



COMPLAINT PRIORITIZATION and REFERRAL GUIDELINES FOR PROFESSIONAL BOARDS/BUREAUS*

Guidance To Refer Complaints to the Division of Investigation (DOI)

CATEGORY 1 – URGENT – Immediate referral to DOI

Complaints alleging imminent and/or ongoing public safety risk

- Practicing under the influence of drugs or alcohol, or mental or physical impairment of the licensee resulting in great bodily injury/death or major financial harm over \$10k*
- Use of force incidents resulting in great bodily injury/death
- Unlicensed practice or practicing with a delinquent/revoked license resulting in great bodily injury/death or major financial harm over \$10k* and/or requiring an in-person undercover operation
- Aiding and abetting unlicensed practice resulting in great bodily injury/death or major financial harm over \$10k* and/or requiring an in-person undercover operation
- Project abandonment resulting in major financial loss over \$10k* and/or great bodily injury/death to the client/public
- Acts of serious consumer harm, gross negligence, or incompetence by a licensee resulting in great bodily injury/death (criminal)
- Complaints with significant media coverage and/or sensitivities
- Examination subversion or board examination compromised (recommend consultation with DCA's Office of Professional Examination Services prior to DOI referral)
- Obtaining licensure by selling/using fraudulent documents/transcripts
- Re-inspections after a refusal to comply with routine inspections that resulted in violent threats and/or great bodily injury to the inspector or another board/bureau employee
- Other felony criminal violations, including but not limited to:
 - Selling fraudulent documents/transcripts
 - Major financial fraud/financial elder/insurance fraud abuse over \$10k*
 - Sexual misconduct with a client (non-consensual)

CATEGORY 2 – HIGH – Discuss with DOI prior to assigning to the Board

- Acts of serious consumer harm, gross negligence, or incompetence by a licensee resulting in great bodily injury/death or major financial loss under \$10k** (non-criminal)

*Higher thresholds are allowed for the Bureau of Household Goods and Services and Bureau for Private Postsecondary Education.



CATEGORY 3 – Complaints appropriate to be worked by the Board

- Use of force incidents not resulting in great bodily injury/death
- General unprofessional conduct, negligence, incompetence resulting in minor/potential harm
- General work quality complaints, offensive behavior/conduct/speech (non-criminal)
- Unlicensed practice or practicing with a delinquent/revoked license with minor/potential consumer harm/injury/financial loss, not requiring an in-person undercover operation
- Aiding and abetting unlicensed practice – non-criminal, minor/potential harm/injury/financial loss, not requiring an in-person undercover operation
- Working outside the scope of the license (non-criminal, minor/potential consumer harm, no major financial loss)
- Site inspections – solo and joint with board expert, no need for law enforcement standby/security
- Examination Subversion – individual cheating, examination not compromised
- Failing to have required permits, insurance, or violating related laws/ordinances (e.g., worker's compensation violations, permit violations, business violations, zoning violations, public contract violations, labor code violations, etc.)
- Civil lawsuits/malpractice - unless determined to be Category 1 or 2
- Project abandonment with no/minimal consumer harm (non-criminal, minor/potential consumer harm, no major financial loss, minor/potential patient harm)
- Applicant misconduct not related to examination subversion or fraudulent documents
- Unsanitary conditions requiring site visit

CATEGORY 4 – Complaints appropriate to be worked by the Board

- Subsequent arrest notifications that do not require a suspension (Penal Code section 23 (PC23) action or interim suspension order (ISO)) and DOI assistance
- Failure to release records, recordkeeping violations, contract violations
- False/misleading advertising – not unlicensed/not criminal
- Failure to display license number
- Continuing education violations
- Declaration and record collection
- Probation violations unless determined to be Category 1 or 2
- Non-jurisdictional issues

Other Services Provided By DOI Upon Request

- Law enforcement standby/security for board/bureau staff or member safety
- Assist with PC23/ISO, if unable to quickly take action at the board/bureau level
- Issuing and serving subpoenas when needed

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