

Chapter 5

Establishing Policies and Procedures for the Prompt Resolution of Patient Grievances



The hospital must establish a process for prompt resolution of patient grievances. . . 42 CFR 482.13(a)(2)

CMS requires a hospital to have written policies and procedures by which to identify and address a patient grievance in a timely manner. The process must include: (A) developing a means of identifying patient grievances; (B) incorporating the Quality Improvement Organizations (QIO) referral into the grievance process; (C) investigating the patient’s grievance; (D) resolving the patient’s grievance; (E) providing a written response to the patient’s grievance; and (F) documenting the grievance process.

Identifying a Patient Grievance

Track 3



In order to investigate and resolve a patient grievance, a hospital must be able to identify a patient concern that fits the CMS definition of a “grievance” from one that does not. CMS’ definition of grievance is intentionally broad, incorporating all CoPs, State and Federal protections (including but not limited to Civil Rights and the Emergency Medical Treatment & Labor Act). In the comments to the Interim Final Rule, HCFA noted that:

The remainder of the hospital CoPs and other Federal requirements provide patients with additional rights that do not appear in the new Patients’ Rights CoP. The fact that we have not explicitly stated or cross-referenced these rights in the final rule does not mean that they are not available to the patient, or that

they are in any way less important than the rights that this rule establishes.
[Federal Register: July 2, 1999 (Volume 64, Number 127)]

In this same commentary, HCFA considered grouping all conceivable patients' rights within the Patients' Rights CoP, but noted that "the practical value of this approach is questionable as these elements are codified elsewhere, and an approach that attempts to be all-inclusive often inadvertently omits key elements."

TAG A-0041 of the Interpretive Guidelines defines what is and is NOT a patient grievance. The definition of "grievance" is so all-encompassing it is easier to start by identifying what a grievance is NOT.

What is NOT a patient grievance?

Typically, a grievance is not a patient issue which can be resolved on the spot by staff present.



Staff present includes any hospital staff present at the time of the complaint or who can quickly be at the patient's location (i.e. nursing, administration, nursing supervisors, patient advocates, etc) to resolve the patient's complaint. TAG A-0041, 42 CFR 482.13(a)(2)

Examples of such non-grievance issues are a request for a change of bedding, house-keeping of a room, and serving preferred food and beverage. Note: post-hospital verbal communications regarding patient care that would routinely have been handled by staff present, if the communication had occurred during the hospital stay, are not grievances.

A billing issue that does not involve a Medicare beneficiary is typically not a grievance. Information obtained with a patient satisfaction survey which does not have an attached complaint typically does not meet the definition of a grievance.