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**STATE OF ARIZONA**  
OFFICE OF THE  
**AUDITOR GENERAL**

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DEPUTY AUDITOR GENERAL

December 5, 2011

The Honorable Rick Murphy, Chair  
Joint Legislative Audit Committee

The Honorable Carl Seel, Vice Chair  
Joint Legislative Audit Committee

Dear Senator Murphy and Representative Seel:

Our Office has recently completed an 18-month followup of the Board of Chiropractic Examiners regarding the implementation status of the 7 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in June 2010 (Auditor General Report No. 10-06). As the attached grid indicates:

- All 7 recommendations have been implemented.

Unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Board's efforts to implement the recommendations from the June 2010 performance audit report.

Sincerely,

Dale Chapman, Director  
Performance Audit Division

DC:sjs  
Attachment

cc: Patrice Pritzl, Executive Director  
Board of Chiropractic Examiners

P. Dianne Haydon, D.C., Chairperson  
Board of Chiropractic Examiners

# Board of Chiropractic Examiners

## Auditor General Report No. 10-06

### 18-Month Follow-Up Report

#### Recommendation

#### Status/Additional Explanation

#### Finding 1: Board should improve key complaint-handling processes

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| 1.1 To improve its process for opening complaints, the Board should work with the Attorney General's Office to revise its complaint-opening policy to: guide staff on what actions should be taken if a complaint involves an unlicensed chiropractor, including what information staff should gather so that the Board can seek injunctive relief if appropriate and how staff should distinguish that the complaint and associated investigations pertains to a nonjurisdictional issue; and eliminate the authority to not open complaints based on the complainant's intent, such as the intent to intimidate or harass a public official. | <b>Implemented at 6 months</b>                                       |
| 1.2 To improve its investigation process, the Board should limit the amount and type of records requested in its subpoenas where possible. To help ensure that this change is made, the Board's Complaints, Investigations and Hearings policy should be modified to provide guidance to staff on how to subpoena appropriate information.   | <b>Implemented at 6 months</b>                                       |
| 1.3 To improve its adjudication process, the Board should:<br><br>a. Review a licensee's complaint and disciplinary history information only after it has substantiated the allegations in a new complaint.<br><br>b. Modify its Complaints, Investigations and Hearings policy to direct staff to provide complaint and disciplinary information only during the disciplinary phase, establish that complainants are not permitted to withdraw complaints alleging statute or rule violations, and instruct staff to send any complaints that have been investigated to the Board for adjudication.   | <b>Implemented at 6 months</b><br><br><b>Implemented at 6 months</b> |

## Recommendation

## Status/Additional Explanation

1.4 To improve its disciplinary process, the Board should:

a. Consider developing guidelines to help ensure that it provides consistent discipline.

### **Implemented at 18 months**

Instead of establishing disciplinary guidelines, the Board reviews historical disciplinary information from the prior 3 years to help ensure consistent disciplinary actions. This historical information is generally provided verbally to the Board after it has determined that a violation has occurred and before it determines the specific disciplinary action it will take.

b. Request the Legislature to amend its statutes to add a definition clarifying how it can use advisory letters.

### **Implemented at 18 months**

c. Ensure that its advisory letters clearly communicate the statutes violated and/or licensee practices that caused the Board concern.

### **Implemented at 6 months**