

## **REMO COMPLAINT PROCEDURES**

The following procedure has been established in order to handle complaints concerning participating organizations, or individual participants such as CFRs, EMTs, Advanced EMTs, Nurses, and Physicians involved in pre-hospital care in the REMO region.

Complaints can be made by a patient, the public, participating organizations or individual participants, including REMO staff members. All such complaints should be written, signed and delivered to the REMO Executive Director or his/her designee.

Appropriate grounds for complaints include, but are not limited to:

1. Practicing without proper NYS or REMO certification,
2. Deviation from the REMO Manual, including REMO Protocols, Procedures, Medication Schedule, and Policies, as well as interim updates from the Regional Medical Advisory Committee (REMAC),
3. Unprofessional conduct:
  - A. Disrespect towards patients, families or fellow providers,
  - B. Being under the influence of alcohol or any other drug affecting physical coordination or intellectual functions while on duty,
  - C. Breaking a patient's confidentiality,
4. Immoral or indecent behavior,
5. Being found guilty of fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of his/her duties and practice,
6. Falsification of records,
7. Receiving a conviction of any crime or crimes (felony or misdemeanor) or violation of the NY State Public Health Law and those requirements included in Chapter VI, Title 10, Part 800 of the NY State Codes, Rules and Regulations, or
8. Allowing a pre-hospital care provider certified at a lower level to perform skills restricted to individuals holding a higher level of certification, unless the pre-hospital care provider has been specifically assigned to him/her to be an intern or credentialing candidate in a formal internship or credentialing program.

**COMPLAINT PROCEDURES  
(Continued)**

Complaints will be handled by the following process:

1. A written, signed complaint is delivered to the REMO Executive Director or his/her designee at the REMO offices. No complaints will be accepted by email or fax delivery. All complaints must have an original signature.
2. The REMO Executive Director or his/her designee shall notify the named organization, Pre-hospital Care Provider, Nurse or Physician of the complaint by Certified U.S. Mail, return receipt requested, within two business days of receipt of complaint. The Executive Director or his/her designee may at his/her discretion contact the accused by telephone and confer with the named party privately regarding the allegations.
3. The REMO Executive Director or his/her designee shall notify the REMO Medical Director of the complaint as soon as possible after receipt of the complaint.
4. The REMO Executive Director or his/her designee shall notify the ALS Coordinator/supervisor at the primary agency/institution as listed by the accused by regular U.S. Mail. The REMO Executive Director or his/her designee shall also notify the ALS Coordinator/supervisor at all other agencies listed by the accused as non-primary agencies/institutions by Regular U.S. Mail.
5. The REMO office staff shall fully investigate the complaint. The investigation shall be concluded within fourteen business days of the receipt of the complaint. The results of the investigation shall be reported to the REMO Medical Director.
6. The Executive Director and Medical Director, in consultation with the QI Coordinator, will determine if a Board of Inquiry shall be convened. All relevant factors will be considered when deciding whether or not to convene a Board of Inquiry. These factors include but are not limited to the facts of the complaint, the nature of the investigation, the nature of the infraction, information in the file of the named organization, Pre-hospital Care Provider, Nurse or Physician at REMO, and any other information available. If no Board of Inquiry is convened then the information will be presented to the next regularly scheduled meeting of the REMAC in an Executive Session for review.
7. If deemed necessary, a Board of Inquiry shall be convened within twenty-one business days of the receipt of the complaint. The Board of Inquiry shall consist of one physician member who regularly sits on the REMAC and two other members. The second member will be a pre-hospital care provider who is on-line in the REMO region and randomly selected from the list of on-line providers maintained in the REMO office. The third member shall be a health care provider

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of the same certification level as the accused and randomly selected from the database of health care providers on file at the REMO office. No member of the agency or institution involved in the complaint or incident shall be appointed to the Board of Inquiry. Additionally, no member of the REMO staff will be a part of the Board of Inquiry.

8. The Board of Inquiry shall meet with the accused and review all information relevant to the complaint. The Board of Inquiry may hear from witnesses and receive evidence. The Board of Inquiry may request a REMO staff member be in attendance to present the case on behalf of REMO. The accused may also present witnesses and evidence in support of his/her position.
9. The Board of Inquiry will determine the facts of the matter and make a report to the Medical Director and Executive Director within two business days of the fact finding meeting.
10. The Medical Director and Executive Director shall determine the appropriate disposition of the matter based upon the findings of the Board of Inquiry and all other relevant factors. The other relevant factors shall include, but is not limited to, information in the file of the named organization, Pre-hospital Care Provider, Nurse or Physician at REMO, consultation with the QI Coordinator and any other information available.
11. The accused will be informed of the decision of the Medical Director and Executive Director by Certified U.S. Mail, return receipt requested, within two business days after receipt of the report of the Board of Inquiry.
12. The information will be presented to the next regularly scheduled meeting of the REMAC in an Executive Session. At this REMAC meeting, the accused shall have the right to petition the Committee for relief of the disposition imposed by the Medical Director and Executive Director. The REMAC will hear the appeal from the parties and decide whether to uphold, or modify, or overturn the decision of the Medical Director and Executive Director. In the event the accused does not petition the REMAC for relief, the matter shall be presented to the REMAC for informational purposes and affirmation by the committee.
13. In the event the REMAC is not scheduled to meet in the following month during the regular time period, the accused may request that the REMAC be convened on the first Wednesday of the following month to address this issue (when the REMAC would have normally met). This will only occur if the REMAC is on a summer or winter break. A special meeting will not be convened when a meeting would not have ordinarily occurred.
14. From time to time and due to circumstances beyond our control, the REMAC is unable to attain a quorum. In the event the REMAC is unable to attain a quorum the accused shall have the option of rescheduling the matter for the next regularly

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scheduled meeting of the REMAC or in the alternative the parties may select three physician members of the REMAC who have not been involved in the process to date to serve as a review board. The review board will hear the appeal from the parties within seven days and decide whether to uphold or modify or overturn the decision of the Medical Director and Executive Director.

15. The REMO Executive Director or his/her designee shall notify the ALS Coordinator/supervisor at the primary agency/institution as listed by the accused by regular U.S. Mail of the final disposition of the action. The REMO Executive Director or his/her designee shall also notify the ALS Coordinator/supervisor at all other agencies listed by the accused as non-primary agencies/institutions by Regular U.S. Mail of the final disposition of the action. The REMO Executive Director or his/her designee may, depending upon the circumstances, notify the complainant.
16. Decisions of the REMAC may be appealed pursuant to Public Health Law Section 3004-A.
17. All time periods referred herein are business days and do not include Saturday, Sunday or Legal Holidays.
18. Notices are considered delivered when postmarked.
19. Either the Medical Director or the Executive Director may self-appoint a designee to serve in their place for the process of this disciplinary process. Neither needs to state a reason for this, but recusal for personal reasons or temporal constraints is possible and reasonable.