

Filing Complaints with State Licensing Board

(Revised 12/17/21)

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Forms

The following forms are referenced in this file:

- 04-51A Critical Incident Report

Policy

When a CWS staff person has information and/or reason to believe that a California licensed provider (doctor, dentist, therapist, etc.) has engaged in negligent or illegal practice while providing services to CWS clients, a complaint will be filed.

Complaint allegations must be related to the licensee's professional practice and may include:

- gross negligence
- incompetence
- unprofessional conduct such as intimidation or bullying, offensive and abusive language, or sexual harassment
- misrepresentation
- mental or physical impairment caused by mental illness or substance abuse, impacting their professional practice

When to File a Complaint

A complaint should be filed in cases where the CWS staff person becomes aware that a CWS service recipient was treated by a licensed professional or intern who performed, administered, ordered, treated, prescribed and/or acted in a way that resulted in negligence and caused or could have caused serious physical and/or emotional harm to a client. The following are some examples of complaints reviewed by state boards:

- the quality or care and treatment provided by a licensed professional (e.g. negligence)
 - violation of drug laws, mis-prescribing or over-prescribing
 - sexual misconduct
 - dishonesty (including filing fraudulent insurance claims)
 - practice of medicine by a person who is unlicensed or not under the supervision of a licensed professional
 - impairment due to mental illness or suspected substance abuse
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Who Should File a Complaint

If...	Then...
<p>information is received from an adult CWS service recipient or CWS provider e.g. resource parent, service provider, etc.</p>	<p>CWS staff should provide complaint procedures and information to that person and encourage them to file a complaint with the appropriate state board.</p> <p>CWS staff can file a complaint on behalf of an adult service recipient, especially if this is a service provider we are using for court ordered services. CWS staff may not disclose confidential information (such as why the child is a dependent, etc.), and the complaint should focus on the interaction between the parent and provider, and what the client reported about that interaction. CWS staff are obligated to report conduct that may be criminal to law enforcement and to report to the hotline if conduct constitutes abuse or neglect.</p>
<p>a CWS staff person becomes aware that a minor CWS service recipient was treated by a licensed professional in a manner outlined in the previous section.</p>	<p>a complaint should be filed by CWS staff after consultation with supervisor and CWS Manager.</p> <p>CWS staff will also notify minor’s attorney that a complaint was filed.</p> <p>CWS staff are obligated to report conduct that may be criminal to law enforcement and to report to the hotline if conduct constitutes abuse or neglect.</p>

CWS Staff Procedures

CWS staff will follow the steps below when filing a complaint:

Step	Who	Action
1	CWS Staff	Consult with immediate supervisor and CWS Manager before filing a complaint.
2	CWS Manager	If warranted, provide approval to file complaint.

**CWS Staff
Procedures (cont.)**

Step	Who	Action
3	CWS staff	<p>Is complaint related to a TERM-approved provider?</p> <p>If YES, then follow the TERM Provider Complaints procedures. If NO, then:</p> <ul style="list-style-type: none">• File a complaint through the Department of Consumer Affairs website or obtain complaint form from appropriate state licensing board and complete as necessary (see next section).• Complete a Critical Incident Report (04-51A) to document the date the complaint was sent. Use the 'Other' category for incident type.• Send copies of the complaint form to Office of the Ombudsman (W473) with the 04-51A as well as other individuals listed on the form.• File alternate complaint/report if necessary and directed by the manager (e.g. child abuse report, police report, TERM complaint).

**State Licensing
Boards**

State licensing boards are responsible for investigating complaints and disciplining the licensed professional who violates the law. If a licensed professional appears to have violated the law in their practice, the board staff will investigate and charges may be filed. State boards exist to protect the health and safety of consumers and to promote quality care in California.

The State of California, Department of Consumer Affairs is responsible for licensed individuals and complaints may be filed through their website: www.dca.ca.gov. If you require additional information or prefer to file a written complaint, you can access the specific board's information from the Department of Consumer Affairs website.

NOTE: Complaints related to healthcare plans and insurance companies are handled through the California Department of Public Health, Department of Managed Health Care. Complaints may be filed through their website: www.dmhca.ca.gov. If you require additional information, contact the department of Managed Health Care at 888-466-2219.

Alignment with SET

This policy supports [Value 1](#) and the guiding principle to partner with the whole family to create long-term safety and well-being. It also supports [Value 4](#) and the guiding principle to ensure community resources are accountable, responsive, and culturally sensitive. It also supports the agency practices for ensuring staff and community partners have a shared vision for safety, permanency, and well-being; and maintaining open communication and transparency with families and community partners.
