

**Arizona State Board of Nursing  
Substantive Policy Statement**

**Guidelines and Criteria for Executive Director or Designee Closing of Complaints Meeting Case  
Disposition and Letters of Concern Submitted By Summary Report**

**NOVEMBER 19, 2009**

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (ARS § 41-1091)

Reference: FORM-CASE DISPOSITION CRITERIA, FORM-SUMMARY LOC CRITERIA

**32-1605.01. Executive director; compensation; powers; duties (effective October 14, 2009)**

C. If the Board adopts a Substantive Policy Statement pursuant to Section 41-1091 and the Executive Director or Designee reports all actions taken pursuant to this section to the Board at the next regularly scheduled Board meeting, the Executive Director or Designee may:

1. Dismiss a complaint pursuant to Section 32-1664 if the complainant does not wish to address the Board and either there is no evidence substantiating the complaint or, after conducting an investigation, there is insufficient evidence that the regulated party violated this Chapter or a rule adopted pursuant to this Chapter.
4. Issues of Letters of Concern

The purpose of this Substantive Policy is to promote more efficient resolution of cases of non-complex cases that are identified as low risk and for which a written investigative report is not warranted. An investigation of any case may continue if the case warrants further investigation or a written report to the Board and. These guidelines are not intended for cases that are complex and are not intended to substitute for Board decision-making.

All cases submitted to the Board pursuant to this policy shall meet the following requirements:

- 1) There is insufficient evidence to support direct action against license/certificate but sufficient information for the Board to either dismiss the complaint or notify the individual of its concern;
- 2) Complaint has been investigated according to established protocols;
- 3) Complainant does not wish to address the Board, and;
- 4) The investigation reveals minimal risk to patient/public safety.

Investigators are to check the appropriate criteria on the form, provide a written analysis of the reason why the case meets the criteria for case disposition or summary letters of concern, and submit the investigative file, completed form, and/or a draft letter of concern for the case to the Executive Director or Associate Director for review. Once approved by the Executive Director or Associate Director, the case will be closed out and written notification sent to the Respondent/Applicant and complainant. At the next regularly scheduled Board meeting the Board will receive:

- a) A list of case numbers and applicable criteria code for cases meeting dismissal/case disposition will be placed on the Board agenda for information purposes.
- b) A list of case numbers, applicable code and summary of the letter of concern for cases meeting letter of concern criteria will be placed on the Board agenda for information purposes.