

Filing Complaints Against Continuing Care Retirement Communities

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.

All providers offering continuing care contracts must first obtain a certificate of authority and a residential care facility for the elderly (RCFE) license. In addition, CCRCs that offer skilled nursing services must hold a Skilled Nursing Facility License issued by the California Department of Public Health, whose Licensing and Certification section is responsible for regulatory oversight of nursing homes.

The California Department of Social Services (Department), is responsible for the oversight of continuing care providers. The Department's Community Care Licensing Division has two branches that participate in the regulation of CCRCs:

- 1) Since all CCRCs are also licensed as Residential Care Facilities for the Elderly (RCFEs), the Adult and Senior Care Program monitors continuing care providers for compliance with the Community Care licensing laws and regulations regarding buildings and grounds, resident rights, accommodations, care and supervision of residents, and quality of service.
- 2) The Continuing Care Contracts Bureau (CCB) is responsible for reviewing and approving applications to operate a CCRC and monitors the ongoing financial condition of all CCRC providers and their ability to fulfill the long-term contractual obligations to residents. CCB will also review the transfer process for disputed level of care transfers (HSC section 1788(a)(10)(D)).
- 3) Because there are three different agencies that regulate CCRCs, where to file a complaint will depend, not only on the nature of the problems, but also at what level of care the problem has occurred or is occurring.

Complaints About the CCRC Contract and Rights

A CCRC resident has clearly established rights to file complaints without provider retaliation. (Health & Safety Code §1771.7(f)(g) and 1788(a)(30)(B))

The Continuing Care Contracts Bureau, California Department of Social Services – Community Care Licensing, is the designated regulatory agency for CCRCs. The CCC Branch views its primary mission as monitoring the financial soundness of CCRCs. However, it also has statutory authority and responsibility to:

- Accept resident complaints concerning the violation of rights stated in the Resident Rights – Health & Safety Code §1771.7 (H&S 1771.7(f))
- Respond within 15 business days to residents' rights, service-related, and financially related complaints by residents (H&S 1776.3(d)(1))
- Review the transfer process for disputed level of care transfers (H&S 1788(a)(10)(D))

Continuing Care Contracts Branch (CCC Bureau) – All Care Levels
California Department of Social Services
744 P Street, M.S. 9-14-91

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(916) 654-0591
cclccb@dss.ca.gov

For copies of CCRC provider notices, including their fact sheet on filing CCRC complaints, the CCLD complaint hotline and resources for CCRC residents, see:

<https://www.cdss.ca.gov/inforesources/community-care/continuing-care>

Complaints about Residents Rights/Independent Living/Assisted Living

Since both the Independent Living Units and the Assisted Living units of CCRCs are regulated as Residential Care Facilities for the Elderly (RCFEs), the Senior Care Division of Community Care Licensing monitors CCRCs for compliance with the RCFE laws and regulations regarding buildings and grounds, accommodations, care and supervision of residents, resident rights and quality of service. (Refer to CANHR's website on RCFEs/Assisted Living, and to the Fact Sheets on Rights of Residents in RCFEs and Filing Complaints.)

Department of Social Services – Community Care Licensing

See the following for the CCL address and complaint hotline or file a complaint with the District Office:

<https://www.cdss.ca.gov/inforesources/senior-care-licensing>

<https://www.cdss.ca.gov/Portals/9/CCLD/ASC.pdf> (Listing of District Offices)]

Complaints about the Nursing Home

Skilled Nursing residents have substantial rights established by both federal and state law. Skilled Nursing is regulated by the California Department of Public Health, Licensing and Certification. (Refer to CANHR's website on Nursing Homes, www.canhr.org, and to the Fact Sheets on Rights of Residents in Nursing Homes and Filing Complaints.)

Where to Go for Help

Contact CANHR at www.canhr.org, 1-800-474-1116 (Consumers only) or 415-974-5171 and consider using one of CANHR's Complaint Forms for either Assisted Living/Residential Care or Nursing Homes.

If the complaint involves serious neglect or abuse, contact the Ombudsman Program, local law enforcement, and the California Attorney General's Bureau of Medi-Cal Fraud & Elder Abuse at 1-800-722-0432 or <https://oag.ca.gov/dmfea> or mail to BMFEA, P.O. Box 944255, Sacramento, CA 94244.