



# THE CITIZEN COMPLAINT PROCESS

## WHO MAY FILE A COMPLAINT?

Anyone may file a complaint with the Texas Medical Board against a **Physician**, either an **M.D. or a D.O.**, a **Physician's Assistant, Acupuncturist, Respiratory Care Practitioner, Medical Radiologic Technologist, Medical Physicists, and Perfusionists.**

## HOW DO I FILE A COMPLAINT?

**A complaint must be submitted in writing.** You may use this form for that purpose.

## HOW ARE COMPLAINTS INVESTIGATED AND WILL I BE TOLD THE STATUS OF MY COMPLAINT?

First, a determination must be made that the Board has authority (jurisdiction) to act on the complaint. The complaint is then reviewed to determine if a violation of the Occupations Code (Medical Practices Act) has occurred.

You will receive a letter regarding the status of your complaint in about 45 days following the initial review process. Should your complaint be outside the Board's jurisdiction, we will notify you.

If, the complaint is determined to be jurisdictional and a possible violation of the Occupations Code (MPA) has occurred, a formal investigation will be opened and assigned to a trained investigator. We will notify you of the status of your complaint approximately every 90 days, until final action is taken.

The investigator may contact you for additional information or to request a written statement. The investigation of your complaint should be completed in six months.

All investigative materials become a permanent part of the Board's investigative files and, as such, these materials are confidential and privileged by statute.

## WHAT COMPLAINTS ARE WITHIN THE BOARD'S JURISDICTION?

The most frequent types of consumer complaints are: (1) Professional incompetency. (2) Unprofessional conduct which may endanger the public. (3) Non-therapeutic prescribing/administering of a drug or treatment. (4) Inability to practice medicine by reason of mental or physical impairment (alcohol or chemical abuse, mental or physical condition).

## WHAT COMPLAINTS DO NOT FALL WITHIN THE BOARD'S JURISDICTION?

Rudeness complaints. These issues can be directed to your local Medical or Osteopathic Society.

**Complaints against doctors who are not M.D.'s or D.O.'s and complaints regarding other health care providers or hospitals.** Such complaints should be directed to the appropriate state licensing agency.

The unlicensed practice of medicine is a criminal violation. Complaints of unlicensed practice should be referred to the Attorney General, Consumer Protection Division or to your local police department.

Insurance billing complaints should be referred to the Texas Department of Insurance.

Workers Compensation complaints should be referred to the Texas Workers' Compensation Commission.

## WHAT ACTION CAN THE BOARD TAKE?

If we lack sufficient evidence of a violation of a violation of the Medical Practice Act, Physician Assistant Licensing Act, Respiratory Care Act, or the Medical Radiologic Technologist Certification Act, then we will close the investigation and notify you.

If the investigation establishes that a practitioner violated the Medical Practice Act, Physician Assistant Licensing Act, Respiratory Care Act, or the Medical Radiologic Technologist Certification Act the Medical Board, Physician Assistant Board, Respiratory Care Board or the Medical Radiologic Technologist Board may order corrective procedures or disciplinary action ranging from a written reprimand to the most severe measure, revocation of license.

Information regarding how to obtain your medical records and many other subjects are available on our internet homepage, <http://www.tmb.state.tx.us> OR you may contact us by telephone regarding questions of the complaint process at: (512) 305-7100.