



a program of Law Foundation of Silicon Valley

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General Inpatient Complaint Referral Resource List

It is common for persons hospitalized, either voluntarily or involuntarily, to experience problems related to the treatment they received, interactions with staff, violations of their rights, and other matters. Family members of patients may also have concerns about the quality of care provided to their loved ones, such as frustration with treatment team staff failing to respond to calls requesting treatment updates. Also, patients and family members may not be knowledgeable about how to file complaints directly with the hospital and the county and the state agencies and organizations they may submit complaints to. The intent of this information sheet is to provide a list of these resources and the types of complaints they can help with. Please note, the agencies and organizations may share common oversight and investigation responsibilities but have different legal authorities.

Mental Health Advocacy Project (MHAP)

MHAP is one of the legal services programs of the Law Foundation of Silicon Valley. MHAP operates on an expressed interest advocacy philosophy. This means that we represent the interests of mental health clients as they express them. When a family member contacts MHAP with a complaint involving something that happened to a loved one while hospitalized, MHAP must first contact the client to obtain consent to become involved.

- **Types of Complaints/Issues Appropriate for Referral to MHAP:**
 - **Abuse and neglect:** unnecessary or excessive use of seclusion and restraint, forced medication; excessive use of force by staff.
 - **Improper denial/withholding of basic patients' rights:** e.g., visitation, reasonable access to use of the phone, able to wear one's own clothing.
 - **Failure of the hospital to provide prompt medical care and treatment:** For example, a patient who complains of a chronic pain condition and the hospital fails to arrange timely assessment to determine proper treatment.
 - **Violations of dignity, privacy and humane care:** alleged verbal abuse by staff, entering a patient's room without knocking; searching patient belongings without cause or patient's presence.
 - **Consultation and advice regarding legal status:** civil commitment due process rights while under detention, e.g., 14-day certifications, conservatorship.
 - **Violations of confidentiality regarding treatment:** disclosure of information by hospital staff to a third party without a patient's authorization.

California Department of Public Health Licensing and Certification (L&C):

L&C is the California state agency responsible for regulatory oversight of licensed health care facilities and health care professionals to assess the safety, effectiveness and quality of health care provided in the state. L&C conducts periodic facility inspections and complaint investigations of health care facilities to determine compliance with federal and state law and regulations: L&C has oversight authority over the following categories of licensed facilities: **General Acute Care Hospitals** (e.g., Valley Medical Center, Stanford University Medical Center); **acute psychiatric**

hospitals (e.g., San Jose Behavioral Health); **Skilled Nursing Facilities with Special Treatment Programs** (e.g., Golden Living Center). Please note, L&C does not have oversight jurisdiction of Psychiatric Health Facilities (e.g., Crestwood and Kaiser Behavioral Health) and Mental Health Rehabilitation Centers (e.g., Crestwood Center).

A complaint may be submitted by contacting the L&C regional office responsible for conducting investigations of facilities in your county or on-line: www.cdph.ca.gov click link for “programs” then “file a complaint”

- **San Jose District Office:** 408-277-1784/1-800-554-0348
 - Covers: parts of Santa Clara Co.: San Jose, Los Gatos, Campbell, Milpitas, Morgan Hill, and Gilroy.
- **San Francisco District Office:** 415-330-6353/1-800-554-0353
 - Covers: SF, San Mateo Co., parts of Santa Clara Co.: Cupertino, Los Altos, Mt. View, Palo Alto, Santa Clara, Saratoga, and Sunnyvale.
- **Types of Complaints/Issues Appropriate for Referral to L&C:**
 - **Significant medication errors:** patient administered the wrong medication or improper dose of a prescribed medication resulting in harm to patient.
 - **Abuse by a licensed provider:** alleged sexual assault or physical abuse by licensed hospital staff (e.g., physicians, psychologists, registered nurses, licensed nurse practitioners, certified nursing assistants).
 - **Unnecessary and/or excessive use of seclusion and restraint or medications.**
 - **Violation of state and federal laws and regulations governing patients’ rights.**
- L&C and MHAP share legal investigative authority in the areas of violations related to patients’ rights and seclusion and restraint. However, when L&C finds violations they have the legal authority to issue citations, require a facility to submit a plan of correction, fine facilities that fail to comply, and suspend a facility’s license.

California Professional Licensing Boards:

California, like most states, licenses and oversees medical and other health professionals. Under circumstances when a patient has a complaint concerning the behavior or actions of a specific licensed professional, he/she may choose to file a complaint directly with the state board that has jurisdiction to investigate such matters. Following is a list of the California boards, the professions they license and how to contact them.

Medical Board of California: 916-263-2382/800-633-2322; www.mbc.ca.gov

- Physicians and osteopaths

Board of Registered Nursing: 916-322-3350; www.rn.ca.gov.

- Registered nurses, nurse practitioners

Board of Vocational Nurses & Psychiatric Technicians: 916-263-7827; www.bvnpt.ca.gov.

- Licensed vocational nurses and psychiatric technicians

Board of Behavioral Science Examiners: 916-574-8625; www.bbs.ca.gov.

- Psychologists, licensed clinical social workers, marriage and family therapists

Health and Human Services Office for Civil Rights (OCR):

If you believe an entity covered under the Health Insurance Portability & Accountability Act (HIPAA) violated your (or someone else’s) health information privacy rights, you may file a complaint with OCR. OCR may investigate complaints against hospitals and their employees who are required by federal law to ensure that your personal health information (PHI) is protected. Your PHI is protected from

disclosure to third parties. For example, if you are hospitalized, before any staff person of a care facility may contact anyone (e.g., a family member) about your presence in the hospital and share PHI such as your diagnosis and treatment, **the hospital must first obtain your signed or witnessed verbal consent**. If you want further information about your privacy rights, go to www.hhs.gov/ocr. You may file a complaint with OCR in writing or on line.

Office of Civil Rights, Region IX

U.S. Department of Health & Human Services

90 7th Street, Suite 4-100

San Francisco, CA 94103

Tel: 800-368-1019; TDD: 415-437-8311; Fax: 415-437-8329

www.hhs.gov/hipaa/filing-a-complaint; ocrcomplaint@hhs.gov

A patient or family member may also utilize the hospital or medical organization's own customer service process. See attached page for contact information for Santa Clara County's psychiatric hospitals.

For patients receiving mental health services, including inpatient treatment, through the county's Medi-cal programs, complaints about quality of care, denial of services, or other issues you can file a grievance with the Santa Clara County Department of Mental Health's Quality Improvement Department. The forms for filing a grievance are attached. The Quality Improvement Department will contact you to discuss and investigate your grievance and try to work towards a solution. You can contact the Quality Improvement office by calling 1-800-704-0900 or by writing:

Quality Improvement Program

PO Box 28504

San Jose, CA 95159

Fax (408) 364-4013

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, the Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular case or situation.

Facilities & Contact Information

Barbara Arons Pavilion Emergency Psychiatric Services

Phone: 408-793-6565
Acute Psychiatric Services Quality
C/O Fatemeh Hosseini
2221 Enborg Lane
San Jose, CA 95128

Crestwood San Jose

1425 Fruitdale Ave
San Jose, CA 95128
Phone: 408-275-1010
Fax: 408-275-6998

Good Samaritan Mission Oaks Behavioral Health

Patient Advocate Line
(408) 259-5000 Ext. 6040

Stanford University Hospital

Guest Services
300 Pasteur Drive
Stanford, CA 94305
Room H1132
Phone: 650-498-3333
Fax: 650-736-4130
Fax: 650-725-9821

Kaiser PHF or Inpatient services delivered by Kaiser-contracted facility

Member Services
800-464-4000 or TTY 711
800-788-0616 (Spanish)
800-757-7585 (Chinese dialects)
Hours - Open 7 days a week
24 hours a day
Closed holidays
Medicare members
800-443-0815 or TTY 711

VA Palo Alto

Patient Advocate Program Manager
650-493-5000 x65544

EMQ FamiliesFirst

251 Llewellyn Avenue
Campbell, CA 95008
Phone (408) 379-3790