

Checklist for



FILING A COMPLAINT FOR MISTREATMENT

with a state board

PREPARE YOUR CASE

- Document your story** as soon as possible so that you don't forget details. Ask witnesses to write their accounts of what happened, and use our template to create affidavits (see birthmonopoly.com/complaint). It may be easier to record a video of yourself, which you can later transcribe.
- Order your medical records immediately** from both your care provider(s) and the facility, if applicable. Request a complete copy of your records, including doctors' and nursing notes, lab results and copies of diagnostic images. If you had surgery, there may also be an operating room report. Federal law (HIPAA) entitles you to a copy of your own medical records, and limits the amount that you can be charged.
- Collect any supporting evidence** you may have, including your medical records, witness accounts, email communications, and photographs.
- Research the law in your state related to patient rights** around informed consent and refusal of medical treatment and/or the professional standards you believe your provider violated. Most lawyers will do free consultations; we recommend speaking with one in your state about the specific laws or guidelines that may have been violated. Generally speaking, all patients in the United States are entitled to informed consent and refusal of medical treatment (more information is at BirthMonopoly.com/complaint).

GET INFORMATION FROM YOUR STATE BOARD

- Visit the website for your state board (see our directory)** at birthmonopoly.com/complaint to look up your provider's license and see if there are any previous disciplinary actions listed against them.
- Check to see the board's time limits** for when you must file a complaint (statute of limitations) and any time limits on the board to investigate or close your complaint (which are usually set by law and often visible on the board's website). Note relevant dates on your calendar.



WRITE YOUR STORY

Although it may be difficult to do so, it is best to limit emotional testimony or subjective opinion from the complaint you submit to the board.

With that in mind, here is one method to help you develop the content for your complaint. In whichever order you like:

- Write out an objective, factual list of events** with a timeline as best you can reconstruct ("1 a.m., 7 cm dilated, asked for an epidural a second time. Nurse did not respond.")
- Write out a personal version of events**, including how you felt, what you were thinking, your perspective on how you were treated or what went wrong and the longer-term consequences ("I was confused as to why no one was listening to me about pain medication. I started to panic. Later I had nightmares about it.")

You can draw from these two versions to draft your complaint.

DRAFT YOUR COMPLAINT

- Start with a single summary paragraph** briefly but clearly identifying the rights or professional guidelines you believe your provider violated, and the facts of how they did that. This paragraph will serve as the introduction to and a summary statement of your complaint.
- Now provide a supporting narrative and detail** for the body of your complaint. Be precise with names and words that were said. Note the impact of the mistreatment on you (psychological distress requiring weekly therapy, further surgeries, ongoing pain, etc.). List out any evidence that corroborates your story and include it with your complaint (i.e., "Dr. Smith stated he was performing an episiotomy. At 12:41 p.m., the attached medical record corroborates the fact that I said, 'No, wait.'")

Keep your complaint as clear and concise as possible while including all of the relevant facts. We suggest you have a trusted friend or family member review your complaint before you submit it.

IMPORTANT: Be concise, but include all relevant information. This may be the only opportunity you have to contribute to an investigation.



SUBMIT YOUR COMPLAINT

- Follow the instructions from the board to file your complaint. Be sure to keep copies for yourself in a safe place.

Expect a written acknowledgement from the board that your complaint has been received for processing. Plan to continue to advocate for yourself so that your complaint is thoroughly investigated in a timely manner.

PARTICIPATE IN BIRTH MONOPOLY'S ACCOUNTABILITY PROJECT

- Use this checklist to help you prepare your complaint and share your experience with us at the same time in a simple online form, linked from birthmonopoly.com/complaint.

In collaboration with the Medical Board Roundtable, we are tracking the outcomes of consumer complaints to state boards for mistreatment in maternity care. Your story matters to us.

CARING FOR YOURSELF

This process can be emotionally difficult, particularly at moments like writing out your story, viewing your medical records for the first time, and receiving communication from the board. If you have access to support from a trusted friend or loved one, it can be a good idea to have them present at these times.

Revisiting traumatic events is its own process. It can be further re-traumatizing, healing, or both. Be gentle with yourself and make space for whatever comes up for you.

There are many ways of healing and many ways to get there.

*Checklist for filing a complaint for mistreatment with a state board
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Thank you to the Medical Board Roundtable and the Patient Safety Action Network for their ongoing advocacy and assistance.

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