

Policy Title: Complaints and Appeals Process

Policy:

This is the Spokane County Medical Examiner's documented process to receive, evaluate, and make decisions on complaints and appeals. The office will document complaints from any source, and will not discriminate against any individual or agency that makes a complaint, in the resolution of the complaint or otherwise. Complaints will be fully investigated, then reviewed by a staff member that did not document or investigate the original complaint. The individual or agency will be informed of any decision made as a result of the complaint.

Procedures and Practices:

Receiving and Documenting Complaints:

- Complaints and appeals will be received by the Medical Examiner's Office by any means (letter, phone call, e-mail, text-message, etc.), and from any source. The complainant must provide contact information. In practice, any complaint or appeal request initially made directly to the Spokane County Board of County Commissioners instead will be directed to the Medical Examiner's Office.
- This policy will be made available to any interested party
- For complaints received in writing (including email and text-messaging) the office will acknowledge to the complainant that the complaint/appeal was received.
- Initial complaints and appeal requests are made to the office administrative staff. If the complaint concerns a member of the office administrative staff, the complaint will be referred at intake to a non-involved administrative or any other staff member. All appeals of cause and manner of death can be received by administrative staff.
- At complaint/appeal intake administrative staff will complete a complaint/appeals form in the database
- The administrative staff will confirm whether or not the complaint relates to the activities or documents that are the responsibility of the Medical Examiner. If the complaint issue is not under the purview of the Medical Examiner, administrative staff will make contact with the appropriate business or agency (such as a funeral home, cleaning service, or vital records), and transmit the complaint information. This will be documented on the complaint/appeals form. The complainant will be informed that the complaint has been transferred to the appropriate agency/business, individual. This notification will be documented on the complaint intake form.
- At the time of intake, in complaints that involve a specific Medical Examiner case, a notation will be made in the specific case narrative that a complaint was received, with complainant name, general nature of complaint/appeal, and date of complaint.

Non-discrimination

- As above, complaints and appeals will be received from any source.
- Neither the office or its employees will discriminate or retaliate against any person or group that makes a complaint or appeal.

- All case specific complaints and appeals in the Medical Examiner's Office are confidential under Washington State law and not subject to public records requests.

Verification and Investigation of Complaints:

- For administrative issues, such as incorrect spellings, or incorrect demographics on the death certificate, administrative staff will verify the complaint by looking at the primary source document. Investigation will be made and documented to ascertain the correctness of the new or corrected information provided by the complaining party.
- For complaints involving the behavior of any Medical Examiner staff member, verification and investigation will be under the authority of the Office Manager. If the complaint is regarding actions/behaviors of the Office Manager, the complaint will be verified and investigated by the acting Chief Medical Examiner.
- For complaints involving investigation and investigative details, a Medical Investigator, not involved with the original investigation, will be responsible for verification and investigation of the complaint.
- All appeals about findings or cause and manner of death determinations will be verified and investigated by a medical examiner not having original responsibility for the case. In deaths for which all Medical Examiners have involvement, the complaint will be referred to a Medical Examiner at the King County Medical Examiner's Office.
- The individual performing verification and investigation of the complaint will be responsible for filling out the appropriate parts of the complaint/appeals form. The investigation will be fully documented on the form.
- Investigations are to be completed within 7 days.
- For complaints concerning investigative issues, the investigator assigned to review the complaint can use any investigative resources available to the Medical Examiner's Office, to include review of medical records, witness interview, review of law enforcement reports, etc.
- For appeals regarding the determination of cause and/or manner of death, the assigned Medical Examiner will review the entire case record, including photographs. The assigned Medical Examiner will complete the Complaint/appeals form, and also the Forensic Pathologist monthly case review form. In addition, the case will be assigned to quarterly (all staff) review automatically. The all-staff (quarterly review) will not be delayed to the normal quarterly review cycle, and must be completed within 7 days.

Actions Undertaken to Resolve Complaints:

- At the conclusion of the investigation, the staff member assigned will determine whether or not the complaint is valid
- If the complaint has merit, the assigned individual will determine a resolution and document on the complaint/appeal form. The designated investigator may elicit the opinion of other non-involved investigators. Administrative staff may consult with other non-involved administrative staff.
- In cases of appeal of cause and/or manner of death, the assigned Medical Examiner will choose to concur with the original physician or disagree. If the Medical Examiner disagrees with the original determination, the case file will be sent to a 3rd forensic pathologist, either an employee

of the Spokane County Medical Examiner's Office, or another forensic pathologist, agreed upon by the two Medical Examiners involved.

- If the cause and/or manner of death is to be changed, the changes will be documented on the form and in the database, and the Medical Examiner's Office staff will complete an affidavit instructing Vital Records to change the death certificate. An addendum will be made to the original autopsy report, with an explanation for the change.
- In Washington State, in appeal of cause and manner of death, RCW 68.50/015 provides a 2nd option for appeal: **Immunity for determining cause and manner of death—Judicial review of determination.** A county coroner or county medical examiner or person acting in the capacity shall be immune from civil liability for determining the cause and manner of death. The accuracy of the determinations is subject to judicial review.

Notification to complainant:

- The original complainant will be notified of the resolution/outcome of the investigation within 7 days of the receipt of the complaint. This will be documented on the complaint/appeal form
- If the investigation cannot be completed within 7 days, the complainant will be advised of progress in the investigation at 7 days, and every 7 days thereafter, until the complaint is resolved.
- Medical Examiner individuals involved in the original forensic activity in question, shall not communicate the decision to the complainant or appellant.
- Notification will be documented on the complaint/appeal form. Notification will be written, by phone, or in person. The method and date of notification will be recorded on the complaint/appeal form.
- Final notification will include formal notice of the end of the complaint and appeals handling process.

Final Documentation

- When the verification, investigation, and notification are complete, a notation will be made in the database.
- When the complaint/appeals form is complete, it will be scanned into the Medical Examiner database (medtrack), under the appropriate tab, in the corresponding case file.
- If the complaint involves alleged behavior of an individual, the completed complaint/appeals form will be discussed with the individual(s) by the appropriate supervisor. If the complaint involved a specific medical examiner case, the form will be scanned into the database by case number, and placed in the appropriate personnel file. If the complaint did not apply to a specific medical examiner case, the completed complaint/appeals form will just be added to the personnel file.
- On a yearly basis, in September, all complaints will be reviewed in a meeting by the Medical Examiners and Office Administrator, as part of performance improvement.