
EVALUATOR MANUAL TRANSMITTAL SHEET

<p><u>Distribution:</u></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Evaluator Manual Holders</p>	<p><u>Transmittal No.</u> 08RM-08</p> <hr/> <p><u>Date Issued</u> November 2008</p>
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Subject:

Reference Material
 Complaints – Correction of California Code of Regulations, Title 22, citations and
 Reference Material citations.

Reason for Change:

Amend Section 3-2200

Filing Instructions:

REMOVE – Page 11

INSERT – Page 11

Approved:

Original signed by Thomas Stahl

11/18/08

THOMAS STAHL Chief
 Policy Development Bureau
 Community Care Licensing Division

Date

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3-2200 PLANNING THE INVESTIGATION**3-2200**

Because complaint investigations involve more “leg work” than routine facility evaluations, it is important to plan an investigative approach to ensure comprehensive data gathering in the event the investigation results in an administrative action.

Upon receiving the complaint assignment, identify the extent of the problem and the laws and regulations that may have been violated. A Local Unit Manager should be immediately informed of all allegations that, if true, would endanger the health and/or safety of any clients or children in care. Allegations of abuse and other immediate health and safety threats are always first priority. If the complaint information is incomplete, the complainant should be contacted for more details. Record this additional information on the back of the LIC 802 in the section marked “Pre-Investigation Contact with Complainant.”

By law (Welfare & Institutions Code 9721), complaints referred by the Office of the State Long-Term Care Ombudsman are given priority. Additionally, in 1982, Assembly Bill 2997 (Chapter 1457) (Welfare & Institutions Code 9725) was passed stating that the identification of a resident “shall remain confidential unless disclosure is authorized by the patient or resident or his or her conservator or legal representative.” Thus, if the Ombudsman is referring a complaint on behalf of a client and refuses to relinquish any client identifying information, the analyst shall still accept the submitted information as a complaint and proceed with the investigation. If the investigation is difficult to pursue because of insufficient client-related information, the Ombudsman should be re-contacted. The difficulty should be explained and all possible information collected from the Ombudsman. The investigation shall commence on the basis of available information, as with complaints from other sources.

Prior to making a complaint site visit, the analyst must review the file, and according to Regional Office procedures, discuss the serious cases with a Local Unit Manager. During the file review, the number and kind of substantiated complaint violations should be noted. This information may be needed later to determine if the licensee (Community Care Facilities only) will have to be notified to send copies of the LIC 9099s to the clients’ authorized representatives should this complaint be substantiated (Refer to Evaluator Manual section 3-2330, Special Documentation Requirements for Community Care Facilities). Any records which are not confidential and which may be helpful can be photocopied for reference during the site visit.

If there is a complaint about a Certified Family Home, consider contacting other Regional Offices that have Certified Family Homes associated with the same Foster Family Agency. The purpose of this contact is to determine whether there is the same type of problem with many Certified Family Homes of the same Foster Family Agency. If this appears to be true, Analysts should investigate whether there may be a systemic problem within that Foster Family Agency.

Analysts are mandated by law to report suspected abuse. (Refer to [Reference Material Complaints Sections 3-2600 through 3-2630](#) for investigating abuse, [Reference Material Reporting Requirements Section 4-0000](#) for reporting procedures, and California Code of Regulation, [Title 22, Sections 80044 and 80045](#) for Community Care Facilities; [82044 for Adult Day Programs, 87755 and 87756](#) for Residential Care Facilities for the Elderly; [87844 and 87845 for Residential Care Facilities for the Chronically Ill](#), [89244 and 89245](#) for Foster Family Homes; [101200 and 101201](#) for Child Care Centers; and [Reference Material Complaints Section 3-2300](#) for details on preparing for the visit.)