

## REPORT HIGHLIGHTS PERFORMANCE AUDIT

## Board should continue to address continuing education noncompliance and track its licensing time frames

### Our Conclusion

The Arizona State Board of Respiratory Care Examiners (Board) regulates the practice of respiratory care in the State. The Board issued licenses to applicants who met statutory and rule licensure requirements, but it should continue to take steps to address licensees' noncompliance with continuing-education requirements. Additionally, although the Board appears to issue licenses within the overall required time frame, it should track its compliance with all time frames for issuing licenses to help ensure they are issued in a timely manner. The Board adequately investigated and adjudicated the complaints reviewed and has established complaint investigation policies and procedures that guide board staff in processing complaints. However, the Board needs to improve its complaint resolution timeliness. We found that it took the Board more than 180 days to resolve 28 percent of the complaints reviewed. Finally, the Board should ensure that it provides all publicly available information about licensees over the phone.

**Board issued licenses to applicants who met requirements**—We reviewed a random sample of 30 initial licenses the Board issued between January 2013 and November 2015 and found that all 30 licenses were issued to applicants who met the statutory and rule requirements. The Board uses a checklist to help ensure that all required documentation has been submitted and reviewed prior to issuing a license.

**Many licensees do not comply with continuing education requirements for license renewal**—Licenses are valid for 2 years and licensees must complete 20 hours of required continuing education to renew their licenses. Board staff conduct quarterly random audits of licensees' continuing education to assess compliance. The Board's December 2015 audit found that more than 40 percent of audited licensees had not complied with the continuing-education requirements.

The Board has addressed continuing education noncompliance by imposing a \$10 civil penalty for each hour of uncompleted continuing education. However, this practice has not adequately deterred noncompliance. In fact, a board member reported that licensees stated that they would rather risk being audited and pay the civil penalty than take the continuing education. Therefore, the Board should consider increasing the civil penalty amount and/or suspending the license until the licensee comes into compliance and increasing the percentage of licensees it audits each quarter. The Board should also develop and implement a disciplinary matrix for continuing-education complaints to help ensure it addresses these complaints in a timely manner and escalates discipline when appropriate.

**Board should track licensing time frames**—The Board appears to issue most licenses in a timely manner. Specifically, the Board issued 28 of the 30 reviewed licenses within the overall required time frame. However, we could not determine if the Board was in compliance with its administrative completeness and substantive review time frames because the Board did not send administrative notices to the applicants. Administrative completeness refers to the receipt of required documents, while the substantive review determines the documents' statutory adequacy. Absent these notices, we could not assess the Board's timeliness in meeting the overall time frame for the remaining 2 licenses. As a result, the Board should develop and implement policies and procedures for tracking compliance with all licensing time frames, including issuing administrative notices when appropriate.

### Recommendations

The Board should:

- Consider increasing the civil penalty amount and/or suspending the license and increasing the percentage of licensees who are audited each quarter to improve licensee compliance with its continuing-education requirements;
- Develop and implement a disciplinary matrix for addressing continuing-education complaints; and
- Develop and implement policies and procedures for tracking compliance with all licensing time frames, including the issuance of administrative notices.



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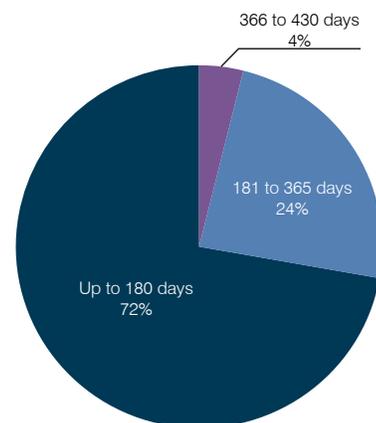
## Board appropriately resolved complaints, but should improve complaint resolution timeliness

**Board adequately investigated and adjudicated complaints**—We reviewed a random sample of 29 complaints that the Board opened in calendar years 2013 through 2015 and found that board staff appropriately and thoroughly investigated all of these complaints. The Board has established policies and procedures and a complaint checklist to help guide its complaint investigations. Additionally, for these 29 complaints, the Board appropriately dismissed complaints with unsubstantiated allegations and took appropriate and consistent disciplinary and nondisciplinary actions when it found violations.

**Board should improve complaint resolution timeliness**—Nearly 28 percent of the complaints reviewed exceeded the recommended 180-day time frame for resolution (see Figure). Various factors have contributed to this untimeliness. Although the Board has established time frames to investigate and resolve complaints, its time frame for processing priority three complaints, which are less serious complaints, is 210 calendar days, which exceeds the recommended 180-day time frame. Additionally, the Board implemented a case checklist with time frames to guide investigations, but its staff inconsistently use and complete this checklist. Finally, the Board uses consent agreements to resolve some complaints, but considers a complaint resolved when it offers the agreement, not when the agreement has been signed by the licensee and the executive director, which can occur much later. However, a consent agreement is not considered valid until signed, and if not signed in a timely manner it could substantially increase the number of days to resolve a complaint.

### Days to resolve complaints 2013 through 2015

29 total complaints



### Recommendations

The Board should revise its complaint-handling policies and procedures to:

- Decrease the investigative and overall processing time frames for its priority three complaints;
- Require staff to use its case checklist; and
- Use the date that its consent agreements are signed as the resolution date and establish time frames for signing the agreements.

## Board should improve its provision of public information

Although the Board provides appropriate information about licensees on its Web site, its practices limit the publicly available complaint history information it provides over the phone. These practices include only providing disciplinary history information over the phone and requiring callers to submit written requests for information on nondisciplinary actions and dismissed complaints.

### Recommendations

The Board should develop and implement public information policies and procedures to guide staff on the information to provide about licensees over the phone, including information on nondisciplinary actions and dismissed complaints. The Board should also cease its practice of requiring callers to submit public information requests to obtain this information.