# Complaints & Grievances: Tips Sheet

Within your hospital's Patient Rights **OR** the Resolution Letter, you <u>must give</u> the patient the name, address & phone number to the Federal/State agency if they wish to further pursue their grievance.

- **U.S. Department of Health and Human Services**
  Office for Civil Rights
  200 Independence Avenue, SW
  Room 509F, HHH Building
  Washington, D.C. 20201
  **Toll-free**: (800) 368-1019 **TDD toll-free**: (800) 537-7697

- **OCR Regional Offices:** Southeast Region - (AL, FL, GA, **KY**, MS, NC, SC, TN)
  Barbara Stampul, Regional Manager
  Office for Civil Rights
  U.S. Department of Health and Human Services
  Sam Nunn Atlanta Federal Center, Suite 16T70
  61 Forsyth Street, S.W.
  Atlanta, GA 30303-8909
  **Customer Response Center**: (800) 368-1019 **Fax:** (202) 619-3818 **TDD :**(800) 537-7697
  **Email:** [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

- **Educate & Empower Staff**: **All staff** should understand the grievance process & be able to distinguish between a complaint & a grievance. Train staff to proactively solve minor problems before they escalate. Ensure all staff are educated on the facility's grievance process & know how to direct grievances to the appropriate personnel. Emphasize the importance of empathy & clear communication.
- **Ensure Confidentiality & Compliance**: Must adhere to protect patient confidentiality & comply with Health Insurance Portability & Accountability Act (HIPAA).
- **Be Sincere & Collaborative**: Avoid offering excuses. Use sincere, non-adversarial, & collaborative language. **Don't** use defensive phrasing, as it can make the complainant feel undervalued & unheard. Maintain a professional tone & avoid confrontation.
- **Acknowledge & Apologize**: Acknowledge receipt of the complaint & thank the patient for bringing it to your attention. You may include an apology for their experience **without** implying fault or wrongdoing.  **Example**: "Thank you for taking the time to write to me & bringing this matter to my attention. I am sorry to hear that you were unhappy with your recent emergency room visit on..."
- **Focus on Improvement**: Use clear, concise, & understandable language, avoiding medical jargon or provide layman's terms in parentheses if necessary. Avoid long words, sentences, & paragraphs.
- **Avoid Certain Comments**: **Don't** comment on whether the standard of care was breached or if there was non-compliance with policies. Avoid Platitudes. **Don't** make promises you may not keep (e.g. 'It will be OK' or "I'll fix this'). Only address actions that have been/will be taken to make improvements. Avoid using policies & procedures as excuses.
- **Handle Aggressive Complaints Carefully**: When dealing with aggressive or prolonged complaints.  Consult legal &/or risk management.

- **Protect Staff Information**: **Don't** disclose information about staff performance (e.g., the nurse who was short with them was fired).
- **Empathize with the Patient**: When writing your response, imagine yourself in the patient's shoes. Consider their experience, knowledge about medical matters, & how your words will make them feel. Aim to add to their understanding of the situation & help them psychologically heal.
- **Avoid Certain Words**:
  - **Alleged:** Can imply doubt about the patient's experience.
  - **You should have:** Can come off as blaming the patient.
  - **Policy or Procedure:** Can make the response feel impersonal and call attention that policy has been violated.
  - **Unfortunately:** Can sound dismissive.
  - **Misunderstanding:** Can invalidate the patient's feelings.
  - **No or Cannot:** Can shut down the conversation.
  - **Mistake:** Admitting a mistake w/o a resolution plan can increase dissatisfaction.
  - **If:** Using "if" in apologies can make them seem insincere.
- **Use Positive Language**: Avoid negative words like "Investigation," "Complaint," or "Inquiry". Instead, use positive terms such as "Review," "Discovery," "Process," and "Concerns."
- Understand Your **Patient Safety Organization (PSO):** A PSO gathers & examines data voluntarily provided by healthcare providers to enhance patient safety & healthcare quality. PSOs offer a legally secure environment where healthcare organizations can report, compile, & analyze data without the risk of legal liability or professional sanctions. Working with a PSO can help hospitals identify & reduce risks & hazards associated with patient care. They provide feedback aimed at preventing future patient safety events
- **Patient Safety Work Product (PSWP)** encompasses any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements that are created or developed by a healthcare provider for submission to a PSO & are reported to a PSO.

**References:**

[Guidance: Drafting a Written Response to a Patient Complaint or Grievance | Physicians Insurance (phyins.com)](phyins.com)

https://www.ecri.org/components/HRC/Pages/PtSup1.aspx?tab=2

https://monashhealth.org/wp-content/uploads/2019/03/Best-Practice-Written-Response-to-Complaints-Dec-2015-final.pdf

https://www.vmfh.org/content/dam/vmfhorg/pdf/legacy-chi/website-files/medical-staff/files/phys-orientation/ComplaintAndGrievanceManagement2018.09.07.pdf

https://www.caseiq.com/resources/how-to-respond-to-a-patient-complaint-letter/

[Patient Safety Organizations Program | Agency for Healthcare Research and Quality (ahrq.gov)](ahrq.gov)

[Home | PSO (ahrq.gov)](ahrq.gov)