

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF HEALTH SYSTEMS

OFFICE OF THE DIRECTOR

COMPLAINTS

(By authority conferred on the director of public health by section 7 of Act No. 146 of the Public Acts of 1919, section 427 of Act No. 380 of the Public Acts of 1965, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being SS325.7, 16.527, and 24.133 of the Michigan Compiled Laws)

R 325.1213 Definitions.

Rule 3. As used in these rules:

(a) "Complainant" means a person other than the department who files a complaint about a licensee, certificate holder, or permittee regulated by the department.

(b) "Department" means the department of public health.

(c) "Director" means the director of public health.

(d) "Person" means an individual, partnership, copartnership, corporation, association, body politic, or state agency other than the department.

(e) "Respondent" means a licensee, certificate holder, or permittee who is complained against.

History: 1979 AC.

R 325.1214 Applicability.

Rule 4. These rules govern the administrative procedures established for the handling of a complaint filed by any person and provide an additional procedure to any procedure established now or hereafter.

History: 1979 AC.

R 325.1215 Complaints.

Rule 5. (1) A complaint shall be in writing and signed by the complainant.

(2) A complaint shall be limited to matters involving an alleged unlawful or unreasonable act, practice, or a violation of an applicable law or rule affecting the complainant or, in the case of a public interest group, affecting the public or a portion thereof.

(3) A facility licensed or certified for the purpose of treating or maintaining patients or residents on an in-patient basis may be complained of by a relative or spouse of a patient or resident, by a public health official not a member of the department, by an employee of the facility if the complaint does not relate to the terms or conditions of employment, or by a public interest group having legal status and a legitimate interest in the quality of care provided in such facilities.

History: 1979 AC.

R 325.1216 Receipt and disposition of complaints.

Rule 6. (1) A complaint shall be filed with the director or his designated representative.

(2) A complaint shall be given a file number, a file established, and a letter of acknowledgment sent to the complainant.

(3) A complaint shall be investigated according to a priority established by the director or his designated representative and a memorandum of the investigation prepared and placed in the complaint file.

(4) The memorandum written following investigation of a complaint with copy to the involved complainant and respondent shall detail:

- (a) Brief description of the complaint.
- (b) Investigatory findings.
- (c) Recommendations for indicated change or correction of deficiencies or items of noncompliance.
- (d) Need for follow-up if indicated.

(5) A letter shall be sent to the complainant and the respondent following investigation of the complaint informing them generally of any action taken.

History: 1979 AC.

R 325.1217 Hearings on complaints.

Rule 7. (1) A complainant may request a hearing on his complaint if he is dissatisfied with the investigation or its results.

(2) A request for a hearing shall be submitted in writing to the director within 30 days after receipt of the letter specified in R 325.1216(5).

(3) Notice of the complaint and the time and place of the hearing shall be sent to the respondent.

(4) The hearing shall be conducted informally by the director or his designated representative at the department's offices or such other place as the director may designate.

(5) The complainant and the respondent may present evidence at the hearing and be represented by legal counsel.

(6) A complainant or a respondent shall have access to the complaint file and its content by appointment at a mutually convenient time in the department's offices.

History: 1979 AC.