ARIZONA DEPARTMENT OF HEALTH SERVICES

LICENSING

Public Health Licensing Services
Bureau of Assisted Living Facilities Licensing
NOTICE OF INSPECTION RIGHTS

Facility Name:	GARDENS OF SCOTTSDALE, THE	License No.:	AL8808C
Address:	6001 East Thomas Road, Scottsdale, AZ 85251	Date/Time:	4/17/2025 1:30:17 PM
Compliance Officers:	Dalton Habecker	Inspection Type:	Complaint

The Arizona Department of Health Services ("Department") has the legal authority pursuant to A.R.S. Title 36, Chapter 4 to license and regulate health care institutions.

Pursuant to A.R.S. § 41-1009, the Department hereby provides notice of the following rights and information related to this inspection:

1. The Compliance Officer(s) must present photo identification on entry of the premises.
2. This inspection is conducted pursuant to A.R.S. Title 36, Chapter 4 and A.A.C. Title 9, Chapter 10. The purpose of this inspection is to determine compliance with these Arizona Revised Statutes and Arizona Administrative Code sections.
3. Inspection fees are **NOT** applicable.
4. An authorized on-site agent of the health care group home institution may accompany the Compliance Officer(s) during the inspection of the licensed premises, except during confidential interviews.
5. You have the right to receive on request:
    a. Copies of any original documents taken by the Department during the inspection if the Department is allowed by law to take original documents.
    b. A split of any samples taken during the inspection if the split of any samples would not prohibit an analysis from being conducted or render an analysis inconclusive.
    c. Copies of any analysis performed on samples taken during the inspection.
    d. Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the Department is otherwise allowed by law to do so.
6. The Compliance Officer(s) will inform each license agent who is interviewed if they are being tape or video recorded during the inspection.
7. The Compliance Officer(s) will inform each licensed agent who is interviewed during the inspection that:
    a. Statements made by the person may be included in the inspection report.
    b. Participation in an interview is voluntary, unless the person is legally compelled to participate in the interview.
    c. The Compliance Officer(s) may not prohibit the health care institution from having an attorney or any other experts in their field present during the interview to represent or advise the regulated person.
8. At the end of the inspection, the Compliance Officer(s) will conduct an exit interview to discuss the inspection and offer to review with an authorized and licensed on-site agent the findings of the inspection and what agency actions the regulated person can expect.
9. If you have any questions regarding this inspection, you may contact: Dawn Butler, Bureau Chief of Assisted Living Facilities Licensing, at 150 N 18th Avenue, Suite 460, Phoenix, AZ 85007; Phone: (602) 364-2639; E-

mail: dawn.butler@azdhs.gov. You also may contact the Department's Ombudsman: Carly Fleege at 150 N. 18th Avenue, Suite 500, Phoenix, AZ 85007; Phone: (480) 316-2823; Email: carly.fleege@azdhs.gov.

10. If you have an issue that you cannot resolve with the Department, you may contact the Office of Ombudsman-Citizens' Aide, 3737 N. 7th Street, Suite 209, Phoenix, Arizona 85014; Phone: (602) 277-7292.
11. The Department will issue a Statement of Deficiencies (SOD) formally notifying you of the findings of the inspection within thirty working days after the inspection. At least once every month after the commencement of the inspection, the Department will provide you with an update on the status of any agency action resulting from the inspection. You will be afforded an opportunity to submit a Plan of Correction ("POC") unless the Department determines that a POC is not appropriate pursuant to A.R.S. § 41-1009(E).
12. You have an opportunity to dispute any deficiencies or language listed in the SOD through an Informal Dispute Resolution ("IDR"). To dispute a deficiency or language listed in the SOD, send a written request within ten calendar days from receipt of the SOD to Dawn Butler, Bureau Chief of Assisted Living Facilities Licensing, at 150 N 18th Avenue, Suite 460, Phoenix, AZ 85007; Phone: (602) 364-2639; E-mail: dawn.butler@azdhs.gov. The written request must include documentation that shows the licensee was in compliance at the time of inspection. The Department will review the written request and documentation provided to the Department and notify you of the Department's decision. If you have any questions, please call 602-364-2639.
13. If the Department takes enforcement action based on the inspection, you have the right to request an administrative hearing pursuant to A.R.S. § 41-1092, et seq. Rights relating to the appeal of a final agency decision can be found in A.R.S. § 12-901, et seq.
14. The Department may not take any adverse action, treat the health care institution less favorably, or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field.
15. If the information and documents provided to the Department's Compliance Officer(s) become a public record, the health care institution may redact trade secrets and proprietary and confidential information unless the information and documents are confidential pursuant to statute.
16. There is no statutory time limit or statute of limitations applicable to the right of the Department to file a compliance action against the regulated person arising from the inspection or audit, which applies to both new and amended compliance actions.
17. A copy of the Department's Small Business Bill of Rights is included below and is available on the Department's website (www.azdhs.gov). The Small Business Bill of Rights applies to entities that meet the definition of "small business" in A.R.S. § 41-1001.

Upon entry of these premises, the Compliance Officer(s) presented photo identification indicating that they are Arizona Department of Health Services employees, and they reviewed with me the information contained in this Notice of Inspection Rights. I have read the information and have been notified of the inspection and due process rights as listed. I understand that while I have the right to decline to sign this form, the Department's Compliance Officer(s) may proceed with the inspection.

Signature of Authorized Agent | Date

Apr 17, 2025

Authorized Agent: Stefanie Mulkerin

Signature of Primary Compliance Officer | Date

Apr 17, 2025

Primary Compliance Officer: Dalton Habecker

Signature of Secondary Compliance Officer | Date

Refused to Sign Form: ☐
Is not Present: ☐
Paper NOI Signed: ☐
Inspection #: INSP-0124666

SMALL BUSINESS BILL OF RIGHTS

To ensure fair and open regulation by state agencies, a person:

1. Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against an agency in a court proceeding regarding an agency decision as provided in A.R.S. § 12-348.
2. Is eligible for reimbursement of the person's costs and fees if the person prevails against any agency in an administrative hearing as provided in A.R.S. § 41-1007.
3. Is entitled to have an agency not charge the person a fee unless the fee for the specific activity is expressly authorized as provided in A.R.S. § 41-1008.
4. Is entitled to receive the information and notice regarding inspections and audits prescribed in A.R.S. § 41-1009.
5. May review the full text or summary of all rulemaking activity, the summary of substantive policy statements and the full text of executive orders in the register as provided in A.R.S. Title 41, Chapter 6, Article 2.
6. May participate in the rulemaking process as provided in A.R.S. Title 41, Chapter 6, Articles 3, 4, 4.1 and 5, including:
    a. Providing written comments or testimony on proposed rules to an agency as provided in A.R.S. § 41-1023 and having the agency adequately address those comments as provided in A.R.S. § 41-1052(D), including comments or testimony concerning the information contained in the economic, small business and consumer impact statement.
    b. Filing an early review petition with the governor's regulatory review council as provided in A.R.S. Title 41, Chapter 6, Article 5.
    c. Providing written comments or testimony on rules to the governor's regulatory review council during the mandatory sixty-day comment period as provided in A.R.S. Title 41, Chapter 6, Article 5.
7. Is entitled to have an agency not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized by statute, rule or state tribal gaming compact as provided in A.R.S. § 41-1030(B).
8. Is entitled to have an agency not base a decision regarding any filing or other matter submitted to an agency on a requirement or condition that is not specifically authorized by a statute, rule, federal law or regulation or state tribal gaming compact as provided in A.R.S. § 41-1030(C).
9. Is entitled to have an agency not make a rule under a specific grant of rulemaking authority that exceeds the subject matter areas listed in the specific statute or not make a rule under a general grant of rulemaking authority to supplement a more specific grant of rulemaking authority as provided in A.R.S. § 41-1030(D).
10. May allege that an existing agency practice or substantive policy statement constitutes a rule and have that agency practice or substantive policy statement declared void because the practice or substantive policy statement constitutes a rule as provided in A.R.S. § 41-1033.
11. May file a complaint with the administrative rules oversight committee concerning:
    a. A rule's, practice's or substantive policy statement's lack of conformity with statute or legislative intent as provided in A.R.S. § 41-1047.
    b. An existing statute, rule, practice alleged to constitute a rule or substantive policy statement that is alleged to be duplicative or onerous as provided in A.R.S. § 41-1048.
12. May have the person's administrative hearing on contested cases and appealable agency actions heard by an independent administrative law judge as provided in A.R.S. Title 41, Chapter 6, Articles 6 and 10.
13. May have administrative hearings governed by uniform administrative appeal procedures as provided in A.R.S. Title 41, Chapter 6, Articles 6 and 10, and may appeal a final administrative decision by filing a notice of appeal pursuant to A.R.S. Title 12, Chapter 7, Article 6.
14. May have an agency approve or deny the person's license application within a predetermined period of time as provided in A.R.S. Title 41, Chapter 6, Article 7.1.
15. Is entitled to receive written notice from an agency on denial of a license application:

a. That justifies the denial with references to the statutes or rules on which the denial is based as provided in A.R.S. § 41-1076.

b. That explains the applicant's right to appeal the denial as provided in A.R.S. § 41-1076.

16. Is entitled to receive information regarding the license application process before or at the time the person obtains an application for a license as provided in A.R.S. §§ 41-1001.02 and 41-1079.

17. May receive public notice and participate in the adoption or amendment of agreements to delegate agency functions, powers or duties to political subdivisions as provided in A.R.S. § 41-1026.01 and Title 41, Chapter 6, Article 8.

18. May inspect all rules and substantive policy statements of an agency, including a directory of documents, in the office of the agency director as provided in A.R.S. § 41-1091.

19. May file a complaint with the office of the ombudsman-citizens aide to investigate administrative acts of agencies as provided in A.R.S. Title 41, Chapter 8, Article 5.

20. Unless specifically authorized by statute, may expect state agencies to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the extent practicable as prescribed in A.R.S. § 41-1002.

21. Pursuant to A.R.S. § 41-1006, may contact the ADHS Ombudsman to file a complaint or seek information or assistance from the agency: Carly Fleege at 150 N. 18th Avenue, Suite 500, Phoenix, AZ 85007; Phone: (480) 316-2823; Email: carly.fleege@azdhs.gov.

22. If the person has made a reasonable effort with the agency to resolve the problem and still has not been successful, the person may contact the Office of Ombudsman-Citizens' Aide, 3737 N. 7th Street, Suite 209, Phoenix, AZ 85014; (602) 277-7292.

The enumeration of the rights listed above does not grant any additional rights that are not prescribed in the referenced sections.