



November 6, 2014

Via Email and Certified Mail

Will Humble
Director, Arizona Department of Health Services
150 North 18th Avenue
Phoenix, Arizona 85007

RE: Public Records Request

Dear Director Humble:

Pursuant to Arizona's Public Records Law, A.R.S. §§ 39-121 *et seq.*, I hereby request the right to examine and copy, or to be furnished with copies, of certain public records in the possession of the Arizona Department of Health Services.

These records are not sought for any commercial purpose. The American Civil Liberties Union ("ACLU") of Arizona is a non-profit organization and this information will help us understand how the State of Arizona enforces its healthcare licensing laws. We therefore agree to reimburse you for reasonable costs associated with photocopying only. If this amount will exceed \$50, please inform us of this promptly prior to incurring the costs.

We seek the following records:

- All complaints received and letters issued from January 1, 2011 to date alleging that the recipient is providing services for which it would need to be licensed as a healthcare facility under Title 36, Chapter 4 of the Arizona Revised Statutes, including A.R.S. §§ 36-407 & 36-449.02, and including any such letters referred to internally as "attestation letters." For an example of one such letter, see the enclosed letter to Kat Sabine dated September 29, 2014.
- For each such letter, all records prepared in connection with or kept in the same case file as the letter, including any (1) internal investigation or conversation concerning the complaint or the letter; (2) enclosures sent with the letter, including attestation forms; (3) search warrants obtained; (4) responses sent by the recipient; and (5) documents generated as a result of the recipients' response or non-response, including correspondence with the recipient, correspondence between state employees, notes, surveys by Licensing Surveyors, findings, and enforcement actions.
- Any training materials, manuals, guidance, instructions forms, or other records used to train or guide staff in the process of issuing, following up on the issuance of, or investigating such letters and related matters under the healthcare licensing requirements of Title 36, Chapter 4 of the Arizona Revised Statutes, including A.R.S. § 36-407.

- Any training materials, manuals, guidance, instructions forms, or other records used to train or guide staff regarding the meaning, use, or enforcement of A.R.S. §§ 36-449.01-449.03.

For the purposes of this request, we define "records" to mean all records or communications preserved in electronic or written form, including but not limited to: agreements; correspondence; documents; letters; notes; messages; emails; faxes; data; videotapes; audio tapes; files; forms; logs; records; guidance; guidelines; evaluations; audits; investigations; reviews; studies; reports; critiques; analysis; internal memoranda; legal opinions; orders; guidance; directives; training materials; criteria; standards; specifications; rules; instructions; manuals; advisories; protocols; procedures; policies; or other communications.

Please provide these records as soon as possible, but no later than December 5, 2014. If we do not hear from you by that time, we will deem the request denied. You may contact me to inform me when the records have been compiled and if there are ways that the request can be explained or rephrased to expedite processing.

Arizona Public Records Law carries with it a presumption that all records are open to the public for inspection as public records. If this request is denied in part or in whole, please justify any denials or redactions by referencing the specific grounds on which information is withheld under the Public Records Law. I reserve the right to appeal your decision.

Thank you very much for your prompt attention. Should you have any questions, you may reach me at jbendor@acluaz.org or (602) 773-6025.

Sincerely,



Josh Bendor
Liman Legal Fellow

Enclosure as indicated

Copy with enclosure:
Connie Belden, Bureau Chief
Bureau of Medical Facilities Licensing



Public Health Licensing Services
Bureau of Medical Facilities Licensing

150 North 18th Avenue, Suite 450
Phoenix, Arizona 85007-3242
(602) 364-3030
(602) 792-0466 Fax

JANICE K. BREWER, GOVERNOR
WILL HUMBLE, DIRECTOR

September 29, 2014

Ms. Kat Sabine, Executive Director
Naral Pro-Choice Arizona

Redacted

RE: Complaint Intake # AZ00116454
Naral Pro Choice Arizona

Redacted

Dear Kat Sabine:

The Office of Medical Facilities Licensing has received a complaint alleging that you are providing services that would indicate you need to be licensed as a healthcare facility.

Arizona Revised Statutes 36-407.A, Prohibited Acts reveals: "...A person shall not establish, conduct or maintain in this state a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the department specifying the class or subclass of health care institution the person is establishing, conducting or maintaining. The license is valid only for the establishment, operation and maintenance of the class or subclass of health care institution, the type of services and, except for emergency admissions as prescribed by the director by rule, the licensed capacity specified by the license...." If you are providing health care services a health care license is required unless you are exempt from license as a health care institution as provided by law, Arizona Revised Statute 36.402, A.B. and C.

An attestation is enclosed which must be completed and returned within ten calendar days after you receive this letter. Licensing Surveyors from this Office may come to your facility to validate your response.

If you do not respond within the stated time limit or if the surveyors determine from their survey that you are not within the law the matter will be referred to our enforcement team for appropriate action.

Sincerely,

A handwritten signature in cursive script that reads "Connie Belden".

Connie Belden, R.N.
Bureau Chief
Bureau of Medical Facilities Licensing

CB:mco

Enclosure: Attestation