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GAVIN NEWSOM
Governor

March 16, 2023

DOM 23-01

TO: All District Office Managers/Administrators

SUBJECT: Clarification on Evidence to Substantiate a Complaint Allegation

AUTHORITY: [State Operations Manual Chapter 5](#)

District Office Memorandum (DOM) Summary

This DOM provides clarification regarding the evidence needed to substantiate a complaint allegation. Surveyors do not need evidence from two types of sources (observations, interviews, or record review) to substantiate a complaint allegation.

A substantiated allegation, is defined in [P&P 100.2.01 SNF Abbreviated Standard Survey](#) and [Appendix A – Complaint Process](#), as an allegation that is verified by evidence. An allegation is considered substantiated based on the finding about the individual or specific situation named by the complainant in his or her allegation, even if the noncompliance was corrected for the specific individual(s) named by the complainant in the allegation.

Evidence of a complaint allegation can be collected through three types of sources: observations, interviews, and/or record reviews. However, surveyors do not need evidence from two types of sources to substantiate a complaint allegation.

- For complaints requiring investigation, a full investigation is needed to determine noncompliance, regardless of the source(s) of information.
- Ombudsmen are generally considered a reliable source of evidence. If an Ombudsman directly observes/hears something and provides it to surveyors, it is part of the full evidence to consider in the investigation.
- The surveyors' role is to determine whether all the evidence taken together is 'more likely than not' noncompliance, which includes appropriate supervisory review.

If you have any questions about this DOM, please contact your respective branch chief.

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Sincerely,

Original signed by Cassie Dunham

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