



ARIZONA DEPARTMENT OF HEALTH SERVICES

September 19, 2018

Southwest Key Programs National Headquarters
c/o Dr. Juan Sanchez, President/CEO and Founder
6002 Jain Lane
Austin, Texas 78721

Dear Dr. Sanchez and Southwest Key Leadership:

As you are aware, the Arizona Department of Health Services (“Department”) received information from Southwest Key regarding your organization’s efforts to “audit and verify all current employees fingerprint clearance cards...and the minimum training requirements by September 14th, 2018.” It is unfortunate your organization failed to comply with the simple provision to which both parties agreed to on August 18, 2018. This requirement was to provide reassurance to the Department that the past failures of Southwest Key to comply with Arizona law regarding background checks are indeed in the past.

Unfortunately, the information provided to the Department is deficient and is not acceptable. This report was delivered late, and only after the Department informed you of impending legal action. After the Department’s initial review, the report provided demonstrates your organization’s inability and unwillingness to comprehend Arizona’s most basic licensure laws. When the Department enters into an agreement with a provider, our expectation is that our licensee will act in good faith to honor that agreement. This expectation was not met.

The safety of children, residents, and patients in licensed facilities is of paramount importance to the Department and the expectation of every Arizonan. The statutorily required fingerprint background checks are one of the most important tools we have to verify your organization is taking every step to ensure employees do not have a criminal history that would place our children and vulnerable patients at risk. We take this requirement seriously, but apparently, providing the Department with reassurance that you require the critical background check is not a priority for your organization. The report your organization delivered consisted of incongruent spreadsheets, filled with names and dates with no context or ability for the Department to interpret this information. Further, the spreadsheets are grouped by your organization’s “programs,” and not by license location, a structure that proves to be useless to the Department. This is a fact the Department has explained to your leadership team on multiple occasions and yet you continue to confuse your funder, your regulator, and the public. Your organization may care how your contracts are structured with various federal agencies; however, the Department’s only concern is about each individual under your care, at the specific location designated on your Department issued license.

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director

Southwest Key's lack of ability to deliver a simple report on the critical protections these children have against dangerous felons demonstrate an utter disregard for Arizona law, the mutual agreement with the Department, and calls into question the privilege you enjoy operating a health care institution in the state of Arizona. The record is clear, Southwest Key has failed in the past with providing appropriate background checks of employees and this report indicates an astonishingly flippant attitude in your organization's response to the Department's grave concerns. Your organization will receive the legal *Notices of Intent to Revoke* the licenses of the 13 Southwest Key facilities licensed by the Department. Barring reassurance that your organization has complied with Arizona state laws and regulations, the Department will have no choice but to proceed with these revocations.

The safety of children in Arizona is an issue that is of great concern to the Department and one of our highest priorities. Because the Department has no reassurance that your organization is taking action to protect these vulnerable children, I have asked my team to reach out to you immediately in order to begin gathering the appropriate information in the coming days. My sincere hope is that Southwest Key rises to the occasion to meet and exceed the expectations of the people of Arizona and continue serving this vulnerable population.

Sincerely,



Cara M. Christ, MD
Director