

Resolving Problems With Your Prosthetist or O&P Facility

by *Phil Tamoush*

The ABC serves as a self-regulating “licensing” body within the O&P industry. It certifies practitioners through an extensive education and testing program and accredits O&P facilities. In both cases, individuals and facilities must meet the highest standards of the industry.

As one of two ABC nonpractitioner “public” consumer members, my job is to represent the consumer public, those of us who are amputees, and to bring to the ABC meetings (approximately three gatherings a year) the sensitivities and sense of what consumers want and need in a high-quality professional.

Over the years, I have served on various ABC subcommittees; however, one of my most important and satisfying ABC activities is working with practitioners toward a meaningful complaint procedure for people with limb loss. ABC has long had detailed “Canons of Ethical Conduct,” which consist of narrative paragraphs of some 30 do’s and don’ts applicable to ABC members. The introduction to the Canons defines the purpose of the O&P profession: “The profession (of orthotics and prosthetics) exists for the primary purpose of assisting patients in maintaining functional lives. The ... prosthetist shall be responsible for making the greatest possible effort to satisfy the patient’s ... prosthetic requirements. The manner in which the patient is served is the essential factor relating to the appropriate ethical professional conduct” (Canon 1.1). The major topics covered in the Canons are:

- **Responsibilities to the patient** (including issues of competency, confidentiality, trust and honesty, fees and compensation, delay in services, and sexual relations with patients)
- **Responsibilities to colleagues and the profession** (including issues of commercialization, solicitation, and peer review).

Anyone may file a complaint against an ABC-credentialed individual or organization. However, filing a complaint is only the first step in a process designed to safeguard the due

process rights of both the complainant (amputee in our case) and the respondent (either a certified prosthetist or accredited facility). If any amputee or any member of the public believes a prosthetist has acted unethically, he or she can complete a simple two-page complaint form to get the process going. The form is available, along with a copy of the Canons, directly from the ABC (330 John Carlyle St., Suite 200, Alexandria, VA 22314, Tel: 703.836.7114, Web site: www.opoffice.org).

Once you have filed a complaint with the ABC, it will set in motion a series of investigative steps including contacts with you and the prosthetist/facility. Both parties will have a right to be heard and the charges considered by the five-member ABC Professional Discipline Committee, which includes prosthetists, orthotists, and amputees. Legal counsel and staff personnel also participate in all deliberations.

Complainants should realize that they must provide specific and concrete evidence regarding the prosthetist’s violation of the Canons. A prosthetist’s professional life depends often on his or her possession of a credential, and the ABC will suspend a prosthetist’s right to remain credentialed if it finds through an exhaustive investigation that the practitioner is indeed guilty of a violation. “Evidence” may start with your own personal subjective opinion about your treatment, but must finally be judged on the “hard facts” of what happened and whether the allegations can be proven by a “preponderance of the evidence.” Can you find another prosthetist who will testify for you (perhaps one that you have gone to after failing to receive satisfaction from your original prosthetist)? Do you have information from your physician that may help? Are there other patients who have the same or a similar complaint? Will they be witnesses for you?

Other procedures exist even if your complaint doesn’t fit neatly into the ABC procedure. Your complaint may be channeled into a community mediation program if it does not fit into the ABC complaint category for reasons of lack of evidence, failure to identify a specific canon that was violated, etc. These mediation programs exist all over the country and

involve trained, impartial people from your community who will try to bring you and your prosthetist together to discuss and resolve your concerns.

Your concern may also qualify for consideration by a state licensing board's "unfair practices" procedure if your prosthetist operates from a state where licensure is required, such as Texas, Florida, Ohio, Illinois and Washington. If you receive unsatisfactory services from a practitioner in a licensing state, you should always consider filing your complaint simultaneously with both the state licensing board and the ABC to safeguard your rights.

Another avenue for filing a complaint might be through your insurance provider, if there is one, since insurance companies do not want to pay for artificial limbs if the service was unsatisfactory.

Finally, even if none of the aforementioned methods help in the resolution of your complaint, you may have recourse through your state capital's office of consumer affairs.

Generally, the process – whether it involves mediation, the formal ABC complaint procedure or another process – will result in a satisfactory resolution of your problem. Prosthetists, like any provider of services and products, want

you as a customer. It is in their best interest to provide you with satisfactory service and keep you as a lifelong client. On the other hand, prosthetists don't want to deal with unreasonable patients who can't "see the forest for the trees" and don't understand that there are limits to what current technology can do to satisfy the aches, pains and mobility issues that amputees face. ■



About the Author

Philip Tamoush, Mission Hill, CA, is a below-knee amputee, the result of an automobile accident in 1955. Phil, a labor relations arbitrator for over 22 years, is currently a permanent panel arbitrator in over 30 collective bargaining agreements, including those for the U.S. Postal

Service and some of its unions. In his spare time, Phil has published over 20 books on religious icons, icon painting, and icon theology in the Eastern Orthodox Christian tradition. He is a long-time member of the Mutual Amputee Aid Foundation (MAAF) and the ACA, and he is a nonpractitioner, consumer member of the American Board for Certification (ABC).