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July 30, 2019

The Honorable Rick Gray, Chair
Joint Legislative Audit Committee

The Honorable Anthony Kern, Vice Chair
Joint Legislative Audit Committee

Dear Senator Gray and Representative Kern:

We have recently completed a 36-month followup of the Performance Audit and Sunset Review of the Arizona Board of Respiratory Care Examiners regarding the implementation status of the 14 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in June 2016 (Auditor General Report No. 16-103). As the attached grid indicates, all 14 recommendations have been implemented.

Unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Arizona Board of Respiratory Care Examiners' efforts to implement the recommendations from the June 2016 performance audit report.

Sincerely,
Dale Chapman, Director
Performance Audit Division

cc: Jack Confer, Executive Director
Arizona State board of Respiratory Care Examiners

Arizona State Board of Respiratory Care Examiners members

Arizona State Board of Respiratory Care Examiners

Auditor General Report No. 16-103

36-Month Follow-Up Report

Recommendation

Status/Additional Explanation

Licensing: Board issued licenses to applicants who met licensure requirements

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| <p>1. The Board should consider various options for increasing compliance with its continuing education requirements, including:</p> <ul style="list-style-type: none"> a. Increasing the civil penalty amount for noncompliance and/or suspending the license; b. Increasing the percentage of licensees who are audited each quarter; and c. Pursuing a rule change to allow the Board to require that all licensees submit continuing education documentation when renewing their licenses, and then auditing a percentage of those renewals. | <p>Implemented at 12 months</p> <p>Implemented at 24 months</p> <p>Implemented at 36 months</p> |
| <p>2. Once the Board determines what options would best increase compliance with the continuing education requirements, the Board should implement those changes to its continuing education audit policies and procedures as appropriate, and train staff accordingly.</p> | <p>Implemented at 36 months</p> |
| <p>3. The Board should ensure that it adheres to its audit policy and conduct continuing-education audits quarterly.</p> | <p>Implemented at 12 months</p> |
| <p>4. The Board should develop and implement a disciplinary matrix for its continuing-education audit complaints that specifies the civil penalty that should be assessed based on the number of hours the licensee was deficient and whether other disciplinary actions such as suspension should be taken, and prescribes the escalated disciplinary action that should be taken for repeat offenders to reduce the number of complaints the Board must individually hear and to reduce the time needed for adjudication.</p> | <p>Implemented at 36 months</p> |
| <p>5. The Board should develop and implement policies and procedures that require its staff to track the Board's compliance with all licensing time frames, including the issuance of administrative notices when appropriate. Once policies and procedures have been developed and implemented, the Board should ensure all appropriate staff are trained on them.</p> | <p>Implemented at 24 months</p> |

Recommendation**Status/Additional Explanation****Complaint resolution: Board adequately investigated and adjudicated complaints reviewed**

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| 1. | The Board should revise its complaint policies and procedures to decrease the investigative and overall processing time frames for its priority three complaints to ensure that complaints are resolved within 180 days. | Implemented at 12 months |
| 2. | The Board should revise its complaint policies and procedures to require the use of the case checklist and train its staff accordingly. | Implemented at 12 months |
| 3. | For complaints resolved by consent agreements, the Board should use the date both the Board and the licensee sign the agreement as the resolution date. This date for tracking complaint resolution should also be reflected in the Board's policies and procedures and tracking mechanisms, such as its complaint database, and staff should be trained accordingly. | Implemented at 12 months |
| 4. | The Board should establish time frames in its policies and procedures for when the licensees and the Board's executive director should sign consent agreements. | Implemented at 24 months |

Public Information: Board should improve its provision of public information

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| 1. | The Board should develop and implement public information policies and procedures to guide staff on what information to provide about licensees over the phone, including dismissed and nondisciplinary licensing and complaint information, and the time frames for returning phone calls. These policies and procedures should also direct how board staff should respond to public information requests received over the phone for complaint history information that is located in hard-copy files. Additionally, the Board should cease the practice of directing callers to submit public information requests to obtain this information. Once the Board has developed and implemented the policies and procedures, it should also train its staff accordingly. | Implemented at 12 months |
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Sunset Factor #2: The extent to which the Board has met its statutory objective and purpose and the efficiency with which it has operated.

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| 1. | The Board should not accept cash as payment for services, as required by rule. | Implemented at 12 months |
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Recommendation**Status/Additional Explanation****Sunset Factor #9: The extent to which changes are necessary in the laws of the Board to adequately comply with the factors listed in the sunset law.**

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2. The Board should propose legislation that would require it to deposit 100 percent of all civil penalties in the State General Fund, consistent with most other Arizona health regulatory boards. Further, until such legislation is passed, the Board should comply with statute and remit only 10 percent of its civil penalties to the State General Fund.

Implemented at 36 months

The Board provided documentation showing that it proposed legislation in the 2019 legislative session but was unable to find a sponsor; therefore, no bill was introduced. However, the Board reported it will continue its efforts to propose legislation in the 2020 legislative session that would require it to deposit 100 percent of civil penalties in the State General Fund. In the meantime, the Board has complied with statute to remit 10 percent of its civil penalties to the State General Fund.
