HB19-1125 Mental Health Professional Access to Dismissed Complaint

HB19-1125 proposes an amendment to the Mental Health Practice Act which would give mental health providers access to dismissed complaints filed against them, so long as all information which identifies patients and witnesses is redacted. Patients or witnesses who file complaints against mental health providers

website by describing the nature of their complaint and providing evidence that may involve documentation of treatment from the mental health provider. Therefore, documentation that may be handed over to mental health providers regarding a dismissed complaint could include the complaint and the evidence used for investigation. The boards which address these complaints are created by the State of Colorado in the Mental Health Practice Act and exist in the Department of Regulatory Agencies.

Passing HB19-1125 would give mental health respondents more information regarding dismissed complaints. This new information would only be helpful to mental health respondents if it was relevant and increases efficiency of mental health provision. This paper determines that HB19-1125 would decrease the efficiency of mental health care provision and should not be passed.

Each board which addresses health provider complaints investigates complaints with respect to a violation of law or regulation with respect to quality of care, patient and resident rights, safety, and billing (Department of Public Health and Environment, 2019). A complaint would be dismissed if a complaint

legislature or if there is not enough evidence to support a violation of the professional practice

Department of Regulatory Agencies, 2019). As established in the

Mental Health Practice Act, the board related to mental health use the Mental Health Practice Act and rules and regulations prior established by each board to manage each complaint appropriately. The boards that fall under the mental health provider categories are the State Boards of Psychotherapy, Psychology, Social Work, Marriage and Family Therapy, and Professional Counseling (Mental Health Practice Act).

The economic impact of this bill revolves around information asymmetry. Through

If a complaint cannot be appropriately assessed with the evidence given, under the jurisdiction of rules and regulations, or under legislature, the board assessing the complaint maintains the authority to dismiss the daim. The board can write a confidential letter of concern addressing negative acts and include a recommendation of how to remedy a negative situation that has potential to cause harm in the future (Mental Health Practice Act). A letter of concern is warranted when a board deems that a complaint does not warrant formal action but the mental health provider could benefit from an informed warning that contains steps for remediation (Mental Health Practice Act). In this manner, mental health providers have opportunities to improve their services using advice from the boards without accessing dismissed complaints.

Passing HB19-1125 keeps the statute regarding letters of concern and only adds that respo**9.2** Tm(2)(5)(7)-2(0W\*nBTs)-(3s)-ng0 G(1 0 0 1 **2**.025 **9**1.8Tm0 g0 G(r)-(4es)-(4p)(4b)(69.2 Tm(2)(5)(7))2g0W 92 reW upon such matt ). Furthermore, all final board decisions are allowed to be reviewed in court, if requested by the respondent or complainant (Mental Health Practice Act). Therefore, even if the board addressing the complaint is proven to be biased, there are remedial actions already in place. In this manner, the residents of Colorado can trust that a dismissed complaint does not warrant attention or can attempt to overturn the assessment of the complaint if they feel the board made an inappropriate decision.

If this bill passes, mental health respondents would have the opportunity to learn about a services provided through a dismissed complaint. However, the trusted third party that regulates asymmetric information and mediates patient-provider conflict deemed the complaint as something that does not warrant a response or have potential to affect change. Therefore, allowing a mental health provider to view a dismissed complaint against them would not provide helpful information or increase efficiency of their practice.

Although the bill specifies that all identifying information in the dismissed complaint and evidence provided for the complaint would be redacted, otherq0.00000Qq0.00000912 0 68t

information about a patient that could help the mental health provider with treatment or interaction.

rather than what the patient wants the mental health provider to see. If a complaint displays behavior that may help with a diagnosis, the mental health provider could appropriately react in the form of adjusted or added treatment. By allowing the mental health provider to see dismissed complaints, more information is brought to the attention of the mental health provider and provides an opportunity for a mental health provider to give more appropriate treatment to patients.

At the same time, if a mental health provider is performing their role appropriately, the new information about the behavior of a complainant exposed by the dismissed complaint material the respondent considers when addressing the

an authority in the realm

of mental health provision has already determined that the respondent is doing an adequate job at giving patients quality care

treatment of mental health patients.

Since the boards are trustworthy and have regulations in place to eliminate bias, the state of Colorado can trust the decisions the boards make regarding complaints. Therefore,

board would perform all actions possible in order to increase efficiency in the first place by issuing letters of concern or addressing the complaint with formal action. Passing HB19-1125 only allows for a decrease in efficiency by giving respondents an opportunity to feel biased towards their patients and offer a decreased quality of care if they are able to determine who the complainant is when analyzing the dismissed complaint.

## Works Cited

Department of Regulatory Agencies. (2019). *Division of Professions and Occupations: Complaint FAQ*. [online] Available at: https://www.colorado.gov/pacific/dora/DPO\_Complaint\_FAQ [Accessed 11 Mar. 2019].

Department of Public Health and Environment. (2019). Health facilities complaints