

## LICENSING INVESTIGATION PROCEDURAL TOOL

A licensing investigation is conducted by a qualified vendor agency to assess the licensing compliance of a developmental home provider. A licensing investigation may be requested by Office of Licensing, Certification and Regulation (OLCR) as a result of a critical incident, information associated with a protective service investigation or as a result of concerns noted by the vendor agency. When the licensing investigation is requested by OLCR, the licensing agency will contact the provider and initiate the investigation within ten (10) days (R6-6-1017/R6-6-1117). A report is due to OLCR within thirty (30) days. The report must be provided on the Licensing Investigation Template (LCR-1080A) provided by OLCR.

### SECTION I: ALLEGATIONS/CONCERNS

Restate the complaint or allegation by copying and pasting the information as provided by OLCR. Include any additional information or concerns known to the agency.

### SECTION II: INTERVIEWS

- A. Source:** If the reporting source is known, contact the source to confirm the information that was reported. The reporting source should be kept confidential and not disclosed to the licensee.
- B. Alleged Victim:** Interview the member who is the subject of the licensing investigation separately from the licensee. A member's interview is contingent on the member's age and developmental capacity to be interviewed. If the member is unable to be interviewed, the report should confirm that the member was observed and state whether or not any concerns were noted. If the member at the center of the inquiry no longer resides in the developmental home, the licensing agency should make diligent efforts to locate and interview the member. If the licensing agency is unable to locate the member, this should be documented in the report.
- C. Licensee:** If there is more than one licensee, interviews should be completed separately. Give the licensee the opportunity to provide a written statement. Depending on the order in which information is gathered, the licensing worker may need to conduct a follow up interview with the licensee.
- D. Collateral Contacts:** Collateral Contacts may include household members, teachers, case managers, support coordinators, DTA staff, and anyone else believed to have direct knowledge of the matter at hand.

### SECTION III: ANALYSIS/CONCLUSIONS

- A. Cooperation and participation of the Licensee:** Licensing rules require the licensee to fully cooperate and forthrightly disclose relevant information (R6-6-1017/R6-6-1117). Include an assessment of the licensee participation during the investigation.
- B. Documents Reviewed:** List any documents reviewed during the course of the investigation. All documents listed should also be forwarded with the report. If the investigation is related to a care concern, review and provide a copy of the member's Planning Document.
- C. Additional Information:** Provide any additional information that is relevant to the investigation.
- D. Licensing Violations:** List any licensing violations identified during the investigation. Cite the specific rule that was violated followed by the specific act or omission that constituted the violation. Violations may be cited from Articles 9, 10, 11, the Child/Adult Developmental Home Agreements and the applicable Life-safety Inspection Rules. Cite all licensing violations, regardless if the violations were related to the initial allegation.

## SECTION IV: CORRECTIVE ACTIONS

If licensing violations are found, it is up to the agency to develop and implement appropriate corrective actions. Provide specific, measurable tasks to be completed, or which have been completed, by the licensee in order to correct the violations and minimize the risk of violations in the future. Suggested corrective actions may include, but are not limited to, the following:

- Verbal counsel by the licensing agency
- Review of policies/procedures
- Increased monitoring by the agency including additional visits or unannounced visits
- Training
- Formal letter from the agency to the licensee
- Signed, written assurance from the licensee
- Change of licensing parameters or a reduction in license capacity

If corrective actions are being implemented, provide a projected completion date. Once the corrective actions are completed, the agency should notify OLCR. This can be done via an e-mail or a formal letter. If the corrective actions include training or policy reviews, include copies of any training certificates or documentation attesting to the completion of the requirements.

Licensing investigation reports are not confidential. Unlike APS/DCS reports, the licensee is entitled to a copy of the report completed by the agency. A licensing investigation constitutes an inspection to determine licensing compliance. Arizona Revised Statute (A.R.S.) § 41-1009(D). provides in part, *“An agency that conducts an inspection shall give a copy of the inspection report to the regulated person...either: 1. At the time of the inspection; 2. ... within thirty working days after the inspection.”* When providing a copy of the report, be sure to redact any information that would identify the reporting source.

When submitting the licensing investigation report to OLCR, include copies of the Notice of Inspection Rights and Supplemental Notice of Inspection Rights that would have been signed during the investigation. The licensee should be given the opportunity to respond to the findings and recommendations. The licensee may prepare a letter or report offering to the licensee’s version of events. This should be submitted with the licensing report. Finally be sure to sign the report and indicate the date the results were, or will be, presented to the licensee.

Contact OLCR for additional guidance or technical support if needed.