

## ALTERNATIVES TO MAKING A COMPLAINT

***DISCLAIMER:** The following list of alternatives is provided for general informational purposes only. While DSPS has taken reasonable steps to assure the accuracy and comprehensiveness of this information, this information is not intended to substitute for the legal advice and assistance of an attorney.*

### ■ **DISCUSSING A COMPLAINT WITH THE CREDENTIAL HOLDER OR THEIR SUPERVISOR**

One of the alternatives available to the consumer might seem quite obvious, but is often overlooked. Credentialed professionals are also business people. Most are sensitive to complaints that patients, clients, or customers might have about their services. It is natural to feel some reluctance to approach the credential holder or his or her supervisor with a complaint; however, if the complaint is one that can be resolved by some action by the credential holder, this might be the most efficient course of action to follow.

### ■ **PROFESSIONAL ASSOCIATIONS AND SOCIETIES**

Many credential holders belong to local or state-wide professional associations or societies. Many of these organizations have a mechanism for attempting to resolve complaints by consumers against their members. Many of the professional organizations are listed with the profession on this site. Please note that not all members of a profession are members of these organizations, and the organizations do not have the authority to take disciplinary action against the credential of a member of the organization.

### ■ **SMALL CLAIMS COURT**

Any individual in Wisconsin may initiate a legal claim in Small Claims Court. If the complaint is of a financial nature, this may be an alternative to consider. Further information about Small Claims Court can be obtained directly from the Clerk of Courts in each county.

### ■ **INDIVIDUAL LEGAL ACTION**

The consumer always has the option of retaining an attorney for the purpose of bringing a personal injury lawsuit or other legal action against a credential holder. In many of these circumstances, an attorney might not charge a fee for the initial consultation, which is the meeting at which the attorney will talk with the consumer to determine whether to represent the consumer and initiate legal action. Many personal injury lawsuits are accepted by attorneys on a "contingency basis," which means that if the consumer wins the lawsuit the attorney earns a certain percentage of the damages awarded. If the consumer loses, the consumer does not generally owe any legal fees, but may be responsible for some costs associated with the case. All attorneys have their own policies about their particular practice, and it is essential that the consumer obtain information in this regard from the attorney the consumer contacts.

### ■ **SURETY BONDS**

A surety bond is an agreement by a person or company to guarantee the proper performance of a duty by some other person, and to back up that guarantee with a specific amount of money. If a credential holder is required to have a surety bond or liability insurance, consumers may be able to make a claim for money and/or contractual damages from the company covering the credential holder or his or her company. Credential holders who are required to have a surety bond or a liability insurance policy filed with the Department of Safety and Professional Services include the following: private

detectives and private detective agencies; private schools and specialty schools of barbering and cosmetology, aesthetics, manicuring, and electrology.

If the complaint involves one of the above credential holders, the consumer may call the Department of Safety and Professional Services and ask to talk with the administrative staff person who is assigned to work with credential holders of that profession. The staff person can provide the name of the surety responsible for guaranteeing the performance of the credential holder, or the name of the insurance company which insures the credential holder against loss or damage claims. The consumer may then write a letter to the surety, with a copy to the credential holder, demanding that the surety make good the loss or damage suffered by the consumer. If the credential holder is covered by a liability insurance policy, the consumer may write to the insurance company and file a claim on the credential holder's policy. The consumer should consider retaining an attorney for assistance.

- **FILE A COMPLAINT WITH THIRD PARTY INSURERS**

If you obtained professional services from a credential holder, such as a medical doctor, dentist or other health care provider who was paid in full or in part by your insurance company, your insurer should have a process for resolving complaints against the provider especially if the complaint is related to billing. Call the customer service phone number on your insurance card and ask how to make a complaint against your provider.

- **REPORT TO POLICE OR APPROPRIATE FEDERAL AGENCIES**

If you are a Medicare or Medicaid recipient you can contact those agencies with complaints against health care providers or with allegations of fraud. The Wisconsin Department of Health Services handles complaints against a number of health care facilities, such as hospitals and nursing homes, and also against non-credentialed health care providers such as nurses' aides and home health aides and many others. If you think your provider may have committed a crime contact your local law enforcement agency.