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ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
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March 5, 2019

PIN 19-01-CCLD

TO: ALL COMMUNITY CARE PROVIDERS

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **COMMUNICATION WITH COMPLAINANTS,
FREQUENTLY ASKED QUESTIONS (FAQ)**

Provider Information Notice (PIN) Summary

PIN 19-01-CCLD provides an FAQ document describing the communication with a complainant regarding a complaint investigation.

The FAQ document attached to this PIN addresses questions regarding California Department of Social Services (Department) contact of complainants and the content of Department communications with the complainant, prior to, during and after a complaint investigation.

If you have any questions, please contact Carey Fong, SSM I, Program Support and Policy Interpretations Unit at (916) 651-3456.

FAQ for Communication with Complainants

March 5, 2019

Q: How is a complaint concerning a community care facility submitted to the California Department of Social Services (“Department”)?

A: An individual may report a complaint to the Department’s Centralized Complaint and Information Bureau (CCIB) or to his or her local Regional Office.

CCIB contact information:

California Department of Social Services
744 P Street, M.S. T 9-3-52
Sacramento, CA 95814

Complaint Hotline:

1-844-LET-US-NO (1-844-538-8766)
fax: (916)-414-2551
email: letusno@dss.ca.gov

For Regional Office contact information listed by program, please refer to the [Department’s website](http://www.cdss.ca.gov/inforesources/Community-Care-Licensing): www.cdss.ca.gov/inforesources/Community-Care-Licensing.

The State Long-Term Care Ombudsman can also resolve care complaints. The office may be contacted via the State CRISISline at 1-800-231-4024.

Note: Providers are prohibited by law from retaliating against anyone who submits a complaint to the Department or the State Long-Term Care Ombudsman. See California Health and Safety Code Sections 1539, 1568.07(d), 1569.37, 1596.857(b).

For more information on the Department’s complaint process, see the Community Care Licensing Division’s [Evaluator Manual Reference Material for Complaints](#).

Q: What information should a complainant provide to the Department?

A: Complainants are encouraged to provide as much detail as possible, to give investigators a clear understanding of the allegations. Identifying relevant witnesses, documents, and details of the case will help streamline the investigation process.

Q: How will the Department initially respond to a complaint?

A: If a complaint is submitted by telephone, the Licensing Program Analyst handling the call records the details of the complaint and summarizes the complaint allegation(s) back to the complainant before ending the call.

If a complaint is emailed to the Department, the complainant will receive an email acknowledgment in reply.

Complaints submitted by other means will be acknowledged in a manner appropriate to those situations.

Complaints submitted anonymously preclude the Department from contacting the anonymous complainant after the complaint has been submitted. If a complainant wishes to be contacted by the Department after the complaint is made, then the complainant must provide their name and contact information to the Department.

Q: After the complaint is received, will the Department contact the complainant regarding a complaint investigation?

A: Yes, the Department will contact the complainant.

Q: When will the Department contact the complainant?

A: The Department will contact the complainant (if contact information has been shared):

- prior to the investigation,
- during the investigation (if necessary), and
- after the complaint investigation.

An initial facility site inspection must occur within 10 calendar days of receipt of the complaint. The Department may delay a complaint investigation if it would interfere with investigation by other agencies, including law enforcement. While complaint investigations are handled as expeditiously as possible, the total length of an investigation can vary, depending on the complexity, availability of witnesses, and other factors.

Q: What will be communicated to the complainant prior to the complaint investigation?

A: The complainant will be contacted by the investigating Licensing Program Analyst or Investigations Branch Investigator, to review the allegations and be informed that the allegations will be investigated. The Department will promptly communicate its proposed course of action to the complainant.

If the complaint is received by CCIB, the complainant will be informed that the complaint and all received material was forwarded to the Regional Office.

The complainant will be provided the toll-free phone number for future complaints, concerns, and general information.

Absent express permission from the complainant to disclose, the complainant's identity is confidential and will be protected from public disclosure. Notwithstanding, the complainant may be called upon to testify at administrative hearings that are open to the public. The licensee is prohibited from retaliating against the complainant for cooperating with the Department in connection with the complaint.

The complainant will be notified that the Department will notify him/her of the results after delivering the findings to the licensee. During the investigation, the complainant may contact their Regional Office for a status update on their complaint investigation.

Q: What will be communicated to the complainant during the complaint investigation?

A: If the Department requires clarification of the allegations and/or additional information is needed, the complainant will be contacted.

If the complaint investigation is postponed (e.g., natural disaster, etc.) then the complainant will be promptly notified of the Department's updated timeline.

Q: What determinations can the Department make as a result of a complaint investigation?

A: At the conclusion of a complaint investigation, the Department will arrive at one of three determinations regarding that complaint:

1. The complaint is **Unfounded**: Based upon the available evidence, the Department determines that the complaint is without merit or made with the intention to harass.
2. The complaint is **Unsubstantiated**: Based upon the available evidence, the Department determines that the complaint may represent factual events, but that the evidence is insufficient to compel further action by the licensee, the Department, or other agencies.
3. The complaint is **Substantiated**: The Department determines that the complaint represents factual events that require action by the licensee, the Department, or other agencies, depending upon the situation.

Q: What will be communicated to the complainant after the complaint investigation?

A: The Department will communicate to the complainant the Department's determination as a result of the investigation. If the Complaint Investigation Report has been filed publicly, the complainant may request a copy. The Department will not communicate to the complainant or members of the public the confidential identities of witnesses and interviewees, unless ordered to do so by a court of law.

- **For Adult and Child Care facilities**: The investigating Licensing Program Analyst will mail a copy of the completed Complaint Investigation Report to the complainant. Unless the complaint was determined to be unfounded, the Department will upload the Complaint Investigation Report to the state transparency website the following Sunday.
- **For Senior Care facilities and Residential Care for the Chronically Ill**: The investigating Licensing Program Analyst will mail a copy of the completed Complaint Investigation Report to the complainant. The Department will upload the Complaint Investigation Report to the state transparency website the following Sunday.
- **For Children's Residential facilities**: Unless the complaint is determined to be unfounded, or the facility investigated is a Foster Family Home, the Department will upload the Complaint Investigation Report to the state transparency website the following Sunday. Also, if the complaint is determined to be unfounded, the Department will not provide a copy of the Complaint Investigation Report to the complainant.

If the complainant is concerned about the Department's findings, the Licensing Program Analyst will remind the complainant that if he or she has additional relevant evidence that was not available at the time the initial allegation was made, providing it to the department within 60 days of completion of the investigation will allow the Department to evaluate it and render a decision to:

1. Investigate further; or
2. Open a new complaint; or
3. Take no further action in the event the new evidence would not have an impact upon the findings.