

# Arizona Radiation Regulatory Agency, Arizona Radiation Regulatory Hearing Board, and Medical Radiologic Technology Board of Examiners

## REPORT HIGHLIGHTS PERFORMANCE AUDIT

### ARRA's continued inability to perform timely x-ray facility inspections threatens public health and safety

#### Our Conclusion

One of the Arizona Radiation Regulatory Agency's (ARRA) responsibilities is to inspect x-ray facilities to ensure that x-ray machines operate properly. Although ARRA has established inspection frequencies, it is unable to meet these frequencies and has a large backlog of inspections. The Medical Radiologic Technology Board of Examiners (MRTBE), a division of ARRA, is responsible for certifying qualified people who use x-ray machines, investigating complaints against certificate holders, and providing information to the public. However, the MRTBE should improve its certification process to ensure that only qualified applicants receive certificates. In addition, the MRTBE does not always adequately investigate complaints and may inappropriately dismiss complaints. Further, the MRTBE does not provide accurate and complete public information.

**ARRA not able to meet inspection time frames**—Although ARRA has determined how frequently it should inspect x-ray facilities, it is unable to meet its inspection time frames. In fact, not meeting x-ray inspection frequencies has been a problem for more than 3 decades. According to ARRA's x-ray inspection data, as of June 2015, approximately 49 percent of all x-ray facilities, or nearly 2,700 facilities, were overdue for inspection. Additionally, approximately 44 percent of the high-risk hospital/therapy facilities are overdue for inspection. The primary reason for this backlog is that ARRA does not have the recommended number of experienced inspectors. As of June 2015, ARRA employed only four x-ray inspectors, including only one who was trained to inspect high-risk facilities.

**ARRA needs to overhaul its x-ray inspection approach**—ARRA has initiated some efforts to perform more inspections, such as implementing an electronic filing system for inspection reports and registrations, which saves inspectors time when processing paperwork. However, these steps alone will not allow ARRA to meet its established inspection frequencies.

We surveyed five states to gather examples of different x-ray inspection approaches and found that two states use state inspectors and three use private inspectors. These private inspectors are registered or certified by their respective state radiation agencies to inspect x-ray facilities. These states reported that using registered or certified private inspectors helps to ensure facilities are inspected in a timely manner, and the x-ray facilities pay for inspection costs. ARRA should establish work groups consisting of various stakeholders to research the inspection approaches other states use and develop recommendations for ARRA's review and implementation.

#### Recommendations

ARRA should:

- Establish work groups consisting of various stakeholders to research inspection approaches and develop recommendations; and
- Evaluate the recommendations and determine what approach(es) it will adopt.

### MRTBE should improve its process for issuing certificates

**MRTBE responsible for certifying qualified individuals to use x-ray machines**—MRTBE management has not always ensured that it issues certificates to only qualified applicants. We identified the following specific problems:

- Some applicants were given a second chance, on the same day, to reanswer examination questions they missed, which may allow unqualified applicants to pass. Statute allows applicants to reapply to take the examination, but they must submit another application and fee and retake the whole exam.



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- Applicants who are certified by an external certifying organization do not have to take the MRTBE's exam, but the MRTBE issued a certificate to an applicant who did not have a valid external certificate and an applicant who had submitted fake external certificates. MRTBE staff can verify the external certificates online but did not.
- We reviewed a random sample of nine initial certificates and found eight that did not meet all the statutory and rule education requirements. In addition, applicants for renewal certificates must provide proof of continuing education. Of the 12 renewals we reviewed, 2 were renewed without proof of the required continuing education, another 2 were renewed even though the continuing education information was unclear or illegible, and another 4 were renewed without verifying the external certificates, which included continuing education.

### Recommendation

The MRTBE should develop and implement policies and procedures for reviewing and processing initial and renewal applications to ensure applicants meet all statutory and rule requirements.

## MRTBE complaint resolution process has several problems

The MRTBE should address complaint resolution issues, such as:

- **Inadequate investigations or inappropriate dismissals**—We reviewed a random sample of 16 complaints and identified 3 complaints that the Executive Director and MRTBE staff did not adequately investigate or inappropriately dismissed.
- **Inconsistent discipline**—Certificate holders who continue to practice after their certificates have expired are in violation of statute. MRTBE staff have inconsistently referred cases of uncertified practice to the MRTBE for action, and the MRTBE has not consistently followed its discipline policy for the cases it has reviewed.
- **Resolving complaints in a timely manner**—For the 16 complaints we reviewed, the MRTBE did not resolve 4 of these complaints within 180 days as our Office recommended. One complaint took more than a year to resolve.

### Recommendations

The MRTBE should:

- Ensure that its staff follow established complaint-investigation policies and procedures;
- Develop or modify and implement policies and procedures regarding complaint investigations, dismissals, discipline for uncertified practice, and tracking and monitoring complaint timeliness; and
- Meet frequently enough to resolve complaints within 180 days.

## MRTBE does not provide accurate and complete complaint and disciplinary information

The public needs accurate, complete, and timely information about certificate holders. However, MRTBE staff do not provide accurate and complete information about a certificate holder's complaint and disciplinary history. We made three anonymous calls to request complaint and disciplinary history information about three certificate holders and received inaccurate or incomplete information for two of these calls. The MRTBE has drafted a public information policy but needs to finalize it.

### Recommendation

The MRTBE should finalize and implement its public information policy for providing disciplinary, nondisciplinary, and dismissed complaint information over the phone.