

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH SYSTEMS**

**A CITIZEN'S GUIDE TO FILING A COMPLAINT
AGAINST A LICENSED HEALTH CARE FACILITY**

The Michigan Department of Licensing and Regulatory Affairs (LARA) investigates complaints against health care facilities that fail to deliver services as required by federal and state laws. The types of facilities covered by the Bureau of Health Systems (BHS) are listed below. Examples of allegations investigated include physical, mental, or sexual abuse of a resident or patient; neglect of a resident or patient; misappropriation of property; failure to provide adequate care or in accordance with a physician's orders; unsanitary conditions; inadequate staffing to meet resident or patient care needs.

All nursing homes are required to post the name, title, location, and telephone number of an individual in the nursing home who is responsible for receiving complaints and conducting complaint investigations. Someone in the nursing home should be on duty 24 hours a day, 7 days a week to respond to complaints. You may wish to contact the facility representative or administrator before filing this complaint.

FILING A COMPLAINT

BHS must have the following minimum information to open a complaint:

- ▶ **Complainant's name, address, and telephone number**
- ▶ **Facility's name and location**
- ▶ **Resident/patient name and location**
- ▶ **Nature of complaint**
- ▶ **Date of incident**

The Michigan Department of Licensing and Regulatory Affairs (LARA) does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) of 1990.

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the designated ADA Title II Coordinator at (517) 241-1449.

Anyone may file a complaint against a licensed or certified health care facility by:

- ▶ Submitting the *BHS Online Complaint Form* on the Internet at <http://www.michigan.gov/bhs> by clicking “Health Systems & Licensing” (button in left-hand column), “Featured Services”, form title (in center of page),
- ▶ Completing and mailing a *Nursing Home Complaint Form* (BHS-OPS-361a)—for nursing homes only,
- ▶ Completing and mailing a *Health Facility Complaint Form* (BHS-OPS-361)—for health facilities other than nursing homes (see *Facility Types Investigated By LARA, BHS* below),
- ▶ Submitting a letter with at least the required complaint information shown above,
- ▶ Calling the toll-free Complaint Hotline at 1-800-882-6006 to file an oral complaint or with questions.

Mail written complaints to:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Health Systems, Complaint Investigation Unit
P. O. Box 30664
Lansing, MI 48909
Fax: 517-241-0093

NOTE: The name of a complainant and a resident named in a complaint are not disclosed to a nursing home during an investigation unless the complainant or resident consent in writing. However, the investigation can proceed more quickly if the complaint can be discussed at the time of the investigation. For other health care facilities, the name of the complainant and the charges contained in the complaint are a matter of public record. Health care facilities are not informed of the date and time an investigation will be conducted.

WHAT HAPPENS WHEN A COMPLAINT IS FILED

1. The Complaint Unit receives an oral or written complaint.
2. A complaint number is assigned, priority determined, and an acknowledgment mailed to the complainant.
3. The complaint is assigned to an investigator.

4. An investigator contacts the complainant to discuss the allegations.
5. The investigator conducts an investigation.
6. The investigator contacts the complainant to discuss the findings.
7. A written report explaining the findings is sent to the complainant with instructions on how to request a review if dissatisfied with the findings.
8. Findings are sent to the facility. If the complaint is substantiated, the facility is informed of any penalties that apply and the requirement to take corrective action.

FACILITY TYPES INVESTIGATED BY LARA, BHS

- ▶ **ASC – Ambulatory Surgical Center**
Medicare certified facilities which operate only for the purpose of providing surgical services to patients not requiring hospitalization.
- ▶ **CMCF – County Medical Care Facility**
Nursing care facilities owned and operated by a county, that provide long term nursing care, rehabilitation, and medical treatment.
- ▶ **CORF – Comprehensive Outpatient Rehabilitation Facility**
Nonresidential facilities that provide diagnostic, therapeutic and restorative services to outpatients by or under the supervision of a physician.
- ▶ **EMS – Emergency Medical Services**
Coverage of emergency medical services provided to patients and all forms of emergency medical services transportation.
- ▶ **ESRD – End Stage Renal Disease Facility**
Medicare certified suppliers of renal disease services, including renal (kidney) transplants, dialysis, and various diagnostic, therapeutic, and rehabilitative services.

- ▶ **FSOF – Freestanding Surgical Outpatient Facility**
Facilities, other than the office of a physician, dentist, podiatrist, or other private practice office, that offer surgical procedures and related care that is performed without requiring overnight inpatient hospital care and is not operated as part of a hospital. It does not include a surgical outpatient facility owned by and operated as part of a hospital.
- ▶ **FS-ASC – Freestanding Surgical Outpatient Facility/Ambulatory Surgical Center**
Facilities that are both licensed as an FSOF and certified as an ASC.
- ▶ **HHA – Home Health Agencies**
Organizations that provide skilled nursing and other therapeutic services to patients in their own homes.
- ▶ **HLTU – Hospital Long-Term Care Units**
Nursing care facilities owned and operated by and as part of a hospital, providing long-term nursing care and medical treatment.
- ▶ **HOSP – Hospitals**
Facilities offering inpatient, overnight care, emergency room services, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily director or supervision of a physician. The term does not include a hospital licensed or operated by the Department of Community Health or a hospital operated by the Department of Corrections.
- ▶ **HSPC – Hospice**
Health care programs that provide a coordinated set of services at home or in outpatient or institutional settings for individuals suffering from a terminal disease or condition.
- ▶ **NH – Nursing Home**
Nursing care facilities other than a hospital long-term care unit or a county medical care facility, that provide long-term nursing care, rehabilitation, and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity. It does not include units in state correctional facilities, hospitals, veteran’s facilities, or hospices.
- ▶ **OPT – Outpatient Physical Therapy/Occupational Therapy and/or Speech Pathology Services**

Rehabilitation agencies, clinics or public health agencies which provide outpatient physical therapy, occupational therapy, and/or speech pathology services.

- ▶ **PSYCH HOSP – Psychiatric Hospitals and Units**
Inpatient services offered for observation, diagnosis, active treatment, and overnight care of persons with a mental disease, or with a chronic mental disease or condition requiring the daily direction or supervision of a physician.
- ▶ **RHC – Rural Health Clinic**
Medicare certified clinics located in a rural area. These clinics are typically staffed by a physician assistant supervised by a physician and may include mobile units.
- ▶ **RS – Radiation Safety**
Cover the registration and inspection of x-ray facilities and machines; mammography machines, medical and non-medical radiation machines, PET cyclotrons, research cyclotrons; approval of radiation shielding design; investigation of radiation incidents involving excessive radiation doses to workers and misadministrations of therapeutic x-ray, electron beam, or neutron beam radiation doses to patients.
- ▶ **X-Ray – Portable X-Ray Services (X-RAY)**
Suppliers of diagnostic x-ray services furnished in a patient's home.

OTHER AGENCIES THAT HELP CITIZENS WITH HEALTH FACILITY COMPLAINTS

Citizens for Better Care (CBC)

CBC is an advocacy group for nursing home residents and families.

Detroit 1-800-833-9548/313-832-6387

Website: <http://www.cbcmi.org>

Centers for Medicare & Medicaid Services (CMS)

The official U.S. government site for people with Medicare which includes nursing home comparisons and nursing home inspection reports and other information.

Website: <http://www.medicare.gov/>

Department of Attorney General (AG)

The Attorney General investigates elder abuse and Medicaid fraud.

Toll-free number: 1-800-242-2873

Website: <http://www.michigan.gov/ag/> (to file an online complaint with A.G.)

Michigan Department of LARA, Bureau of Construction Codes, Office of Fire Safety

Investigates complaints concerning health care facility physical plant problems.

(517) 322-1162

Department of Human Services (DHS) formerly FIA

Investigates complaints against Homes for the Aged and Adult Foster Care Facilities.

Toll free: 1-866-856-0126

Website: [Adult Foster Care and Homes for the Aged](#)

Michigan Department of LARA, Bureau of Health Professions (BHP)

Receives complaints against individual health care professionals, such as doctors, nurses, social workers and nursing home administrators. Forms can be requested at:

(517) 373-9196; by e-mail at bhpinfo@michigan.gov and

BHP Complaint & Allegation website: <http://www.michigan.gov/healthlicense> (click on “file a complaint”).

Michigan Protection & Advocacy Service (MPAS)

MPAS can tell you who you should call to report abuse/neglect, help you file a complaint, or investigate an abuse/neglect allegation.

Toll-free number: 1-800-288-5923

Website: <http://www.mpas.org/>.

State Long Term Care Ombudsman

State long term care ombudsman will help identify, investigate and help resolve complaints of residents of licensed long-term care facilities through its network of local ombudsmen.

Toll-free Number: 1-866-485-9393