

Filing a Complaint

As the State's podiatric regulatory agency, the Board is responsible for protecting the public by ensuring that Doctors of Podiatric Medicine (DPM) practice in a competent manner. The Board accepts and investigates complaints against podiatrists only.

The Board DOES NOT have jurisdiction over the following:

- *Fee and Podiatry claim disputes*
- *Personality conflicts or rude behavior*
- *Scheduling (or lack of scheduling) of appointments*

Process Upon Board's Receipt of Complaint

Upon receipt of a complaint form, the staff notes the complaint in the Grievance log and a written acknowledgement of your complaint is sent via the U.S. Postal Service within a week of receiving the complaint. In addition, a copy of the complaint is sent to the Board's Grievance Committee for initial evaluation and investigation.

Review by Grievance Committee

The Grievance Committee investigates all complaints thoroughly and as expeditiously as possible. The entire process, however, can take from two (2) months to two (2) years—averaging six (6) months, depending upon the complexity of the issues involved. The Grievance Committee members will review the complaint and Podiatry records. The Grievance Committee may contact the complainant and/or the podiatrist for further information as part of their investigation of the complaint. Contact may include telephone calls, requests for additional documentation, and/or an in-person meeting with the Grievance Committee. The purpose of the Grievance Committee's investigation is to determine if there is "probable cause" of a violation of the Podiatry Practice Act—the state law that governs licensing of podiatrists. The acts deemed to be "probable cause" are listed in N.C.G.S. 90-202.8 of the Podiatry Practice Act, [available from our web site](#). If "probable cause" is determined, then the complaint is referred to the Board of Podiatry Examiners for a hearing in accordance with Chapter 150B of the Administrative Procedure Act of the General Statutes. Board and Grievance Committee members recuse themselves from any deliberations that may involve them or their practices. Any action of the Board in this regard is subject to judicial review as provided by Chapter 150B.

Since the members of the Grievance Committee (as well as the members of the Board) are volunteers who are highly respected podiatrists, their investigation may take several months. In addition, the investigation is confidential. Please be patient with this investigative process as we wish to afford due process under the law to anyone accused.

If the Grievance Committee members deem that there is no probable cause for a hearing based on the complaint, a letter will be sent to both the complainant and the podiatrist to that effect. A copy of the complaint is retained in the podiatrist's file should future complaints warrant additional investigation. Under state law, complainants have the right to be informed of the outcome of their complaints, even if it does not result in public discipline. However, a licensee's complaint history is confidential. State law prohibits the Board from saying whether patients have filed complaints about a particular practitioner.

Complaints from patients and others are the Board's single largest source of information about possible misconduct among its licensees. Each complaint is thoroughly evaluated to determine if a violation of Board policy or state law has occurred and, thus, may warrant formal discipline.

Action That May Be Taken By the Board:

The Board has the authority to discipline the podiatrist. The Board action may be in the form of a reprimand, license suspension, probation or revocation. The Board does not have the authority to make a podiatrist refund money, but a refund might be a condition of a consent agreement. Compensation for personal damages is *not* within the Board's authority.

COMPLAINT FAQs

- **What are the possible outcomes of a complaint?**

Complaints are most often resolved in one of three ways.

- No formal action. Typically, this is the result when no violation of the Podiatry Practice Act has occurred. However, the provider is notified and the information is kept on file. This allows the Board to spot recurrent issues or a pattern of behavior that may cause the Board to intervene in future.
- Private action is taken. There may be no violation of the Podiatry Practice Act that warrants public action, but the Board is nonetheless concerned about some aspect of the provider's conduct or performance. In such cases, the Board takes private action, such as a confidential letter of concern to the provider that cautions against repeating similar conduct. Alternatively, licensees may be brought before the Board for a private interview. The contents of the letter or interview are confidential.
- Public action is taken. In these cases, the Board determines there was a violation of the Podiatry Practice Act and takes formal public action. For example, this may be in the form of a public letter of concern, an order imposing conditions or restrictions on the license, a suspension of the licensee's authority to practice, or some other type of action.

- **Will filing a complaint resolve the problem I have with my provider?**

Most likely, no. The Board does not intervene on behalf of individual patients. Rather, it acts for the people of North Carolina at large. When the Board takes action against a provider, that action is aimed at preventing future problems and protecting future patients. Your complaint, therefore, can play a significant part in protecting the people of North Carolina from incompetent, unqualified, or unethical practitioners.

- **What are some examples of issues the Podiatry Board cannot address through the complaint process?**

Many issues that are important to consumers do not fall within the Board's jurisdiction because no violation of the Podiatry Practice Act is present. Employment or patient dismissal from a Podiatry practice, provided it complies with Board guidelines, does not violate the Act. Many financial and interpersonal issues also are outside the Board's reach. The Board cannot help a patient sue a provider for money, settle fee disputes, resolve issues about disability ratings and compensation, or mediate personality conflicts among patients, doctors, and office staff.

- **What kinds of issues can the Podiatry Board address through the complaint process?**

The Board is authorized to act only on complaints that may involve a violation of the Podiatry Practice Act, a state law that covers a wide range of misconduct. Three types of cases account for more than half of the Board's public actions against providers: Medicare/Medicaid insurance fraud, prescribing (either self-prescribing or improperly prescribing to others), and cases where a provider is impaired due to alcohol or substance abuse. Many other disciplinary cases fall under the broad category of "unprofessional or unethical conduct", such as violating patient confidentiality, misrepresenting professional credentials or practicing without an active Podiatry license. Problems with Podiatry recordkeeping and sexual misconduct or other boundary violations may also be addressed, although legal issues often need to be determined by a court of law prior to Board action.

- **How often does a complaint result in the Board taking formal disciplinary action against a provider?**

Very few of the complaints received annually result in public action being taken against the provider's license. Often when no action is taken, it is because no violation of the Podiatry Practice Act has occurred and the matter is therefore not actionable. In other cases, the complaint leads to private discipline, such as a confidential letter expressing the Board's concern and cautioning against similar conduct in future. When no formal action is taken, the Board keeps a copy of the complaint in its permanent file. These filed complaints are an important resource that help the Board track providers over time and detect patterns of behavior that might warrant future intervention.

- **Once I file my complaint, what happens?**

Here is a brief description of the complaint review process:

- Complaints are generally acknowledged within 2 weeks via USPS.
- All complaints are initially reviewed by the Grievance Committee to determine if there is a possible violation of the Podiatry Practice Act that rises to the level of further inquiry.
- A copy of your complaint is sent to the licensee for review and response to the Board; Podiatry records are obtained as necessary. This additional information is reviewed by the Grievance Committee.
- Typically your written complaint serves as your full statement and you will not be contacted by the Board unless clarification or additional information is needed
- If the conduct that prompted the complaint is not found to be a violation of the Podiatry Practice Act, you are informed of this in a subsequent letter and the case is closed. However, the licensee is informed of the disposition of your complaint, and the information is kept on file.
- If a possible violation has occurred and further inquiry is warranted, the Grievance Committee will refer your case to the Board for a full hearing.
- The complaint review process can take between two (2) and twelve (12) months, but averages six (6) months.

- **What types of punishment do publicly disciplined providers receive?**

The Board is authorized to mete out a wide range of public disciplinary actions that limit, suspend or even revoke the right to practice. A Podiatry license is revoked only in the most serious cases where the provider's conduct or level of competence is considered to pose a significant threat to public health and safety. Far more often, the Board acts to restrict the license by imposing conditions aimed at preventing future problems. For example, a physician disciplined for prescribing narcotic painkillers without adequately documenting the need or taking steps to prevent addiction might be barred from prescribing such drugs for a set period and required to complete continuing Podiatry education on managing chronic pain. In some cases, the Board determines no action against the provider's license is warranted but issues a public letter of concern. Podiatrists with formal, public, disciplinary actions are noted on the Board's Web site.

- **Will my provider dismiss me as a patient if I file a complaint?**

The Board has found that some licensees choose to dismiss patients who file complaints. Provided they follow all appropriate laws and guidelines, this is within the provider's rights.