

## Complaint Process

**POLICY:** It is the policy of the Board of Licensure in Medicine (Board) that the following process shall be employed regarding filings of complaints, responses to complaints, replies, and requests for reconsideration of Board complaint disposition determinations:

1. Upon receipt of a complaint, Board staff shall notify the licensee of the complaint as soon as possible, and in no event later than 60 days after receipt of the complaint.
2. If a complainant requests to withdraw the complaint prior to the licensee receiving notification, the complaint will be reviewed by the executive director, medical director, and AAG assigned to the Board. If they agree the complaint can be withdrawn, the complaint will be withdrawn and voided. If there is not agreement to allow withdrawal, the licensee will be notified of the complaint and the complainant's request to withdraw.
3. The licensee must provide a written response, together with any supporting or requested documentation, to the complaint within 30 days after receiving the complaint. This is the licensee's only opportunity to provide a response prior to Board review. The Board urges licensees to submit responses that address all issues in the complaint.
  - a. With good cause, licensees may request, and staff may grant, a thirty (30) day extension. Any additional requests for extensions must be approved by the Executive Director and will only be approved in extreme circumstances. Complaints that have not been answered by the licensees within the appropriate time frame will be presented to the Board at the next available Board meeting for Board Action.
4. Board staff shall share the licensee's written response with the complainant unless it would be detrimental to the health of the complainant or the complainant does not have legal authority to access the confidential medical information of the patient involved in the complaint.
5. If the licensee's written response is provided to the complainant, the complainant has the opportunity to submit a rebuttal to the licensee's response within 10 days of receipt thereof, unless an extension of time to provide a rebuttal has been granted.

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6. Following receipt of the rebuttal, if any, the matter will be placed on an agenda for consideration by the Board.
7. If received prior to sending the complaint file to the Board for review, additional submissions or information from either the licensee or the complainant will be included in the information provided to the Board for initial review of the complaint.
8. Additional submissions or information from either the licensee or the complainant received after the file has been sent to the Board for review will **not** be provided to the Board unless the Board votes to investigate further. Additional information would be provided at the next Board review.
9. The complainant and licensee will be notified that the complaint has been added to the Board meeting agenda the Friday before the Board meeting. In addition, the licensee will be provided with a copy of the Board file.
10. Investigative information gathered at the request of or on behalf of the Board, including but not limited to expert review reports or section 3286 evaluation reports, will not be shared with the licensee until the file is sent as described in paragraph 9.
11. Requests for reconsideration of the Board's determination regarding the disposition of a complaint will not be presented to the Board unless the Board staff, in consultation with the Board's Assistant Attorney General, determines that the requesting party has provided new information that would likely impact a Board disposition and which could not otherwise have been provided to the Board prior to the disposition of the complaint.

**EFFECTIVE DATE:** April 9, 2024