



TITLE	POLICY NUMBER	
License Validity Pending Adverse Action (FHL)	DCS 15-06	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	09/06/2018	1

## **I. POLICY STATEMENT**

When an adverse action is issued to a licensee by the Office of Licensing and Regulation (OLR) and the licensee appeals the adverse action decision, the license held by the appellant is considered “valid but not in good standing” until a final decision is rendered regarding the action.

## **II. APPLICABILITY**

This policy applies to all licenses issued by OLR, the holders of those licenses, applicants for licensure and OLR staff.

## **III. AUTHORITY**

[Child Welfare Policy Manual, Section 8, Title IV-E, 8.3A.8c](#)

[A.A.C. R-21-6-213](#)

Application for a Renewal License (Licensing Agency)

[A.A.C. R-21-6-407](#)

Licensing Time-frames

[A.A.C. R-21-6-412](#)

Application for a Renewal License (Foster Parent)

[A.A.C. R-21-6-414 \(G\)](#)

Licensing Actions

[A.A.C. R-21-6-417 \(D\)](#)

The Appeal Process



<a href="#"><u>A.R.S. § 8-503 (A) 4 (b) (h)</u></a>	Powers and duties
<a href="#"><u>A.R.S. § 8-505</u></a>	Issuance of licenses; application; investigation; renewal
<a href="#"><u>A.R.S. § 8-506 (A)</u></a>	Denial, suspension, or revocation of license; foster home; hearing; exception
<a href="#"><u>A.R.S. § 8-509 (A)</u></a>	Licensing of foster homes; renewal of license; provisional license; exemption from licensure; immunization requirements

#### **IV. DEFINITIONS**

Adverse licensing action, or adverse action: A decision by OLR to deny, suspend, or revoke a license.

Appeal: The process for an applicant or licensee to exercise his or her legal right to contest an adverse licensing action.

Date of the adverse action: The mailing date of the written notice of proposed denial, revocation, or suspension.

Date of denial/suspension/revocation: The date the adverse action is final and no longer subject to appeal by either the licensee or DCS. The minimum date to appeal the denial/suspension/revocation is twenty-five (25) days from the mailing date on the adverse licensing action notice.

Valid but not in good standing: License is valid, however, concerns/violations have been identified with the licensee and an adverse action notice has been issued.

#### **V. POLICY**

- A. Beginning on the date of an adverse licensing action, a foster care license which has been suspended, revoked, or denied renewal shall be considered “valid but not in good standing.” This status will adhere to the foster care license through any and all appeals until a final decision is made regarding the adverse action or until the license expires.



- B. The date of the adverse action is defined as the mailing date of the written notice.
- C. At its discretion, OLR may renew a license during an adverse action.
- D. A license that expires during an adverse action may be renewed at OLR's discretion only under the following conditions:
  - 1. To allow continued monitoring of the licensee when a child placed by the Department remains in the home; and
  - 2. When it is determined that renewal of the license is in the best interest of a child(ren) placed in the home.
- E. Applications for license renewal, licensees and private licensing agencies shall comply with the requirements enumerated in A.A.C. R21-6-412 and A.A.C. R21-6-213, respectively.
- F. If a decision is made to renew a license during the pendency of an adverse action, the license shall be restricted to the child(ren) placed in the home by the Department who remain in the care and custody of the Department.

## **VI. PROCEDURES**

- A. OLR assigned staff shall meet with Supervisor, Unit Manager, and/or designee to keep abreast of the pending action, the duration of the appeal time frame; and through the duration of the final findings of the adverse action.
- B. Unit Manager shall enter the case notes in the Department's electronic database to document the date of the action letter issued, time frames for appeal, and correspondence on the case.
- C. OLR assigned staff shall enter case notes into the Department's electronic database as needed, keeping the electronic case file current.
- D. Inquiries made regarding the status of a license when a final decision has not been rendered shall be directed to the OLR Program Administrator or designee. If a decision is made to respond to the inquiry, the status shall be cited as "valid but not in good standing." The definition of this term in section IV may be cited for



clarity.

- E. Inquiries made regarding the status of a license when a final decision has been rendered shall be directed to the OLR Program Administrator, or designee, who shall discuss the findings, final decision, and the status of the license.

## **VII. FORMS INDEX**

N/A