

The purpose of this document is to provide a high level overview of the complaint investigation process for the Arizona Department of Health Services' Division of Public Health Licensing (ADHS). Please note that this process may vary slightly among the various areas throughout Licensing.

Complaint Receipt & Triage

- When complaints are received by ADHS, they are:
 - **Reviewed** to determine if the allegations include potential violations of the regulations that govern the licensed facility class or subclass
 - If ADHS determines that it does not have jurisdiction to investigate the allegations, the complainant will be notified and the complaint will be closed
 - If it is known that another agency has jurisdiction and they are not already aware, ADHS may refer the complaint to the appropriate agency
 - **Assigned a priority and a due date** within 1-2 business days of being received
 - Depending on the priority, complaints are due between 2 business days from being received and the next onsite visit (may be the next annual compliance inspection)

Investigation & Citations

- When an ADHS compliance officer (CO) conducts a complaint investigation:
 - **Complainants are contacted** prior to the complaint investigation to ensure the CO has all the necessary information to conduct a thorough investigation
 - Compliant investigations are unannounced, so neither the complainant or facility are notified in advance of the date/time of the scheduled investigation
 - **An entrance conference** is conducted with the facility's administration/onsite personnel to make introductions, review the Notice of Inspection Rights (entrance letter), and review the initial requested documents list (i.e. policies and procedures, personnel files, patient/resident files/medical records, etc.)
 - **Allegations of noncompliance are investigated** at the time of investigation through direct observation, documentation review, interviews, etc.
 - In some instances, complaint investigations with other applicable agencies may be coordinated
 - **Preliminary findings are reviewed with the licensee** during an exit conference to ensure the licensee is aware of the potential citations and as such, can start making corrections
 - Technical assistance may be provided as needed
 - **Citations are documented in a Statement of Deficiencies (SOD) and sent to the licensee** within 30 business days after the investigation
 - If ADHS determines that enforcement action is necessary, the SOD is issued with a Notice of Enforcement advising the licensee that due to the seriousness of the violations identified during the investigation, the case has been referred to the Enforcement Team for review and requires the licensee to make immediate corrections of violations that present a threat to the health or safety of a client, resident, patient or agency personnel
 - If no deficiencies are cited, a "deficiency-free" SOD is issued to the licensee, no further action is needed from the licensee

Licensee Response to a SOD

- A licensee's response to an SOD that does not result in enforcement action:
 - **May include the submission of a request for an Informal Dispute Resolution (IDR)** within 10

- days of the SOD issuance
- **Must include the submission of a Plan of Correction(s) (POC)** within 10 days of the SOD issuance
- A licensee's response to an SOD that has resulted in enforcement action:
 - **May include the submission of a request for an IDR** within 10 days of the SOD issuance
 - **Should not include the submission of a POC** until the enforcement action is final

Enforcement Action *(Note: If enforcement action is not applicable, skip this section.)*

- When ADHS determines that enforcement action is necessary:
 - The Enforcement Team **reviews the case and determines the appropriate enforcement action**, which may include:
 - Notice of Enforcement Action (notice) (i.e. assessment of fines, agreement terms, etc.)
 - Legal order (i.e. intent to revoke a license, intent to assess civil money penalties (CMP), etc.)
 - The notice or legal order is **written, reviewed by legal counsel, and issued** to the licensee
- The licensee must:
 - For notices, **respond to the notice** within 10 days of the notice issuance (includes signature and acceptance of agreement terms)
 - For legal orders, **submit a written request to appeal the legal order and request a hearing** within 30 days after the legal order is received, **otherwise, the legal order is considered accepted and the action is final** (i.e. revocation, assessment of CMPs, etc.)
 - If an appeal and hearing request is submitted within the required timeframe, the licensee **may also request an informal settlement conference (ISC)** within 20 days before the scheduled hearing date
- Following the licensee's response:
 - For notices, a **Notice of Final Enforcement Action and request for a POC is issued** by ADHS
 - For legal orders, unless the legal order was accepted and the action is final, **the administrative enforcement process will follow** (i.e. ISC and/or hearing process), which may take up to several months or longer to complete
 - Unless the final enforcement action results in a revocation, **a POC will be requested from the licensee**

Complaint Investigation Completion

- Following ADHS' review of licensee's POC and if applicable, the review of a request for an IDR:
 - The **licensee is notified that the POC has been accepted** and if applicable, the **results of the IDR review**
 - The **complainant is notified of the outcome of the complaint investigation**, including whether the allegation(s) was/were:
 - Substantiated: Verified by evidence
 - Unsubstantiated: Unverified by evidence
 - Unable to be substantiated: Could not be verified by evidence (Note: This does not necessarily mean the allegations were not valid, but rather there was no evidence identified during the investigation that could be used to verify the allegations.)
 - The **complaint investigation is completed** and the **complaint is closed**

AZ Care Check

- SOD and enforcement actions are posted and available on [AZ Care Check](#) for review by the public
 - Some facilities may also have POCs available for review