

Sharing Licensee Responses with Complainants in Relation to Deceased Patients

POLICY: It is the policy of the Board of Licensure in Medicine (BOLIM) that responses to complaints are shared with complainants in relation to patients who are deceased under the following circumstances:

- The complainant is the Personal Representative of the patient's estate and has the documentation from the Probate Court verifying this legal status, which is confirmed through the Probate Court; or
- The patient had a duly executed power of attorney granting the complainant the ability to access the patient's medical information and make decisions with respect to the patient's health care, which is documented in the patient's medical records and was effective and not withdrawn throughout the period of care complained about.

EFFECTIVE DATE: April 14, 2026

HISTORY: BOLIM has received a number of complaints from family members of, and others with relationships to, deceased individuals. Some of those individuals had been granted power of attorney with respect to health care decision-making by the complainant while the patient was alive. Previously, the Board relied solely on the complainant's status as determined by the Probate Court. However, BOLIM reviewed this issue in light of BOLIM's intentions to best perform its statutory duties and functions to: (a) share licensee's responses with complainants; (b) ensure the appropriate privacy of patient medical information is maintained among only those with legal or the patient's documented authorization to receive it; (c) thoroughly investigate all complaints, including gathering all relevant information from those individuals with the best knowledge of events in each complaint, which often includes obtaining relevant information from complainants via the usual rebuttal process rather than by witness interview. Upon consideration, BOLIM determined that sharing the licensee's response with a person who demonstrates they held, and the patient's medical records confirm they held, the health care power of attorney of a deceased individual throughout the time of the care complained about will best accomplish the Board's statutory duties to protect the public and thoroughly investigate complaints regarding the Board's licensees.