

# Improving services

How to use the  
Health and Social Services  
Complaint Examination System



Health and Social Services  
O m b u d s m a n

Québec 

**W**e all need health and social services at one time or another. When we are sick or in need, we want to be seen, treated and assisted with respect and competence. These are legitimate expectations.

In most cases, users are satisfied with the services they receive. However, some services may occasionally be found wanting. You may be dissatisfied with the services you have received, or feel that your rights have been slighted. Often, simply discussing the matter openly with those concerned is enough to solve the problem.

You can also use the complaint examination system provided for by law. It is a normal way to express dissatisfaction and find a solution. The first step is to file a complaint with the service quality commissioner of the institution or regional board responsible for the service in question. If you are dissatisfied with the outcome, you may request that your complaint be re-examined, this time by the Health and Social Services Ombudsman.

The complaint examination system can help you solve the problem you face. By using this system, you will help improve services, not just for yourself, but also for your family and friends, and for users in general

We hope this pamphlet will answer any questions you may have about using the health and social services complaint examination system.



## What legal rights do users have?

As a user, the Act respecting Health Services and Social Services gives you a number of specific rights, in particular the right:

- to be informed about existing services and how to obtain them;
- to be informed about your state of health, the various options open to you and their consequences;
- to choose the professional from whom, or the institution from which you will receive services;<sup>1</sup>
- to participate in the decisions concerning you;
- to accept or refuse care;
- to be accompanied or assisted when you seek information about services;
- to receive ongoing and personalized services that are scientifically, humanly and socially appropriate;<sup>2</sup>
- to receive care in an emergency;
- if you are an English-speaking person, to receive services in your language, according to the service access program in your region;
- to have access to your record.

The Health and Social Services Ombudsman shall, by any appropriate means, see to it that users are respected and that their rights, as defined in the Act respecting health services and social services and in any other Act, are enforced.

(Section 7 of the Act respecting the Health and Social Services Ombudsman and amending various legislative provisions.)

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1. & 2. Taking into account the organization of institutions and the availability of resources.

## Who can file a complaint?

Any user can file a complaint. *User* means anyone who is receiving, has received or should have received services from a health and social services institution, as well as anyone requiring such services.

The representative of a user can also file a complaint, as can the heirs or the legal representatives of a deceased user.

## For which services can complaints be filed?

A complaint may be filed against any service provided by:

- a public institution such as a hospital centre, a CLSC, a residential and extended care centre (CHSLD), a youth centre or a rehabilitation centre;
- a foster family or a foster home attached to a public institution;
- a private nursing home or private institution recognized by the *Ministère de la Santé et des Services Sociaux*;
- a regional board;
- a community organization covered by the Act respecting Health Services and Social Services;
- an enterprise or organization linked to an institution or regional board by a contract or service agreement;
- an ambulance company (pre-hospital emergency services).



## To whom should I address my complaint?

Every institution and regional board has a designated person in charge of receiving and handling complaints concerning the services for which it is responsible. This person is called a *service quality commissioner*. All complaints must be addressed to this person.

## Can I get help formulating my complaint?

The service quality commissioner or the Health and Social Services Ombudsman can help you formulate your complaint and take any other steps related to its examination.

You can also be assisted or accompanied by:

- a person of your choice (a relative, a friend, someone else you trust);
- the user committee of the institution;
- the centre designated for that purpose (CAAP) in the region where you live. This service is free of charge and confidential.

## Does my complaint have to be filed in writing?

A complaint made to the institution or regional board may be filed verbally or in writing.

A complaint made to the Health and Social Services Ombudsman must be filed in writing.

## How will my complaint be handled?

The service quality commissioner will confirm, in writing, the date on which your complaint was received. As of that date, he will have 45 days in which to examine your complaint and inform you of his conclusions.

In order to pinpoint the problem and try to solve it, the service quality commissioner will ask you for your version of the facts. He will meet with the people concerned and may consult your record. He will attempt to find the best possible solution.

After examining your complaint, the service quality commissioner will inform you of his conclusions, the reasons behind these conclusions, and the solutions being considered.

## Can I file a complaint concerning a physician?

If your complaint concerns a physician, dentist or pharmacist, the service quality commissioner of the institution will forward it to the medical examiner and will inform you of this.<sup>3</sup>

The medical examiner is designated by the institution to investigate this type of complaint. He will proceed in the same way as the service quality commissioner and will inform you of his conclusions and the reasons behind them within 45 days.

In the case of serious misconduct that may call for disciplinary measures against the professional concerned, the complaint will be handled according to another, potentially lengthier procedure. In that case, you will be notified of the investigation's progress at least every 60 days.

Services provided by a physician, dentist or other professional in private practice are not covered by the complaint examination system unless the practice is linked, through a contract or service agreement, to a public or private institution that is itself covered by the system.

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3. If the problem is related to the administration or organization of medical services, the service quality commissioner of the institution will examine the complaint.

## Does the institution or physician have to apply the recommended solution?

The service quality commissioner and the medical examiner, just like the Health and Social Services Ombudsman, have the power to make recommendations. They do not have the power to impose measures as a court would. Their approach is based on conciliation, that is, they seek solutions that are satisfactory to everyone involved.

## What can I do if I disagree with the outcome of a complaint?

If you disagree with the conclusions or recommendations of the service quality commissioner, if the latter has not informed you of his conclusions within 45 days, or if the institution concerned has not acted on the service quality commissioner's recommendations to your satisfaction, you may file a complaint with the Health and Social Services Ombudsman.

In the case of a complaint involving a physician, if you are dissatisfied with the medical examiner's conclusions, you have 60 days to submit your complaint to the review committee designated by the institution's board of directors. The review committee will hand down a final decision within 60 days, and explain the reasons behind its decision.



## How will the Health and Social Services Ombudsman handle my complaint?

The Health and Social Services Ombudsman is independent from institutions, regional boards and even the *Ministère de la Santé et des Services Sociaux*. The Ombudsman can help you formulate and file your complaint, if required.

The Health and Social Services Ombudsman will proceed to re-examine your complaint by:

- hearing your version of the facts;
- reading the conclusions of the service quality commissioner;
- consulting the relevant documents as well as your record, if necessary;
- meeting with the people involved;
- seeking a solution that is satisfactory to everyone concerned;
- informing you as soon as possible of his conclusions, the reasons behind these conclusions and, if applicable, the recommendations made to the institution.

## Is my record confidential?

To learn all the facts and the circumstances that gave rise to your complaint, the people responsible for examining the complaint may consult your record, but must keep its contents confidential.





## Does it cost anything to have my complaint examined?

There is no charge for filing a complaint with a service quality commissioner or with the Health and Social Services Ombudsman.

## Does filing a complaint prevent me from taking other steps to seek redress?

Filing a complaint in no way prevents you from using any other recourse provided for by law.

## What can I do if filing a complaint leads to retaliation?

Retaliation against someone who files or intends to file a complaint is prohibited by law. Should acts of retaliation occur, contact the service quality commissioner of the institution or regional board right away, or the Health and Social Services Ombudsman. They are under the obligation to intervene immediately in order to stop retaliatory practices.

# Still have questions?

Please contact:

- the Centre d'Assistance et d'Accompagnement aux Plaintes (CAAP: Complaint Assistance and Support Centre) in your region, toll-free across Quebec: **1 877 767-2227**;
- the service quality commissioner at the institution;
- the service quality commissioner at your Régie Régionale de la Santé et des Services Sociaux (regional board);
- the Health and Social Services Ombudsman  
Montreal region: **(514) 873-3205**  
Elsewhere in Québec (toll-free):  
**1 877 658-2625**

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Montreal (Quebec) H2Z 1W7

500, Grande-Allée E., Suite 102  
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[www.protecteurdesusagers.gouv.qc.ca](http://www.protecteurdesusagers.gouv.qc.ca)



In this pamphlet, the masculine form applies to women as well as men, wherever applicable.

*Ce document est également disponible en français.*

August 2002- Second edition.

**Protecteur des usagers  
en matière de santé  
et de services sociaux**

**Québec**

