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State of Arizona
Board of Respiratory Care Examiners
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Jack Confer
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June 9, 2016

VIA ELECTRONIC AND REGULAR MAIL

Auditor General Debbie Davenport
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, AZ 85018

RE: Performance Audit –Sunset Review

Dear Auditor General Davenport:

The Arizona Board of Respiratory Care Examiners (“Board”) has reviewed the draft of the recent Sunset Review of this Board. As requested, please find the following response:

LICENSING RECOMMENDATIONS:

1. The Board should consider various options for increasing compliance with its continuing education requirements, including:
 - a. Increasing the civil penalty amount for noncompliance and/or suspending a 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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

3. The Board should ensure that it adheres to its audit policy and conduct continuing education audits quarterly.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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, 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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

COMPLAINT RESOLUTION RECOMMENDATIONS:

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

2. The Board should revise its complaint policies and procedures to require the use of the case checklist and train its staff accordingly.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

PUBLIC INFORMATION RECOMMENDATIONS:

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 non-disciplinary 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. The Board should also train its staff accordingly.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

GENERAL RECOMMENDATIONS:

1. The Board should not accept cash as payment for services, as required by rule.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

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.

The Finding of the Auditor General is agreed to and the audit recommendation will be implemented.

I may be contacted at the above number or at john@rb.az.gov

Thank you and Respectfully,

Jack Confer
Executive Director
Arizona Board of Respiratory Care Examiners

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