#### **Complaint and Investigation Process Summary**

#### **Complaint Received**

Within 5 days the Intake process is completed (*See Intake Process*)

### **Complaint Investigated**

## **Investigation Reviewed**

Investigation findings are reviewed by a Supervisor who can request dismissal of complaint (See Outcome 1), request further investigation, or send to SIRC if violations are sustained

## SIRC Review and Recommendation

SIRC reviews cases with sustained deviations and/or professional conduct violations and can request further investigation as needed

SIRC recommends one of three outcomes (See outcomes below) and notifies the licensee of their recommendations.

#### **Intake Process**

Within 5 days of receipt of a complaint, the Intake officer reviews the complaint to determine if it falls within the Board's jurisdiction, if so the complaint is referred to an investigator who assigns priority to the case based on the seriousness of the allegations.

#### **Complaint Investigation**

The investigator assesses whether the complaint is about quality of care or professional conduct then contacts the complainant to confirm the allegations. The physician is notified that a response to the complaint is required and the investigator gathers relevant information including medical records.

Professional conduct allegations are reviewed by the investigator. Quality of care complaints are reviewed by a Medical Consultant. The investigator/consultant writes a report opining on whether the investigation indicated violations of law or deviation from the standard of care.

#### **Investigation Review**

The Chief Medical Consultant reviews quality of care complaints and the Investigations Manager reviews professional conduct complaints to ensure the ade2quacy and completeness of investigations. These reviewers may recommend Executive Director dismissal or forward the complaint to SIRC

### **Sanction Options for Licensees**

For disciplinary recommendations, other than license revocations and suspensions longer than 12 months, the licensee is notified that they may opt to sign a consent agreement for the recommended action, participate in a formal interview before the Board, or request that the complaint be heard by OAH.



### Outcome 1:

#### **Dismissal**

The Executive Director received a majority of dismissal recommendations and reviews the investigation materials to determine whether dismissal of the complaint is appropriate. Licensees and complainants are notified of the dismissal decision. Complainants may request that the Board review the Executive Director's decision to dismiss the complaint.

#### Outcome 2:

## The Board considers the following:

Some dismissal recommendations

Non-disciplinary recommendations, i.e., advisory letters and CME orders

Consent Agreements for discipline, i.e., Letters of Reprimand, Decrees of Censure, and/or probation, restrictions, suspensions, etc., signed by the physicians

Formal interviews after which the Board may do the following:

- a. Dismiss
- b. Issue an advisory letter or nondisciplinary order for CME
- c. Enter an order for discipline
- d. Refer to formal hearing if requesting revocation or suspension of more than 12 months

The Board can also review, approve, reject, or modify SIRC's recommendations, and/or return the case for further investigation.

#### Outcome 3:

# Recommendation for Executive Director Referral to formal hearing

All cases for which the ED or Board recommend license revocation or suspension for longer than 12 months are referred to formal hearing. The process is as follows:

- Formal Complaint filed by AAG with OAH
- 2. Full evidentiary hearing before an ALJ
- 3. ALJ issues a recommended Decision (may include dismissal, non-discipline, or discipline)
- 4. Board may adopt, modify and adopt, or reject the ALJ's recommendation

If the Board enters an order for discipline after a formal interview or formal hearing, the physician may appeal. The process is as follows:

 Request for Rehearing or Review (Board hears this request) – if the physician does not prevail



 Judicial Review Action (Superior Court) – if the physician does not prevail



- 3. Notice of Appeal and briefing before the Court of Appeals if the physician does not prevail
- 4. Petition for Review before the Arizona Supreme Court. (this court can choose whether or not to hear the appeal)