HE SAID; SHE SAID
How to Handle EMS Complaints

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EMS Medical Director
Philadelphia Fire Department
The Context

• EMS like any other business
• Some “customers” will be unhappy
• Agencies should anticipate complaints and have procedures to handle them
• Procedures need to address customer’s concerns, system shortcomings, and employees’ rights
Who Complains?

- Patients (53%)
- Medical personnel (19%)
- Family members or friends (12%)
- Others (16%)
  - EMS personnel from other services, bystanders, motorists, firefighters, police

What Do They Complain About?

• Rudeness (23%)
  – “Mean and nasty”

• Medical skills (20%)
  – “Carried mom like a sack of potatoes”

• Transport issues (18%)

• Lost items (13%)

• Others (26%)
  – Response time, driving, billing, etc.

What Do They Complain About?

- Rude or unprofessional conduct (34%),
- Didn't take patient to the hospital (19%)
- Medical care issues (13%)
- Lost/damaged property (11%)
- Others (23%)

Why Investigate Complaints?

• Our patients/citizens/taxpayers deserve to be heard
• May identify employee misconduct
  – Correction of behavior
  – Reduce potential liability to agency
• May identify system issues
• May identify misunderstanding/unrealistic expectations on part of public
Change

• Mayor Nutter’s administration asked departments to establish customer service standards and measures for redress.

• “We want our customers to have a clear understanding of what they can expect from their government as well as what the department will do if the standard is not met.”

PFD Customer Service Standards

• Priority Customer Service Standard
  – Complaints will be acknowledged in writing within 2 business days of their receipt.

• Redress:
  – Complainant will be contacted by phone by a chief officer or the head of the unit involved.
# PFD Customer Service Standards

## QUARTERLY

<table>
<thead>
<tr>
<th></th>
<th>Complaints</th>
<th>Medical</th>
<th>Operational</th>
<th>Attitudinal</th>
<th>Sustained</th>
<th>Percentage</th>
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<tbody>
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<td>FY 09</td>
<td></td>
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<td></td>
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<tr>
<td>1st Quarter</td>
<td>32</td>
<td>9</td>
<td>13</td>
<td>22</td>
<td>6</td>
<td>18%</td>
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<td>2nd Quarter</td>
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<td>14</td>
<td>14</td>
<td>26</td>
<td>6</td>
<td>14%</td>
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<tr>
<td>3rd Quarter</td>
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<td>4th Quarter</td>
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## MONTHLY

<table>
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<tr>
<th>2009</th>
<th>Complaints</th>
<th>Medical</th>
<th>Operational</th>
<th>Attitudinal</th>
<th>Sustained**</th>
<th>Letter†</th>
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<td>Total</td>
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** As of February 2, 2009, 12 complaints are still under investigation or awaiting disposition
†Acknowledgment letters sent within 2 days (1 complaint was received on a weekend)

## YTD COMPARISON

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<tr>
<th>Complaints</th>
<th>FY 2008</th>
<th>FY 2009</th>
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<td>1st Quarter</td>
<td>17</td>
<td>32</td>
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<tr>
<td>2nd Quarter</td>
<td>28</td>
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<td>3rd Quarter</td>
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<td>4th Quarter*</td>
<td>23</td>
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<tr>
<td>Total</td>
<td>100</td>
<td>73</td>
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PFD Customer Service Standards

**Fiscal Year to Date Data**

**Goal:** 100%

Complaints vs. Acknowledgement Letters
Sent in Two Business Days

<table>
<thead>
<tr>
<th>Month</th>
<th>Complaints</th>
<th>Letter in 2</th>
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<tbody>
<tr>
<td>JULY</td>
<td>8</td>
<td>2</td>
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<tr>
<td>AUGUST</td>
<td>12</td>
<td></td>
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<tr>
<td>SEPTEMBER</td>
<td>12</td>
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Three Month Comparison 2008
The Process

- Decide if the matter warrants a full investigation
  - Establish a threshold
- How will the complaint be accepted?
  - In writing, by phone, in person?
- Identify the keys issues in the complaint
The Process

• Who will do the investigation?
  – Unbiased, credible, trained for the role
  – Single, two, or more investigators?
  – The fewer the better
  • Cheaper, more consistent, less confusing
The Process

• How will interviews be conducted?
  – Preferably in person, especially complainant and accused
  – Visit the site of incident if possible
  – In a setting that respects confidentiality
  – In what order?
    • ? ① Complainant, ② Accused, ③ Witnesses
  – To tape or not?
    • Okay if all consent, and this is recorded
The Process

• What if unionized employee wants a representative present?
  – *Weingarten* Decision (1975) states a unionized employee has the right to union representation if interview *may reasonably be expected to* result in disciplinary action.
  – National Labor Relations Board (2004) ruled this does not apply to non-unionized workers.
The Conclusions

• Incident occurred as alleged
• The allegation is in part true
• The incidents occurred but employee was acting according to procedure
• Incident did not occur
• Unable to determine
The Conclusions – Philly Style

1. Sustained
2. Not Sustained
3. Exonerated
4. Unfounded
5. Unfounded with aggravating circumstances
6. Frivolous
7. Withdrawn
8. Suspended
9. Referred to…
The Conclusions – Philly Style

- FY 2008: 100 complaints
  - 217,000 EMS responses
- FY 2009 (1st two quarters): 73 complaints
  - 16% sustained
  - 32% medical
  - 37% operational
  - 66% attitudinal
The Disposition – Now What?

- Counseling
  - Who does this?
- Education/training
- What to do with “repeat offenders”
  - What if the complaints are not sustained
- Disciplinary action
Some Twists

• What if the employee wants to cross-examine the witness
• What if the employee wants to read the complainant's statement?
• What if the union wants to do its own investigation?
• Is there an appeal process?
  – Who has the final say?
Complaints Investigation:
The Good Side

- Makes agency responsive to shareholders
- Helps to identify issues with individual employees or system-wide
- Helps to identify misconceptions held by the public
- Protects agency
- Enhances overall service
Questions?