

# How a complaint is dealt with at the Patients' Board of Complaints

This document is a guide to how a complaint is dealt with at the Patients' Board of Complaints.

If you are wishing to complain, it is recommended that you read the brochure "Guidance for filing a complaint"

### **The complaint is received**

Initially, the patients' Board of Complaints reviews the complaint and then hereafter informs the complainant which items of the complaint the board can deal with. If the complainant is not in agreement herein, he or she must address the board as soon as possible. The complaint is then sent to the regional medical officers of health, where the treatment took place. The medical officers' assignment is to procure the information, which can clarify each item of the complaint. If the treatment has taken place in several regions, the complaint is sent to the region where the majority of the treatment took place. Additionally, a copy of the complaint is sent to the authority, which is the employer or similar to the affected health professionals. This is normally the health service in the region or the management at the health professional's place of employment. Both the complainant and the person who is being complained about can be represented by others in the case.

### **Examining the case**

The medical officers procure information from the people who are affected by the complaint. This involves, among other things, a statement from those a complaint has been brought against, medical records, X-rays and the like. The people who are affected by the complaint receive a copy of the complaint. The regional medical officers can also ask for information from other health professionals who can clarify the complaint. The Patients' Board of Complaints, together with the medical officers, have a duty to clarify the case. The health officials who are affected by the complaint have a duty to give the Patients' Board of Complaints and the regional medical officers any information, including medical records to be used for the treatment of the case. When the medical officers estimate that the complaint is sufficiently clarified, a summary of the case is drawn up which is sent to the Patients' Board of Complaints.

### **The Patients' Board of Complaints draws up a proposal for the decision**

When the Patients' Board of Complaints has received the case from the medical officers, the board's secretariat estimates whether the case has been sufficiently clarified, and whether the case needs to be evaluated by the board's consultants. If, for example, there is a complaint about a doctor from an orthopaedic ward, the secretariat can decide to have the case evaluated by a consultant in orthopaedic surgery. The secretariat hereafter processes a proposal for the decision.

### **Updating the different parties involved in the case**

Before the Patients' Board of Complaints makes its decision on the case, the different parties involved, namely the complainant and the health professionals affected by the complaint, receive a proposal for the decision and possible statements from the board's consultants, the medical officers' summary and a copy of other relevant documents. The parties are thus able to comment on the documents being presented to the Board before the Board makes its decision on the case. Additionally, the parties involved in the case can receive a copy of the case's documents during the whole process. Read more about this at the end of the section *The case's parties and The Act on Processing of Personal Data*.

### **How the case is decided**

When the board makes its decision, two laymen who represent the health service users and the hospital owners respectively participate, as well as two professionally trained health officials. The board's chairperson is a judge. The Patients' Board of Complaints has the jurisdiction to consider whether there are grounds for criticising the professional treatment exercised by the healthcare practitioners affected by the complaint. In determining whether there are grounds to criticise, the Board assesses whether individual health professionals have made mistakes. The Board thus does not determine whether a patient has received the best possible

treatment. Although a health professional has acted in accordance to the norm of the generally accepted professional standards, the result can sometimes be worse than what the patient and health professional had expected. It may be due to an accident, unforeseen complications or side effects and the like; a poor treatment result does not always imply that the person responsible for the treatment has made a mistake.

### **Information about the decision**

The board's decision is sent to all parties involved. At the same time The Danish National Board of Health is informed and, where applicable, the health regulator or the Greenland self-government, the medical officers, the local district council, plus other authorities which are employers or similar to the affected health professionals, and other parties with a legitimate interest in the content of the decision.

### **The option to alter the decision**

The Patients' Board of Complaints' decisions are final. It is therefore not possible to complain about the board's decision to other administrative authorities. The case can however be re-opened if the board receives new information. New information must be so significant that it is likely that the case would have had a different outcome if the information had been available at the time of the Board's original decision on the case.

### **Information and guidance about complaints**

Every month the board chooses to publish a number of its decisions on their homepage [www.pkn.dk](http://www.pkn.dk) (Danish only). Moreover, some of the decisions are published with the health professionals' names indicated. Additionally, there are newsletters, summaries of the board's practice, statistics etc. Read more about filing a complaint in the brochure "Guidance for filing a complaint".

### **Help during the investigation of the complaint**

All parties have the option of writing or ringing to the Patients' Board of Complaints in connection with the investigation of a complaint. The address is:

The Patients' Board of Complaints  
Frederiksborggade 15  
1360 Copenhagen  
Tlf: 33 38 95 00 (between 10 and 14)  
Fax: 33 38 95 99

E-Mail: [pkn@pkn.dk](mailto:pkn@pkn.dk)  
Homepage: [www.pkn.dk](http://www.pkn.dk)

### **The case's parties and The Act on Processing of Personal Data**

The Act on the Processing of Personal Data gives the parties involved in the case special rights in relation to the fact that public and private authorities deal with personal data electronically. Following the principles of the Act on Processing of Personal Data, complainants and others registered have as a starting point the following rights:

Right to be informed about the gathering of information to be processed electronically  
Right to ask for access to the information which is to be processed electronically  
Right to object to that information is processed electronically

Right to require rectification, erasure or blocking of data that is inaccurate, misleading or similarly processed electronically in violation of the law

The law can be found in its full length on the board's homepage at [www.pkn.dk](http://www.pkn.dk) (Danish only).

The Patients' Board of Complaints  
Frederiksborggade 15, 2<sup>nd</sup> Floor  
1360 Copenhagen  
Tlf: (Monday - Friday 10-14) 33 38 95 00  
Fax: 33 38 95 99  
E-mail: [pkn@pkn.dk](mailto:pkn@pkn.dk)