

The purpose of this document is to provide a high level overview of the annual compliance survey 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.

Compliance Survey Overview

- Compliance surveys at licensed facilities:
 - Are required at least once every 365 days
 - Exceptions may include:
 - Accredited or deemed facilities
 - Facilities that have had a deficiency-free compliance survey within the last 2 years
 - Are conducted by an ADHS Compliance Officer (CO) or team of COs (depending on the size of the facility and, if applicable, Centers for Medicare & Medicaid Services (CMS) requirements)
 - Are unannounced
 - Focus on health and safety issues and outcomes of residents, patients, participants, etc.
- Compliance surveys may be combined with a complaint investigation if there are any complaints that are due for an onsite inspection (see Complaint Investigation Process)
- Compliance surveys may take hours to days to complete, depending on the size of the facility and the facility's compliance with the regulations that govern its particular facility class or subclass

Compliance Survey Process

- When an ADHS compliance officer (CO) conducts a compliance survey:
 - **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.)
 - **Any areas of noncompliance with applicable regulations are identified** through direct observation, documentation review, interviews, etc.
 - **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 compliance survey
 - 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 compliance survey, 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 and the compliance survey is completed and closed

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 hearing is scheduled for
- 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 several months or longer to complete
 - Unless the final enforcement action results in a revocation, **a POC will be requested from the licensee**

Compliance Survey 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 **compliance survey is completed and 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