

CASOMB Complaint Procedure

The California Sex Offender Management Board (CASOMB) is charged with overseeing compliance with provider agency and provider certification guidelines (Penal Code, 290.09). If someone believes a certified treatment provider or provider agency is not operating ethically or in compliance with a Provider Agency or Treatment Provider Certification Requirement, the person may submit a complaint in writing to CASOMB with any available documentation or evidence. The complaint form is found on the CASOMB web site. The form must be legible, signed by the complainant, and submitted, identifying the specific requirement(s) that has been violated. Complaints regarding alleged criminal and/or unethical behavior may be investigated and/or referred to the appropriate licensing board or agency.

Complaints

Complaints will be addressed in the following manner:

1. All complaints will be subject to an initial administrative review by CASOMB staff.
 - A. This review will determine if the complaint process has been followed using the proper forms available on the CASOMB web site. Insufficient or improper filings may not proceed for review and CASOMB staff will provide written notification of the problem to the complainant. Complainants may resubmit a properly completed form for review.
 - B. The complainant will be notified in writing of receipt of the complaint.
 - C. If the complaint fails to allege a violation of the Provider Agency or Treatment Provider Certification Requirements, the complainant will be notified in writing that the complaint does not fall under the jurisdiction of CASOMB. This determination is final and not subject to appeal.
 - D. If a complaint alleges an ethics or certification requirement violation, then the complaint will be forwarded to the Complaints Committee.

2. The CASOMB Complaints Committee may:
 - A. In consultation with the CASOMB Consulting Psychologist/Board Coordinator, initiate and conduct an investigation of the complaint.
 - B. Collaborate with the CASOMB Consulting Psychologist/Board Coordinator to draft a letter notifying the provider or provider agency of the alleged violations.
 - C. Ask another Board member, staff member, outside consultant, investigator or expert to assist with the investigation.
 - D. Request clarifying information from the complainant and/or provider or provider agency.
 - E. Request a written response from the provider or provider agency.

3. The Complaints Committee will determine the facts of the case.
 - A. The Complaints Committee will use the clear and convincing evidence standard in making one of the following determinations:
 - i. Dismiss the complaint as unfounded.
 - ii. Find the complaint founded and submit a report to the CASOMB Certification Committee.
4. The subject(s) of the complaint may choose to:
 - A. Consult with an attorney when responding to the Complaints Committee.
 - B. Submit to the Complaints Committee a written response regarding the allegation. Use of email or certified mail is encouraged.
 - C. Provide documents to the Complaints Committee that support their claim.
5. The Certification Committee will review the findings of the Complaints Committee.
 - A. At least three (3) Certification Committee members will review the findings of the Complaint Committee and determine the sanction.
 - B. In the event of a conflict of interest of a member of the Certification Committee, additional persons will be assigned as necessary to make an informed determination.
6. The Certification Committee may take the following actions after receiving the report from the Complaints Committee:
 - A. Resolve the complaint through mutual agreement between the Certification Committee and the provider or provider agency, with notice of the resolution to the complainant.
 - B. The Certification Committee may consider the following possible consequences:
 - a. Make case specific recommendations for remedy to the provider or provider agency.
 - b. Send a letter of admonition to the provider or provider agency, who/which may submit a written response within 30 days from the date the letter of admonition was mailed. Any written response may be taken into consideration when the provider or provider agency is reviewed for recertification.
 - c. CASOMB may decertify the provider or provider agency for failure to comply with certification requirements upon written notice to the provider or provider agency of the findings and proposed decertification.
 - d. CASOMB staff will provide the complainant and the subject(s) of the complaint with written notice of the outcome.
 - e. The Certification Committee may notify the appropriate licensing board, collaborative stakeholders, including supervising agencies, about decisions made.
 - f. After formal resolution of the complaint, information regarding certification status will be provided to third parties if requested.

7. The findings of the Complaints Committee and the recommendations of the Certification Committee may be submitted to the Board for ratification.
8. All decisions of the Board are final.
9. CASOMB may respond to complaints found to be frivolous or made with malfeasance by reporting complainants in those cases to the appropriate licensing board or to law enforcement.
10. CASOMB retains the rights to initiate a complaint on its own accord.
11. Respondent providers or provider agencies may not discriminate or retaliate against complainants who filed a complaint in good faith.
12. CASOMB will maintain all documentation related to the complaint in the provider's or provider agency's file.