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Title: Disposition of Complaints

Introduced by: Narasimha Gundamraj MD, for the Ingham County Delegation, Christopher J. Allen, MD, for the Saginaw County Delegation, and Evelyn Eccles, MD, for the Washtenaw County Delegation

Original Author: Evelyn Eccles, MD

Referred To:

House Action:

Whereas, MSMS and/or county societies have a duty to investigate complaints brought against one of their members involving ethical or medical behavior, and

Whereas, in the event that such a complaint is brought, component societies will initiate such investigation with the understanding that should legal advice be needed, they will have the support of MSMS legal counsel, and that their decisions may be reviewed by the MSMS Judicial Committee, and

Whereas, MSMS and/or county societies do not have a duty to investigate or adjudicate complaints that do not involve one or more of its members, and such complaints if they involve a physician who is not a member of MSMS or county society should be referred to LARA for disposition, and

Whereas, in the event that a complaint is brought against a member but the complaint is unrelated to and does not involve any aspect of that member’s medical practice, it should not be referred for disposition by MSMS to the county society in which the alleged activity occurred, but should be dismissed by MSMS, and

Whereas, referral by MSMS of a complaint to the county society for disposition when the dispute does not involve a county society member or is not related to medical practice or patient care, places an unnecessary expectation, administrative, and financial burden on that society; therefore be it

RESOLVED: That MSMS shall provide legal counsel and knowledgeable staff to the county medical society whenever a complaint is received involving a physician member in said county related to medical practice and/or medical ethics.

WAYS AND MEANS COMMITTEE FISCAL NOTE: Resolutions requiring external consultants - \$50,000+

STATEMENT OF URGENCY: Complaints are considered as regular medical society business. A standard, clear practice should be developed and communicated to protect the medical societies and members.

Relevant MSMS Policy:

Judicial Commission Complaint Process

1. MSMS staff receive inquires from patients or physicians about filing a complaint for a physician, nurse, hospital, or any other healthcare facility.
2. If the complaint is about a physician, the staff member verifies that the physician is a MSMS member. If the physician is a member, the staff member explains that the Judicial Commission process is a peer review process which starts with the county society peer review committee. We encourage the complainant to personally discuss the issue with the physician. Finally, the staff member explains that the MSMS Judicial Commission does not have jurisdiction to award money damages, revoke, restrict or limit a physician’s license.
3. Many times, when the complainant realizes it is a peer review process only, they decide not to proceed. If they decide to proceed, the staff member sends a complaint form to gather further information. The complainant has 30 days to submit the form with the detailed information.
4. Once the form is received by MSMS, the MSMS staff member determines the appropriate county medical society (CMS) who should review the complaint and forwards the information to that CMS. If there is not an active county medical society, the MSMS Judicial Commission reviews the complaint.
5. Each CMS has their own process for reviewing a complaint. The MSMS staff member stays in touch with the CMS staff member asking for updates.
6. Once the CMS peer review process makes their determination, they send information about the final decision to the MSMS staff member.
7. The MSMS staff member notifies the Judicial Commission chair about the decision. The Chair decides how the full Commission will be notified of the complaint.

Statistics on Complaints

Year	Forms Mailed	Forms Received	Full Complaint Process
2016	2	0	0
2017	1	1	1
2018	3	0	0
2019	1	0	0
2020	3	2	2

Relevant AMA Policy:

None