



Public Forum

Protecting Your Health

The Bureau of Health Professions

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Filing an Allegation Against a Health Care Professional

At some point, everyone will require, and benefit from, the services provided by a health care professional.

Unfortunately, there will also be occasions when a health care professional may fail to provide the quality of care that you expect and are entitled to as a resident of the state of Michigan.

Susan Rose, D.O., former chairperson of the Michigan Board of Osteopathic Medicine and Surgery, member of the Board of Directors of the Federation of State Medical Boards, and medical consultant to the bureau, says, "It is important that the public come forth with information on medical care that may not meet the standard of care or may violate the Public Health Code. It may allow the department to remedy a situation, thus potentially protecting other patients."



The mission of the Bureau of Health Professions is to protect the health, safety and welfare of the citizens of Michigan through enforcement of laws involving the licensing and regulation of health professionals. As part of the mission, the Bureau of Health Professions has prepared a document entitled

[*A Citizen's Guide to Filing an Allegation against a Health Care Professional.*](#) This document answers many of the questions that consumers frequently ask when they are considering filing an "allegation" against a health care professional.

When someone "alleges" that a health care professional violated the Public

Health Code, and notifies our office, we consider that an "allegation". If the state finds that the "allegation" has merit, it prepares a document called an "administrative complaint", and serves it on the licensee.

All allegations must be in writing; the bureau provides forms that can be used, or you may write a letter outlining the details of the problem you experienced. Since the bureau needs written permission from you to obtain copies of your patient records, it is best to contact our office and request the [allegation packet](#). The packet includes the allegation form, a treatment data form and a form that authorizes us to obtain copies of pertinent patient records. The bureau does not have the authority to resolve fee disputes or personality conflicts between patients and their health care providers.

After the allegation is received, several steps are taken to process the information, as follows:

1. Bureau staff review the allegation to determine if a violation of the Public Health Code may have occurred. The bureau will either request authorization from the board chairperson (or their designee) to investigate the allegation, close the allegation with no further action, or close and refer the matter to another state agency if the matter is outside of our jurisdiction.
2. If an investigation is authorized by the board, an investigator will interview witnesses and collect evidence related to the allegation. If the evidence does not support the allegation, the case will be closed.

3. If the evidence suggests that a violation of the Public Health Code may have occurred, an administrative complaint is mailed to the licensee.
4. At this point, the licensee may request a settlement conference. This is similar to a plea bargain in a court case and is an opportunity for the licensee to reach a settlement without having to address the issue at a hearing. The settlement may involve a sanction, which could include being fined, placed on probation, or suspended from practice. If an agreement is reached, the disciplinary subcommittee of the licensing board must approve the proposed settlement before it becomes final. If a settlement is not reached, or if the disciplinary subcommittee

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rejects the proposed settlement, the case proceeds to an administrative hearing.

5. A hearing is held to determine the facts of the case, what laws or rules apply, and whether the licensee violated the Public Health Code. After the hearing, the administrative law judge submits a proposed decision regarding the hearing for review and consideration by the disciplinary subcommittee.
6. The disciplinary subcommittee takes action. After reviewing the administrative law judge's proposal, the disciplinary subcommittee has the option of dismissing the administrative complaint, or taking disciplinary action against the licensee as allowed under the Public Health Code. The licensee has the right to appeal the disciplinary subcommittee's decision with the Michigan Court of Appeals.

During the last reporting period (October 2005 to September 2006), there were 3,121 allegations received, resulting in 831 investigations being authorized and 719 disciplinary actions taken. The most common allegations are related to diverting drugs, negligence of professional duties, substance abuse, or failing to meet requirements for continuing education.

Remember, we are here to help. If you have questions about filing an allegation with our office, the Allegation Section staff can be reached at 517-373-9196.

Disciplinary Action Reports Available

The bureau is required by law to publish lists of disciplinary actions imposed on health professionals in Michigan. You can take advantage of this law to check on health professionals in your area by visiting our website at www.michigan.gov/healthlicense. From there, select the *Current Disciplinary Action Reports* link in the *Links* box. The reports include the licensee's name, profession, city & state of record, license number, the action taken (fine, reprimand, suspension, etc.), the date of the action and the reason for the action (negligence, sexual misconduct, criminal conviction, etc.). If you find something of interest, you can obtain copies of the pertinent documents by writing to:

Bureau of Health Professions
FOIA COORDINATOR
P.O. Box 30670
Lansing, MI 48909

Website Developments

The Bureau of Health Professions has three, soon to be four, websites other than the website most people visit www.michigan.gov/healthlicense. Last fall, the bureau launched two websites that pertain to areas other than licensing and regulation of health professionals.



One site, the *Michigan Healthcare Workforce Center* website www.michigan.gov/mhwc, contains information about healthcare

workforce initiatives, licensee survey results, workforce retention and activities of the Workforce Development, Research and Evaluation Section. The site also has links to career and employment resources, state and national news, articles and publications pertaining to workforce related issues and a section for international healthcare professionals.

The *Health Careers* website www.michigan.gov/healthcareers contains information about health careers, including professions not regulated by the state at this time, such as medical assistants, massage therapists, genetic counselors, and phlebotomists. It includes information about various occupations, pay scales, career profiles and videos, and where to get training for these occupations. It also includes a link to community colleges that are offering accelerated training programs throughout Michigan. If you are thinking about a job in health care, or know of someone else who may be interested, please share this information with them. You can even send your friends an ePostcard from the site to tell them about it.

The bureau also expanded upon, and improved the look of, the information that was already available about pain and symptom management www.michigan.gov/painmanagement. This site is for the general public and health professionals alike. The general public can get information about diseases and conditions that cause pain, medications for treating pain, and tools to search for a doctor or psychologist in your area that specializes in pain management. One section of the site is dedicated to end of life care issues.

This part of the site can provide you and your family members with information about pain management at the end of life, hospice and palliative care, forms for advanced directives, which are directions for your physician and loved ones about how you wish to be medically treated at the end of your life when you may not be able to express your wishes, living wills, and links to other interesting articles and publications. Health professionals can find information about Michigan's pain management laws, state and national guidelines and pain management information for the care of patients throughout the life span. Professionals can also access

numerous links to other important articles and publications.

Finally, the bureau is now completing a new website about patient safety. This site, like the pain management site, is for both the general public and health professionals. The public can learn about what a person can do to protect themselves and their family from medical and nursing errors in various health care settings. Information and tools are also available regarding how to avoid medication errors and how you can check on the status and history of your health care providers, nursing homes and home health

agencies. We believe this site will greatly assist and educate the public about this important issue. Health professionals will also find helpful information about what they can do to improve patient safety in their place of work, how to improve patient literacy, the importance of reporting errors, and the advantages of maintaining electronic medical records. We will also be posting patient safety success stories, shared with us by individual health professionals, office practices and other facilities.

Q&A

QUESTION & ANSWER

Question: I suspect that someone I know is abusing/selling drugs; who do I contact to report it?

Answer: It depends on who the person is. If the person is a health professional, you can contact the Health Professional Recovery Program (HPRP) at 1-800-453-3784. Depending on the information you provide to them, they may contact the licensee about assistance they can provide to them. If the licensee isn't willing to accept the help offered, the HPRP staff will report it to our office. If the person is a friend, relative, neighbor, or anyone who is not a licensed health professional, you should contact your local law enforcement agency, such as the city police or county sheriff department.

Caring for You!

“Care of the caregiver” is something you might not give a lot of thought to until it is time for you to care for a loved one who is unable to care for themselves. It can often be physically, emotionally, and financially challenging. Keep in mind that you must take care of yourself if you want to continue to be able to care for someone else. The Office of Services to the Aging has a section on their website, *Caregiver's Corner*, dedicated to providing information and support for caregivers. An informational booklet entitled [Hiring Paid Caregivers for In-Home Services](#), is especially helpful. The booklet is a valuable resource on hiring someone for household duties, personal care and health management. The booklet, along with other helpful information, can be viewed on their website [MI Seniors](#) or can be mailed to you by calling 517-373-8230.

Michigan Volunteer Registry

Did you know that Michigan has a [Michigan Volunteer Registry](#)? The registry is not just for health professionals and law enforcement, but also for anyone who wants to volunteer to help in the event of a natural or public emergency. It is also used to register and notify the food industry of possible health hazards.

By adding your name and information to the Registry, you are indicating your willingness to volunteer your time and skills in an emergency.

Registering does not obligate you to volunteer. If you are interested or want to know more about the Registry, visit their website at www.mivolunteerregistry.org/.

Receive Future Editions Automatically

Do you find the information contained in this newsletter helpful? If so, you can sign up to receive future editions automatically, free of charge (electronically only). Just go to www.michigan.gov/healthlicense and select the *Public Forum Newsletter* link in the *Spotlight* box. It's that easy!



MI Prescription Drug Price Finder

If you don't have prescription drug insurance coverage, the [MI Prescription Drug Prices](#) website can help you to find the best price, for the top 150 prescribed medications, in your area. Just enter your zip code or city, the name of the medication and the distance from your home you are willing to travel. A list of all pharmacies in the area you specified and the price they charge for the medication will be listed. You will probably find that there is a significant difference in the price of your medications, depending on where you shop.



CONTACTING THE BUREAU OF HEALTH PROFESSIONS

By Mail:

Bureau of Health Professions
P.O. Box 30670
Lansing, MI 48909-8170

By Phone:

(517) 373-8068

Website:

www.michigan.gov/healthlicense

This newsletter is a periodic publication of the Department of Community Health/Bureau of Health Professions.

Melanie Brim, Director
Bureau of Health Professions

Readers' comments are invited. Please e-mail comments and suggestions to the editor at: dalyman@michigan.gov or write to Public Forum Editor, Doreen Lyman, Bureau of Health Professions, P.O. Box 30670, Lansing, MI 48909.

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