

**Commonwealth
of
Massachusetts**

**COMMITTEE
ON
ACUPUNCTURE**

**A Consumer's Guide
To the
Complaint Process**

INTRODUCTION

Sometimes, health care services can fall below a patient's expectations. As a consumer, you should know what you can do to ensure that you receive quality health care. This means knowing what to do when the care you receive is not of the quality you deserve.

Did you know that the Massachusetts Board of Registration in Medicine's Committee on Acupuncture is a state agency that:

licenses acupuncturists;
regulates acupuncturists; and
reviews and investigates complaints about acupuncturists, including quality of care and competency issues?

This Guide is designed to answer some of the questions you might have about the complaint process. It is not intended to describe every circumstance or potential outcome. It is hoped that you will contact the Consumer Protection Unit when you have legitimate concerns about your acupuncturist or other acupuncturists.

Consumer complaints are an important source of information about the competency of acupuncturists and the quality of care they provide. Complaints also show Board officials that consumers are watching the actions the Committee takes on behalf of the public.

QUESTIONS AND ANSWERS ABOUT THE COMPLAINT PROCESS

How do I file a complaint?

You can file a complaint against Massachusetts acupuncturists by submitting a complaint form to the Board of Registration in Medicine. The complaint form can be downloaded from the Board's web site at: www.mass.gov/massmedboard. You may also call the Board's Consumer Protection Unit at (781) 876-8200 and request that a complaint form be mailed to you.

What kind of information should I provide?

When filing your complaint, please be as specific as possible about what the acupuncturist did or failed to do that caused you to file the complaint. Be sure to include the acupuncturist's full name as well as your contact information. You may provide any additional material you think is relevant to the complaint. Please do not send original documents, objects, tapes, CD's or X-rays.

Will the acupuncturist know I filed a complaint?

Yes, the acupuncturist will know that you are the complainant.

Will my complaint be investigated?

All complaints are initially reviewed to determine if there may be a violation of law or regulation. Not all complaints will be investigated. For example, the Committee does not investigate billing disputes. Often patients are unhappy with the care they have received. However, a poor outcome or rude behavior does not always mean that a acupuncturist should be investigated or disciplined.

How long does the investigation take?

The process may take up to six months. When the determination is made that a complaint requires investigation, the complaint may be sent to the acupuncturist for a response. The acupuncturist is asked to address the issues raised in the complaint and is given thirty days to submit a response.

Depending on the nature of the complaint, some cases may be assigned to an investigative team typically comprised of an attorney and an investigator or a nurse investigator. If that happens, you will be notified that the case has been assigned. These cases often take much more time to investigate.

What happens if my complaint is not investigated?

If your complaint is not going to be investigated, you will be notified. The acupuncturist will also be notified and will receive a copy of the information you provided to the Board.

What can I expect to happen with my complaint?

After the investigation has been completed, the information is presented to the Complaint Subcommittee. The Complaint Subcommittee is comprised of two Committee on Acupuncture members. The Complaint Subcommittee can take various actions including closing the complaint or closing the complaint with a letter of comment to the acupuncturist offering suggestions regarding issues raised in your complaint.

Complainants and acupuncturists are notified of the Complaint Subcommittee's decision to close a complaint.

The Complaint Subcommittee may make a recommendation to the Committee on Acupuncture that the acupuncturist be disciplined.

What happens if the Complaint Subcommittee recommends discipline?

The acupuncturist may choose to resolve the case and accept the discipline. The negotiated settlement agreement between the acupuncturist and the Committee is called a Consent Order. In the Consent Order, the acupuncturist admits that she committed certain acts, that she violated the law, and that she accepts a sanction against her license.

If the acupuncturist decides to contest the allegations, there may be an administrative hearing at the Division of Administrative Law Appeals.

Will I have to testify at the hearing?

In the event of a hearing, it might be necessary for you to testify. Board staff will keep you informed throughout the process.

Is my complaint public?

After the Committee concludes its investigation, certain information may be available to the public. All your personal identifiers will be withheld from any public information.

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