute.org/PHYQuality-NY.php>

#### **IPI Nursing Home Tip Sheet:**

**What to Do if You Have a Concern about the Quality of Care in a New York Nursing Home**

<http://www.informedpatientinstitute.org/NUHQuality-NY.php>

#### **Registered Nurses:**

New York Office of the Professions

<http://www.op.nysed.gov/opd/complain.htm>

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[www.informedpatientinstitute.org](http://www.informedpatientinstitute.org)

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