



## ARIZONA DEPARTMENT OF HEALTH SERVICES

July 12, 2018

Representative Kelli Butler  
1700 West Washington, Suite H  
Phoenix, Arizona 85007

Dear Representative Butler:

Thank you for your letter concerning several issues surrounding unaccompanied minors and migrant children in Arizona. As a mother of 3 and a physician, I share your concern and heartbreak over this situation. The safety of children in Arizona is an issue that is of great concern to me and the professionals in my agency, and one of our highest priorities. Every child deserves great care and support. Hopefully, I can address your concerns. And, thank you for allowing me the time to look into each one of these issues. I apologize that it took me a couple of days to respond.

I have followed up on your complaints that have been filed against an entity licensed by the Arizona Department of Health Services (ADHS), Southwest Keys, and specifically your complaint regarding multiple licensees exceeding their licensed capacity. ADHS works hard to investigate complaints as soon as possible, as complaints are often how we hear about substandard care and issues at our licensed facilities. I completely understand your concern about the prioritization and the investigative timeframes. Let me reassure you that we take all complaints seriously, and our method for triaging complaints assigns priority to ensure the most life-threatening complaints are addressed immediately.

Complaints are triaged to priority levels as follows:

- Priority A means a situation where an immediate and serious threat to health and safety has caused or is likely to cause serious injury, harm, impairment or death and must be investigated no later than 48 hours.
- Priority B means a situation where there is an allegation of actual harm to an individual that impairs mental, physical and/or psychosocial status, but does not rise to the level of immediate and serious threat, or where hazards to health and safety may exist and are likely to cause a significant problem in care and treatment and must be investigated no later than 10 days.
- Priority C means a situation that harms or may cause harm of limited consequences, but does not significantly impair mental, physical and/or psychosocial functions; and those situations negatively impacting care and treatment that may not include actual harm and must be investigated no later than 45 days.
- Priority D means a situation that may have caused physical, mental and/or psychosocial discomfort that does not constitute injury or damage.

While each of these "priority levels" have a required investigative timeframe associated with them, ADHS treats every complaint, including priority level C matters, with urgency and our investigations are often conducted well ahead of their required timeframe, as happened with your complaints. Even though your complaints were initially triaged as a level C, our teams

Douglas A. Ducey | Governor    Cara M. Christ, MD, MS | Director

were physically onsite to initiate the investigation within 5-7 working days from the time the complaints were received. As the complainant, I know you have already received our closeout communication on three of the complaints, and we are currently completing the fourth investigation. Our surveyors were unable to substantiate the allegations of exceeding licensed bed capacity and did not identify other significant threats to the health and safety of the children while they were onsite. Rest assured, if our surveyors ever encounter a situation where children are in immediate danger, they stay onsite as long as it takes to ensure that situation is rectified.

I can completely understand your frustration while waiting on a public records request. Our goal at the agency in regards to public record requests is to provide exceptional customer service and respond quickly and accurately while still protecting the personal health information of our residents. When media stories began running, ADHS received nearly a dozen public records requests related to various licensees, including your request. These requests amounted to nearly 10,000 pages of documents. Each of these 10,000 pages must be individually retrieved, including electronic E-mail searches, reviewed for redaction of personal health information, reviewed again to ensure compliance with federal and state laws that protect personal health information, compiled, and sent to the requestor. I understand we have committed to having these records within three weeks for all requestors, including your request, which is currently 2,262 pages. I do understand your frustration; however, it is the Department's responsibility to protect personally identifying and health related information, and ensure information is redacted correctly to comply with relevant state and federal laws. As the custodian of this information, we take this job very seriously to ensure we maintain the public's trust. Loss of public trust could have a chilling effect on other individual's willingness to come forward in the future which would detrimentally affect ADHS' ability to carry out its duties. To follow up on your request, I have confirmed with our legal staff that they are ahead of schedule and barring any unforeseen events, will have all pending public records requests processed by the end of this week. Our team, given the enormous amount of records, has been working rapidly to provide you with timely records.

Lastly, I want to address your complaint about an unlicensed building in Phoenix potentially operating an unlicensed child care facility in an office building. ADHS is committed to ensuring children receiving child care services in Arizona are in a safe and nurturing environment. The safety of children, residents, and patients in licensed facilities is of paramount importance and the expectation of every Arizonan. On Monday, July 9, 2018, ADHS proactively conducted an onsite investigation and was unable to verify the allegations of an unlicensed child care facility. Upon arrival, ADHS surveyors encountered a locked, empty and unoccupied building. You have my commitment that ADHS will continue to monitor all unlicensed child care complaints and is committed to ensuring children are in appropriate and safe care.

However, based on the information we are receiving on this specific case, this is a very difficult situation that the Department does not ultimately have the authority to address. As you are aware, Arizona law requires that a facility is licensed by the Arizona Department of Health Services if it is providing regular child care for compensation to five or more children not related to the proprietor. Child care, as defined in Arizona law (A.R.S. §36-881), means, "the care, supervision and guidance of a child or children, unaccompanied by a parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, in a place other than the child's or the children's own home or homes." Children in the custody of the

Representative Kelli Butler  
July 12, 2018  
Page 3

federal government, being transported by the federal government, to a temporary facility would not meet the statutory definition of child care and therefore would not require a license from ADHS. Their legal guardian during this process is the federal government. Unfortunately, ADHS does not have the authority or influence to compel the federal government to change their practices or initiate an investigation.

Hopefully, this addressed your concerns and reassured you that ADHS is doing everything within our authority to address these issues. Thank you again for your letter, my team is working extremely hard to respond to your requests as soon as possible and continue our mission and vision to protect the health and wellness of all Arizonans.

Sincerely,

A handwritten signature in blue ink, reading "C.M. Christ MD".

Cara M. Christ, MD  
Director