

# How To File a Nursing Home Complaint

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

## Stage 1 - Filing the Complaint

### Who Can File a Complaint?

Any person (not just residents or their family members) or organization can file a complaint about a nursing home with the Licensing and Certification Division of the California Department of Public Health (DPH). DPH is the state agency that enforces nursing home laws and regulations through regular inspections and complaint investigations.

### What Can I File a Complaint About?

You can file a complaint about abuse, neglect and any other matter protected by law. For example, you can file a complaint about violations of your rights, poor care, lack of staffing, unsafe conditions, mistreatment, improper charges, transfer and discharge concerns, and a failure to readmit you after a hospital stay.

### When Should I File a Complaint?

File a complaint with DPH when problems are serious and/or other steps to resolve your concerns have not been effective. Although you are not required to try other dispute remedies first, it is usually best to do so.

Start by communicating with staff of the facility or a family council if one exists. Another option is contacting the long term care ombudsman office in your county for assistance ([http://www.aging.ca.gov/programs/ombudsman\\_contacts.asp](http://www.aging.ca.gov/programs/ombudsman_contacts.asp)). The ombudsman program helps residents resolve concerns about their care and rights. It can try to resolve the complaint with the nursing home, express concerns with outside officials and help you file a formal complaint with DPH. The ombudsman does not have any powers or direct authority over the nursing home, however.

If your concerns are not resolved, file a complaint with DPH.

### Where Do I File a Complaint?

See the list of DPH Licensing and Certification district offices below to find the district office for your area.

### How Do I File a Complaint?

Complaints may be made orally or in writing. If you phone in a complaint, follow up with a written complaint to ensure a paper trail. Attached is a form you may use to file a complaint.

### What Information Should I Include in My Complaint?

Taking notes or keeping a written log will enable you to retrieve specifics later. When writing a complaint, be brief but complete. No investigator wants to read a long letter to figure out what's going on. Stick with the facts ("the nurse hit my mother"), and avoid stating generalities ("the facility is guilty of elder abuse").

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Your complaint should include:

- Name and address of the facility
- Your name, address, phone number, and relation to the resident
- Name of the resident on whose behalf the complaint is made
- Date(s) and time(s) of incidents
- Specific complaints
- Names of witnesses (including other health care providers, such as hospital personnel)
- Names of staff, if relevant to the complaint
- Records that should be examined

## **Stage 2 - Notifying Other Authorities of Your Complaint**

### **Should I Notify Other Agencies or People About My Complaint?**

Yes, other organizations may have authority to investigate your complaint or be able to give you advocacy support or information. Also, DPH may give your complaint better attention if it knows you have alerted other authorities. Send a copy of your complaint to CANHR, the local ombudsman office, and to:

- Your California Assembly Member and Senator: They make laws governing nursing homes and DPH. If DPH does not respond properly to your complaint, tell your legislators about your experience and urge them to take action. You can identify the Assembly Member and Senator for your district at: [www.leginfo.ca.gov/yourleg.html](http://www.leginfo.ca.gov/yourleg.html)
- The Bureau of Medi-Cal Fraud & Elder Abuse (BMFEA): Send BMFEA a copy of your complaint if it involves serious neglect, abuse or Medi-Cal fraud. The BMFEA, a division of the California Attorney General's office, investigates and prosecutes those who abuse and neglect nursing home residents. There are three ways to file your complaint: (1) Call it at 800-722-0432; (2) File your complaint on-line at [www.ag.ca.gov/bmfea](http://www.ag.ca.gov/bmfea); or (3) Mail a copy of your complaint to the California Department of Justice, Office of the Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse, P.O. Box 944255, Sacramento, CA, 94244-2550.

## **Stage 3 - Investigation**

### **I've Made a Complaint - What Happens Next?**

Under California law, DPH must begin an onsite investigation of your complaint within ten (10) working days of receipt. If the complaint involves a threat of imminent danger of death or serious bodily harm, DPH must investigate onsite within 24 hours of receipt of the complaint.

As a result of a CANHR lawsuit, DPH is under court order to comply with the investigation timelines. CANHR is carefully monitoring its compliance with the court order. Please notify us if your complaint is not investigated within the above timelines.

### **What Are My Rights as a Complainant?**

- You must be notified of the name of the assigned investigator within two working days of your complaint.
- You have the right to be free from retaliation for a complaint. California law prohibits a facility from discriminating or retaliating against a resident or employee who cooperates in an investigation. Any type of discriminatory treatment within 180 days after a complaint is

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filed is presumed to be retaliatory and is punishable by a civil fine of up to \$10,000.

- You have the right to remain anonymous. California law requires that DPH keep your identity (and that of any other person named in the complaint) anonymous to the facility. In your complaint, you can also specifically request to remain anonymous. Please note that anonymity can sometimes make it difficult to substantiate a complaint.
- You have the right to accompany the investigator to the facility. If you wish to do so, include this request in your complaint. DPH should give you up to one-half working day notice of their scheduled, unannounced visit to the facility. Requests to accompany the investigator may not be granted if DPH determines that doing so would violate residents' privacy.
- You have the right to a response. Within 10 working days of the completion of its investigation, DPH must notify you in writing of its findings.

## **Stage 4 - The Appeals Process**

### **What If I'm Dissatisfied with DPH's Findings?**

If you are dissatisfied with DPH's findings, you have the right to an informal conference. To request the informal conference, write to the DPH district office manager within 5 business days of receipt of the findings. The conference should be scheduled within 30 days of your appeal; you will meet with the DPH district manager (or designee) and possibly the nursing home administrator. Within 10 working days after the informal conference, DPH should notify both you and the facility of its determinations.

### **What If I'm Dissatisfied with the Results of the Informal Conference?**

If you are dissatisfied with the results of the informal conference, you may appeal to the Deputy Director at: California Department of Public Health, Center for Healthcare Quality, P.O. Box 997377, Sacramento, CA 95899-7377. To file this appeal, you have 15 days from receipt of the findings of the informal conference. A representative from the Complainant Appeals Unit will review the findings from the initial investigation and the informal conference. You have the right to request an interview with this representative. Based on the Appeals Unit review, the Deputy Director must make a final determination and notify you and the facility within 30 days. No further appeals are available through DPH.

Despite your legal right to appeal, DPH often ignores complainant appeals. If it does not respond to your appeal in a timely manner, call CANHR for advice.

## **Stage 5 - Ensuring Proper Investigation**

### **Help! DPH Hasn't Gotten Back to Me in a While - What Do I Do?**

If DPH does not keep you notified as detailed above, contact it to check on the status of your complaint. Know your complaint number, as well as the name and direct phone number of the investigator. Keep a timeline of all correspondence and communications with DPH.

If the assigned investigator is not responsive, work the DPH chain of command. Contact the investigator's supervisor, then the district manager if necessary. Advise the legislators for your district and the ombudsman office if they do not take appropriate action to address your concerns.

Call CANHR at 800-474-1116 to discuss additional advocacy steps if your complaint is not addressed to your satisfaction.

You can find your complaint and appeal rights in the California Health & Safety Code, Sections 1419 and 1420. The California Codes are available online at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

## District Licensing and Certification Offices

(find the county where the nursing home is and send the complaint to the address for the associated district)

### District Numbers, By County

Alameda ..... 01	Kings ..... 05	Placer..... 10	Sierra ..... 03
Alpine ..... 10	Lake ..... 07	Plumas..... 03	Siskiyou ..... 03
Amador..... 10	Lassen ..... 03	Riverside ..... 09	Solano..... 07
Butte ..... 03	Los Angeles..... 06	Sacramento..... 10	Sonoma..... 07
Calaveras ..... 10	Madera ..... 05	San Benito ..... 14	Stanislaus ..... 10
Colusa..... 03	Marin ..... 07	San Bernardino..... 11	Sutter ..... 03
Contra Costa ..... 01	Mariposa ..... 05	San Diego ..... 12/13	Tehama..... 03
Del Norte..... 07	Mendocino ..... 07	San Francisco ..... 04	Trinity..... 03
El Dorado ..... 10	Merced ..... 05	San Joaquin..... 10	Tulare ..... 02
Fresno..... 05	Modoc ..... 03	San Luis Obispo .... 15	Tuolumne..... 10
Glenn ..... 03	Mono..... 11	San Mateo ..... 04	Ventura..... 15
Humboldt ..... 07	Monterey..... 14	No. Santa Clara..... 04	Yolo ..... 10
Imperial ..... 12	Napa..... 07	So. Santa Clara..... 14	Yuba..... 03
Inyo ..... 11	Nevada ..... 03	Santa Cruz..... 14	
Kern ..... 02	Orange..... 08	Shasta ..... 03	

### District Offices, By District Number

#### 01 East Bay District Office

850 Marina Bay Parkway, Bldg. P, 1st Floor  
 Richmond, CA 94804-6403  
 (510) 620-3900 / (866) 247-9100  
 (800) 554-0352

#### 02 Bakersfield Office

4540 California Avenue, Suite 200  
 Bakersfield, CA 93309  
 (661) 336-0543 / (866) 222-1903  
 (661) 336-0529 Fax

#### 03 Chico Office

126 Mission Ranch Blvd., Chico, CA 95926  
 (530) 895-6711 / (800) 554-0350

#### 04 San Francisco Office

150 North Hill Drive Suite 22, Brisbane, CA 94005  
 (415) 330-6353 / (800) 554-0353

#### 05 Fresno Office

285 W. Bullard, Suite #101, Fresno, CA 93704  
 (559) 437-1500 / (800) 554-0349

#### 06 Los Angeles Office

3400 Aerojet Ave., Suite 323  
 El Monte. CA 91731  
 (626) 569-3724

#### 07 Santa Rosa Redwood Coast District Office

2170 Northpoint Parkway, Santa Rosa, CA 95407  
 (707) 576-6775 / (866) 784-0703

#### 08 Orange County Office

681 S. Parker Street, Ste 200, Orange, CA 92868  
 (714) 567-2906 / (800) 228-5234

#### 09 Riverside Office

625 East Carnegie Dr., Ste. 280  
 San Bernardino, CA 92408  
 (909) 388-7170 / (888) 354-9203

#### 10 Sacramento Office

3901 Lennane Dr., Ste. 210, Sacramento, CA 95834  
 (916) 263-5800 / (800) 554-0354

#### 11 San Bernardino Office

464 West Fourth St., Ste. 529, San Bernardino, CA, 92401  
 (909) 383-4777 / (800) 344-2896

#### 12 No. San Diego Office

7575 Metropolitan Dr., Ste 104, San Diego, CA 92108  
 (619) 278-3700 / (800) 824-0613

#### 13 So. San Diego Office

7575 Metropolitan Dr., Ste. 211, San Diego, CA 92108  
 (619) 688-6190 / (866) 706-0759

#### 14 San Jose Office

100 Paseo de San Antonio, Ste. 235, San Jose, CA 95113  
 (408) 277-1784 / (800) 554-0348

#### 15 Ventura Office

1889 N. Rice Avenue, Ste. 200, Oxnard, CA 93030  
 (805) 604-2926 / (800) 547-8267

