

Residential Care Facilities for the Elderly (RCFE) How to File a Complaint

Which State Agency is Responsible for Investigating Complaints?

Community Care Licensing (CCL) of the Department of Social Services is the regulatory agency responsible for investigating complaints. CCL also is responsible for issuing licenses, conducting periodic inspections to ensure that minimum standards are maintained, and enforcing the laws and regulations by issuing civil penalties and administrative sanctions. In situations where the health or safety of residents are in danger, CCL also has the authority to suspend or revoke a facility's license.

Who Has a Right to File a Complaint?

Any person (not just residents or family members) or organization has the right to file a complaint with CCL.

What Can I File a Complaint About?

You have a right to file a complaint about abuse, neglect, inadequate staffing, poor care, mistreatment of residents, eviction issues, and other matters protected by law.

When Should I File a Complaint?

It is usually helpful to try to resolve your concerns by first bringing them to the attention of the facility administration. (See CANHR's Fact Sheet on [Self-Advocacy](#).) When efforts at informal problem solving have not worked, you may wish to contact the long term care ombudsman office in your county for assistance (<http://www.aging.ca.gov/Programs/LTCOP/Contacts/>). The ombudsman program helps residents resolve concerns about their care and rights. They can try to resolve the complaint with the facility, express concerns with outside officials and help you file a formal complaint with CCL.

If your concerns are not resolved, you may wish to file a complaint with CCL. Consider filing a complaint with CCL **when there are serious problems**, (e.g., alleged violations of resident rights, elder abuse) or **persistent problems**, (e.g., inadequate staff in terms of numbers, training and skill, poor quality food, etc.).

How Long Will the Investigation Take?

CCL must begin the investigation within 10 working days from receipt of the complaint. However, that does not mean the investigation will be resolved in 10 days. Some investigations do take longer than others, depending on the severity of the case. If you do not hear back from CCL in a reasonable time, you should make follow-up phone calls.

How Long Does the Facility Have to Correct Problems?

CCL must notify the facility of all deficiencies in its compliance with the applicable laws, and meet with the persons in charge to develop a plan of correction. The facility must then correct the problems within 10 days, unless a longer time period is specified in the plan of correction.

Where Do I File a Complaint?

To file a complaint about an RCFE, call the statewide toll-free public complaint hotline at 1-844-LET-US-NO [1-844-538-8766]. You should also send a written statement of your concerns to the Centralized Complaint and Information Bureau (CCIB). Click here for a CANHR RCFE Complaint Form - http://www.canhr.org/factsheets/rcfe_fs/PDFs/RCFE_ComplaintsForm200610.pdf. The CANHR RCFE Complaint Form is an effective way to document your concerns. The complaint may be sent to the CCIB by email, fax or mail:

California Department of Social Services
Community Care Licensing Division
Centralized Complaint and Information Bureau
744 P Street
Sacramento, CA 95814
Fax: (916) 651-6668
Email: letusno@dss.ca.gov

After you file your complaint, address future questions or concerns to the local CCL Adult and Senior Care Regional Office - <http://ccl.d.ca.gov/res/pdf/ASC.pdf>.

It is important for your elected representatives to know what is going on in California's licensed facilities. Make a copy of the complaint you are sending to CCL, and send it to the **California State Legislators who represent your district**. If the complaint involves serious neglect or abuse, contact **the County District Attorney** and the Bureau of Medi-Cal Fraud & Elder Abuse (BMFEA), a division of the California Attorney General's Office: 1-800-722-0432; <http://ag.ca.gov/bmfea/>; or mail BMFEA, P.O. Box 944255, Sacramento, CA 94244-2550.

How Do I Make an Effective Complaint?

Provide a clear and concise statement about your concerns and as much documentation as possible. Use CANHR's [RCFE Complaint Form](#) to help organize your thoughts and the facts, thoroughly documenting your concerns.

In completing the form or submitting your written statement, consider the following points:

- Clearly state your name, address, telephone, cell phone, fax, pager, email etc.
- Clearly identify the name(s) and location(s) of the resident(s) affected.
- State the name and address of the care facility and the names and titles, if relevant, of the administrator, manager, supervisor(s) and all direct care staff or employees involved in the incident(s).
- Describe what happened. Avoid making “legal” conclusions—that is CCL’s responsibility after investigating the facts.
- Be an objective reporter. Stick to the facts by stating what was done or not done, when, where and by whom.
- Organize events in a chronological order, i.e., what happened on a certain date and time, then what happened next, etc.
- Indicate the names and titles of any witnesses to the event(s).
- Provide names of other persons who might have knowledge of the resident or of other similar occurrences.
- Suggest which medical records may be useful to an investigation.

What Are My Rights as a Complainant?

The complainant has the right to be free from threats or retaliation by the facility.

The complainant has a right to have his/her name held in confidence and not disclosed to the facility. The complainant even has the right to remain anonymous to either CCL or the Ombudsman Program, although this is not helpful in conducting a thorough investigation.

CCL is responsible to inform the complainant of its proposed “plan of action” and to share with the complainant a written report of the findings of its investigation.

If you are dissatisfied with the timing, thoroughness or results of the investigation, call or write the investigator’s supervisor or district manager at CCL. If you are dissatisfied with the response you receive from the investigator’s supervisor or district manager at CCL, you should make your dissatisfaction known to [the California State Legislators who represent your district](#).

The most pertinent laws are found in California Health and Safety Code, Sections 1569.33, 1569.35, 1569.37.

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE) COMPLAINT FORM

Name of Person Filing Complaint _____

Address _____

City _____ State _____ Zip _____

Daytime Phone Number _____ Evening Tel. # _____

Name of Facility _____ Tel.# _____

Address of Facility _____

City _____ State _____ Zip _____

Name(s) of Resident(s) on Whose Behalf the Complaint is Being Made: _____

Summary of the Complaint: _____

Date(s) of Incident(s) _____

Shift(s) When Incident(s) Occurred: Day Afternoon Night Time(s): _____

Witness(es): _____

Name of Staff Person(s) Involved: _____

Records that Should be Examined: _____

Check ALL that apply:

- I have sent a copy of my complaint to **Community Care Licensing**. (See link of Senior Care Program offices.)
- I have sent the **Ombudsman Program** a copy of this complaint.
- I am sending **CANHR** a copy of this complaint.
- I am sending my California State Legislator a copy of this complaint.
- I am sending a copy to the Attorney General.
- I want to know the **name of the investigator** assigned to this complaint.
- I want to **talk with the investigator** before s/he starts the investigation.
- I want my **identity to remain confidential** (i.e. not revealed to care facility).
- I want a **copy of the final complaint report**.