

State of Arizona Acupuncture Board of Examiners

CONCLUSION: The State of Arizona Acupuncture Board of Examiners (Board) regulates the practice of acupuncture in the State by issuing acupuncture licenses and auricular acupuncture certificates, investigating and resolving complaints, and providing information to the public about licensees and certificate holders. We found that the Board has not consistently obtained all licensing information before issuing licenses, and has renewed some licenses without verifying compliance with continuing education requirements. In addition, although the Board generally resolves complaints in a timely manner, the Board's complaint resolution process is not adequately designed to protect the public and the Board has not developed complaint-handling policies and procedures to appropriately guide staff. Finally, the Board did not consistently provide accurate information about licensees and certificate holders over the phone.

Board should strengthen its license and certification processes

Board issued some licenses without collecting or verifying required information—State law requires all state licensing boards to collect documentation from applicants supporting their lawful presence in the U.S. before these boards issue or renew licenses. However, the Board has not consistently obtained such documentation. We reviewed a random sample of 12 initial licenses and certificates issued between August 2010 and March 2015, and 26 licenses and certificates renewed between January 2014 and January 2016, which included 3 licensees who were not U.S. citizens, and found that the Board renewed 2 of the 3 licensees without obtaining appropriate or updated documentation of lawful presence in the U.S. One of the licensees provided a passport, but not the required visa, while the other licensee did not provide updated documentation after her permanent resident card expired. Our review of an additional sample of six active licensees who were not U.S. citizens also revealed that the Board issued initial licenses to two of these licensees without obtaining documentation required by law.

Board renewed licenses without verifying compliance with continuing education requirements—Licensees are required to complete 15 hours of approved continuing education annually in order to renew their licenses. The Board randomly audits compliance and a licensee must provide documentation of compliance at the time of the audit. We reviewed a random sample of 21 licenses that were renewed between January 2014 and January 2016 and found that the Board improperly issued renewals for several years to one licensee who did not certify his compliance with the continuing education requirement on his renewal applications. We also reviewed a random sample of nine licensees that the Board had selected for audit between 2010 and 2015, and found that the Board renewed two of the licenses without ensuring that the licensees met continuing education requirements.

Board should develop and implement policies and procedures and better track citizenship documentation—Although the Board has established some policies and procedures for reviewing and approving licenses and certificates, board staff lacked clear guidance about what specific licensing documentation to collect and how to verify it. The Board began developing additional policies and procedures for reviewing and approving renewal licenses during the audit and should continue to develop and implement them.

In addition, the Board does not have an adequate process for tracking citizenship documentation for non-U.S. licensees whose documentation may expire and need to be updated. This information is currently maintained in separate documents, which the Board must check manually, instead of the Board's licensing database, which the Board could use to generate lists of licensees whose citizenship documentation has expired. In addition, the Board uses an outdated citizenship form that licensees and certificate holders complete to demonstrate lawful presence in the U.S. that does not reflect current statutory requirements for documentation.

Recommendations

The Board should:

- Continue to develop and implement policies and procedures for reviewing and approving initial and renewal license and certificate applications; and
- Develop a more reliable system for tracking non-U.S. licensees' citizenship documentation and update its citizenship form to reflect current statutory requirements.

Board generally resolved complaints in a timely manner, but should improve its complaint resolution process

Board should improve its complaint resolution process—We reviewed all ten complaints resolved by the Board between July 1, 2012 and December 14, 2015, and found that the Board generally resolves complaints in a timely manner; however, some of the Board's rules and practices do not adequately protect the public. For example, although not authorized by law, the Board's rules require the Board to dismiss a complaint if it is not filed within 90 days of an alleged violation. In addition, rules permit the Board to close a complaint if a complainant requests to withdraw it, even when the Board has not completed its investigation. For two of the ten complaints we reviewed, one for an alleged fraudulent billing and another regarding a monetary dispute, the Board stopped its investigation and closed the complaints when the complainants requested to withdraw the complaint or indicated they had reached an agreement with the licensee. Further, rule requires the Board to determine jurisdiction before it proceeds with an investigation, but for nine of the ten complaints we reviewed, the Board did not determine whether it had jurisdiction before undertaking the investigation.

Board lacks adequate guidance for resolving complaints—The Board has not developed policies and procedures to guide staff in investigating complaints, such as conducting interviews or reviewing applicable documentation. In addition, the Board does not have policies or procedures in place for how to proceed when a licensee does not respond to a complaint, or for developing, reviewing, and executing consent agreements. Finally, although statute requires the Board to notify a licensee's employer, if any, of disciplinary action initiated against the licensee, the Board does not have any policies and procedures for notifying employers.

Recommendations

The Board should:

- Remove its complaint resolution process from rules;
- Develop and implement comprehensive policies and procedures for its complaint resolution process; and
- Modify its application forms to include employment information.

Board should improve its provision of information to public

Although the Board provides appropriate licensee information on its website, when we placed four calls to request complaint and disciplinary history information on three licensees and one certificate holder, staff provided inaccurate information for two of these calls. For one call, board staff inaccurately reported that a complaint was dismissed when the complaint actually resulted in a nondisciplinary letter of concern. For the other, board staff reported that a licensee had three dismissed complaints when the actual number was five. These errors were likely made because the information was inaccurately recorded in the Board's licensing database.

Recommendation

The Board should implement its recently developed policies and procedures for providing information to the public and ensure that the information in its licensing database is accurate.