

Arizona Board of Athletic Training

Board should ensure applicants meet lawful presence and continuing-education requirements, and improve the information on its website and the licensee information staff provide over the phone

Performance Audit and
Sunset Review

October 2018
Report 18-106

A Report to the Arizona Legislature

Lindsey A. Perry
Auditor General





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October 23, 2018

Members of the Arizona Legislature

The Honorable Doug Ducey, Governor

Ms. Karen Whiteford, Executive Director
Arizona Board of Athletic Training

Transmitted herewith is a report of the Auditor General, *A Performance Audit and Sunset Review of the Arizona Board of Athletic Training*. This report is in response to a September 14, 2016, resolution of the Joint Legislative Audit Committee. The performance audit was conducted as part of the sunset review process prescribed in Arizona Revised Statutes §41-2951 et seq. I am also transmitting within this report a copy of the Report Highlights for this audit to provide a quick summary for your convenience.

As outlined in its response, the Arizona Board of Athletic Training agrees with all of the findings and plans to implement all of the recommendations.

My staff and I will be pleased to discuss or clarify items in the report.

Sincerely,

Lindsey Perry, CPA, CFE
Auditor General

cc: Arizona Board of Athletic Training members



Arizona Board of Athletic Training

CONCLUSION: The Arizona Board of Athletic Training (Board) regulates the practice of athletic training in the State by licensing athletic trainers, providing information about licensees to the public, and investigating and resolving complaints against licensees. We found that the Board can improve its licensing of athletic trainers, improve its provision of information to the public on its website, and develop and implement guidance for staff on the licensee information it can provide over the phone. Additionally, the Board should improve its compliance with open meeting law, develop additional complaint-handling procedures, and verify that athletic trainers receive appropriate direction from physicians.

Some licenses issued without verifying lawful presence



Board did not verify lawful presence for
9 of 30 applications we reviewed

We reviewed a random sample of athletic training license applications and found that the Board verified that applicants met most license requirements but did not consistently ensure that applicants met the statutory requirement to demonstrate lawful presence in the U.S. prior to approving or renewing their licenses.

Recommendation

The Board should develop and implement policies and procedures for ensuring that license applicants have met lawful presence requirements.

Continuing-education requirements not verified

The Board requires its licensees to complete continuing education annually prior to license renewal and has authority to verify completion, but it does not do so. During the audit, the Board began discussing revising its rules to establish a continuing-education audit process.

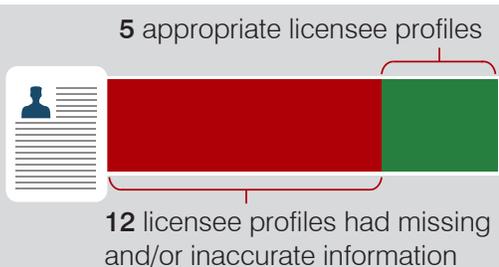
Recommendation

The Board should continue with its efforts to establish a continuing-education audit process.



Board did not verify compliance with continuing-education requirements for renewal applications

Incomplete and inaccurate information included on website



We reviewed website profiles for 17 athletic trainers and found that 12 of the profiles did not include complete and/or accurate information regarding disciplinary actions and/or license status. Further, the Board's website did not include the required statement regarding how to obtain public records related to any licensee. Finally, the Board does not post orders related to disciplinary actions, such as consent agreements, on its website, which is a practice other Arizona health regulatory boards follow that provides helpful information to the public.

Recommendation

The Board should ensure that it includes on its website complete and accurate information in its licensee profiles, the required statement regarding how to obtain public information, and board orders related to disciplinary actions.

Required information not initially provided to caller

We called the Board and requested complaint history about a licensee, but board staff did not disclose statutorily required information. Although staff later contacted us to provide the information, the Board lacks written guidance for staff when providing licensee information over the phone.

Recommendation

The Board should develop and implement policies and procedures to guide staff on what information to provide about licensees over the phone.



Board did not initially provide complaint and nondisciplinary information about licensee

Other board actions needed

As reported in the Sunset Factors section of the report, we found that the Board issued athletic trainer licenses we reviewed in a timely manner, resolved complaints we reviewed appropriately and in a timely manner, and provided opportunities for public input before adopting rules. However, we identified the following areas for improvement:

Board should improve compliance with open meeting law—We assessed the Board's compliance with the State's open meeting law for three board meetings and found that the Board generally complied with most requirements. However, for one of three board meetings, the Board did not provide a requested audio recording within the required time frame. In addition, the Board's meeting minutes did not contain the meeting location.

Recommendation

The Board should ensure that it makes meeting minutes or a recording available for public inspection within the required time frame and that its meeting minutes include the meeting location.

Board should develop additional written complaint-handling procedures—Although the Board adequately resolved complaints in a timely manner for the 17 complaints it received and opened between calendar years 2015 and 2017, the Board has limited written procedures regarding its complaint-handling practices.

Recommendation

The Board should develop and implement additional written complaint-handling procedures.

Board should verify that athletic trainers receive appropriate direction from physicians—Athletic trainers are statutorily required to practice under the direction of a licensed physician, and the Board's rules require licensees to have written protocols that a physician approves. However, the Board does not verify that licensees have these protocols.

Recommendation

The Board should implement a process to help ensure athletic trainers are practicing under a licensed physician's direction, such as requiring licensees to provide documentation of their physician-approved written protocols.



TABLE OF CONTENTS

Introduction	1
Finding 1: Board should ensure licensees meet lawful presence requirements	3
Statute requires boards to verify lawful presence in the U.S.	
Board has issued some licenses without collecting or verifying required lawful presence documentation	
Board lacks policies and procedures for ensuring lawful presence	
Recommendation	
Finding 2: Board should ensure licensees meet continuing-education requirements	5
Licensees must complete continuing education	
Board issued renewal licenses without verifying compliance with continuing-education requirements	
Other regulatory boards conduct continuing-education audits	
Recommendation	
Finding 3: Board should improve the information on its website	7
Board required to make certain information available on its website	
Board's website provided incomplete and/or inaccurate information for most licensees reviewed	
New online licensing system may have contributed to website errors	
Other regulatory boards post board orders on websites	
Recommendations	
Finding 4: Board should improve its provision of public information over the phone	9
Statute requires Board to make complaint information available	
Board initially did not provide information about dismissed complaints and nondisciplinary actions over the phone	
Recommendation	
Sunset factors	11
Summary of recommendations: Auditor General makes 11 recommendations to the Board	17
Appendix A: Objectives, scope, and methodology	a-1
Board response	



TABLE OF CONTENTS

Table

1	Schedule of revenues and expenditures Fiscal years 2016 through 2018	2
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Mission and responsibilities

The Arizona Board of Athletic Training (Board) was established in 2000 to regulate the practice of athletic training in Arizona (see textbox). Its mission is to protect the public's health, safety, and welfare by licensing and regulating individuals who provide athletic training services. Athletic trainers work in various settings, including public and private high schools, colleges and universities, clinics and hospitals, and professional sports organizations. The Board's responsibilities include:

- Issuing licenses that must be renewed annually to qualified applicants;
- Providing information about licensees to the public; and
- Investigating and resolving complaints against licensees.

According to board records, as of March 2018, the Board had approximately 745 licensed athletic trainers and issued 136 initial athletic trainer licenses in calendar year 2017.

Athletic trainers are health-care professionals who, under a licensed physician's direction, provide various services to prevent or treat athletic injuries, such as examination, immediate care, therapeutic intervention, and rehabilitation. Athletic trainers can use various therapeutic methods including heat, cold, water, electricity, and passive or active exercise. In addition, according to Arizona Revised Statutes (A.R.S.) §15-341, athletic trainers are one of four health-care professions in Arizona authorized to determine if a student athlete can return to play after a potential concussion.

Source: Auditor General staff summary of A.R.S. §§15-341 and 32-4101.

Organization and staffing

As required by A.R.S. §32-4102, the Board consists of five governor-appointed members, including three actively licensed athletic trainers who are Arizona residents and have practiced for at least 5 years before their appointment, and two public members who are not affiliated with a healthcare profession. Board members are eligible to serve two successive 5-year terms. The Board was appropriated 1.5 full-time equivalent (FTE) staff positions for fiscal year 2018. As of August 2018, these positions were filled by a half-time executive director and a full-time administrative assistant.¹

Budget

The Board does not receive any State General Fund appropriations. Rather, its revenues consist primarily of licensing and related fees. Statutes require the Board to remit all monies collected from civil penalties and 10 percent of all other revenues, including licensing fees, to the State General Fund, and to remit the remaining 90 percent to the Athletic Training Fund. In fiscal year 2018, most of the Board's revenues consisted of licensing and related fees, and the majority of its expenditures were for personnel costs. See Table 1 on page 2 for additional information.

¹ The Board's executive director is also the executive director for the Arizona Board of Occupational Therapy Examiners, as required by statute.

Table 1
Schedule of revenues and expenditures
Fiscal years 2016 through 2018

	2016	2017	2018
Revenues			
Licensing and related fees	\$142,885	\$138,971	\$153,500
Fines, forfeits, and penalties	7,800	6,750	8,588
Other	1,174	5	332
Total gross revenues	151,859	145,726	162,420
Remittances to the State General Fund ¹	(16,194)	(15,743)	(17,638)
Total net revenues	135,665	129,983	144,782
Expenditures and transfers			
Payroll and related benefits	85,165	95,468	72,630
Professional and outside services	1,200	472	16,440
Travel	1,190	953	1,009
Other operating ²	20,121	16,225	20,706
Furniture, equipment, and software		281	15
Total expenditures	107,676	113,399	110,800
Transfers out ³			48,100
Total expenditures	107,676	113,399	158,900
Net change in fund balance	27,989	16,854	(14,118)
Fund balance, beginning of year	140,955	168,944	185,528
Fund balance, end of year	\$168,944	\$185,528	\$171,410

¹ As required by statute, the Board is required to remit 100 percent of civil penalties and 10 percent of all its other revenues to the State General Fund.

² Other operating consists of various expenditures such as accounting services, building rent, telecommunication costs, data processing, and postage and delivery.

³ Transfers out in fiscal year 2018 comprised transfers to the Arizona Department of Administration for a state-wide information technology system project and relocation costs (see Finding 3, page 7, for more information about the state-wide information technology system).

Source: Auditor General staff analysis of the Arizona Financial Information System *Accounting Event Transaction File* for fiscal years 2016 through 2018, and the State of Arizona *Annual Financial Report* for fiscal years 2016 and 2017.



Board should ensure licensees meet lawful presence requirements

Statute requires boards to verify lawful presence in the U.S.

A.R.S. §41-1080 requires all licensing boards in Arizona to issue licenses only to individuals who provide documentation of citizenship or alien status, and specifies the various types of documentation that are sufficient to establish lawful presence in the U.S. For example:

- If only a driver license is submitted, it must be from a state that verifies lawful presence before issuing a driver license; and
- If the documentation of lawful presence does not contain the individual’s photograph, a government-issued document that contains a photograph must also be submitted.

Examples of athletic training license requirements

- Graduate from an accredited athletic training program
- Pass a national athletic training examination
- Demonstrate lawful presence in the U.S.
- Be certified in cardiopulmonary resuscitation

Source: Auditor General staff review of A.R.S. §32-4122 et seq. and Arizona Administrative Code (AAC) R4-49-201 et seq.

Board has issued some licenses without collecting or verifying required lawful presence documentation

Auditors reviewed a random sample of 15 of the 195 initial applications and 15 of the 787 renewal applications for athletic training licenses that the Board received between July 1, 2016 and March 31, 2018. The Board verified that the applicants auditors reviewed met most statutory and rule license requirements. However, it did not ensure that 9 of 30 applicants met the statutory requirement to demonstrate lawful presence in the U.S., as follows:



Board did not verify lawful presence for 9 of 30 applications we reviewed

- 8 applicant files contained a driver license issued by another state, but the Board did not ensure that these driver licenses were issued by a state that verifies lawful presence or collect additional documentation to verify lawful presence, and
- 1 applicant file did not have a government-issued document with a photograph.

Board lacks policies and procedures for ensuring lawful presence

The Board’s licensing policies and procedures do not include guidance on how staff should determine if lawful presence documentation meets statutory requirements or what additional information to request when the submitted documentation is not sufficient.

Recommendation

1. The Board should develop and implement policies and procedures for ensuring that licensees submit and board staff review the required documentation to demonstrate lawful presence.

Board response: As outlined in its [response](#), the Board agrees with the finding and will implement the recommendation.



Board should ensure licensees meet continuing-education requirements

Licensees must complete continuing education

The Board's licensees are required to:

- Complete at least 15 hours of continuing education in the area of athletic training annually prior to license renewal;
- Sign a statement certifying that they have completed the required continuing education as part of the renewal application; and
- Maintain continuing-education records pursuant to rule.

Board issued renewal licenses without verifying compliance with continuing-education requirements

The Board has authority to request proof of continuing-education completion. However, the Board does not request this information or conduct continuing-education audits to verify licensee compliance with the requirement in part because the Board's rules also indicate that licensees may provide proof of continued certification with the national Board of Certification (BOC) to meet continuing-education requirements.²

Without requesting this information or conducting continuing-education audits, the Board cannot ensure that its licensees are complying with its continuing-education requirements, which are important for helping athletic trainers maintain and further develop their knowledge and skills.



Board did not verify compliance with continuing-education requirements for renewal applications

Other regulatory boards conduct continuing-education audits

To verify compliance with continuing-education requirements, other Arizona health regulatory boards conduct continuing-education audits. For example:

- The Arizona Medical Board conducts continuing-education audits for a random sample of 10 percent of its licensees, and
- The Arizona Acupuncture Board of Examiners conducts continuing-education audits for a random sample of 15 percent of its licensees.

² The BOC, which is a nonprofit organization that validates entry-level competency in the practice of athletic training, requires athletic trainers to complete 50 continuing-education hours every 2 years to maintain BOC certification. According to the BOC, it conducts audits of approximately 3 percent of certified athletic trainers nation-wide every 2 years that involve requesting proof of continuing education.

Both boards' licensees must submit documentation to prove that they have completed the required continuing-education hours prior to having their renewal license application approved.

During the audit, the Board began discussing revising its rules to establish a continuing-education audit process.

Recommendation

2. The Board should continue with its efforts to establish a continuing-education audit process, including developing and implementing policies and procedures that direct staff on how to conduct these audits, how many licensees to review, how to determine the appropriateness of continuing-education hours submitted, and how to verify that the continuing education was completed during the appropriate time period.

Board response: As outlined in its [response](#), the Board agrees with the finding and will implement the recommendation.



Board should improve the information on its website

Board required to make certain information available on its website

A.R.S. §32-3214 requires all health profession regulatory boards to make available on their websites:

- All disciplinary actions against licensees, and
- A statement indicating that members of the public may contact the Board directly to request public records related to any licensee, including information about dismissed complaints or complaints that resulted in nondisciplinary action.

Board’s website provided incomplete and/or inaccurate information for most licensees reviewed

Auditors’ July 2018 comparison of the Board’s website profiles of 17 athletic trainers who had complaints opened between calendar years 2015 and 2017 to board licensing and complaint files found that the website provided incomplete and/or inaccurate information for 12 licensees. Specifically:

- 12 licensees received disciplinary action as a result of complaints, but their profiles did not list the disciplinary actions, and
- Two of the 12 licensees were also on probation, but their profiles indicated that their licenses were active and in good standing.



Further, as of July 2018, the Board’s website did not include the required statement regarding how to obtain public information related to any licensee.

New online licensing system may have contributed to website errors

According to the Board, the incomplete and/or inaccurate information may have resulted from its transition to a new state-wide web-based information technology system. In fiscal year 2018, the Board began using this web-based system to process license applications and store licensee information. This new system automatically uploads licensee information to the Board’s website. However, the Board reported that some information was not correctly transferred to the new web-based system and/or its website during the transition.

Other regulatory boards post board orders on websites

Although not a statutory requirement, the Board does not post orders related to disciplinary actions, such as consent agreements, on its website. This practice provides helpful information to the public and is followed by other Arizona health regulatory boards, including the Arizona Medical Board and the Arizona State Board of Physical Therapy.

Recommendations

The Board should:

3. Make all licensee disciplinary actions available on its website, as required by statute.
4. Ensure that its website reflects the accurate licensure status for its licensees.
5. Include on its website the statutorily required statement that members of the public may contact the Board directly to request public records related to any licensee, including information about dismissed complaints or complaints that resulted in nondisciplinary action.
6. Include board orders related to licensee disciplinary actions on its website.

Board response: As outlined in its [response](#), the Board agrees with the findings and will implement the recommendations.



Board should improve its provision of public information over the phone

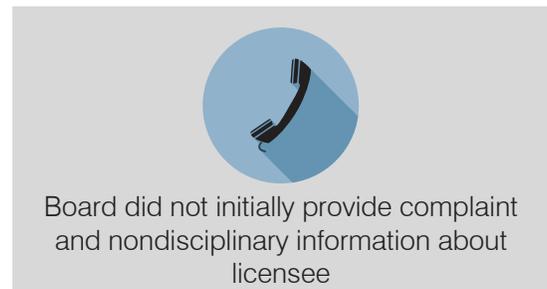
Statute requires Board to make complaint information available

A.R.S. §32-3214 requires that the Board make information about dismissed complaints and nondisciplinary actions available when contacted by the public.

Board initially did not provide information about dismissed complaints and nondisciplinary actions over the phone

Auditors placed one anonymous phone call to board staff in July 2018 to request complaint history information about a licensee. Board staff did not disclose complaint and nondisciplinary information about the licensee and directed the caller to submit a public information request or to request permission from the licensee to obtain any information regarding actions against the licensee.

At the direction of the Board's executive director, board staff later contacted the caller and provided some of the requested complaint history information and indicated that if the caller wanted more details about the licensee's complaint history, the Board's executive director could provide the information. At the request of the caller, the Board's executive director later contacted the caller to provide the additional information. Although the Board eventually provided the caller with all of the requested information as required by statute, the Board lacks policies and procedures to guide its staff on properly responding to public requests for licensee information over the phone, which likely contributed to the staff member inappropriately handling the initial request.



Recommendation

7. The Board should develop and implement policies and procedures to guide its staff on what information to provide about licensees over the phone in accordance with statutory requirements, including information on dismissed complaints and nondisciplinary actions.

Board response: As outlined in its [response](#), the Board agrees with the finding and will implement the recommendation.



In accordance with A.R.S. §41-2954, the Legislature should consider the following factors in determining whether the Board should be continued or terminated. The analysis of the Sunset Factors also includes findings and recommendations not discussed earlier in the report.

1. The objective and purpose in establishing the Board and the extent to which the objective and purpose are met by private enterprises in other states.

The Board was established in 2000 to regulate the practice of athletic training in Arizona. Its mission is to protect the public's health, safety, and welfare by licensing and regulating individuals who provide athletic training services. In accordance with statute, the Board accomplishes this mission by:

- Issuing licenses to qualified applicants;
- Providing information to the public about licensees;
- Investigating complaints; and
- Taking disciplinary action to enforce the Board's statutes and rules.

Auditors did not identify any states that met the Board's objective and purpose through private enterprises.

2. The extent to which the Board has met its statutory objective and purpose and the efficiency with which it has operated.

The Board has, in part, met its statutory objective and purpose by issuing athletic trainer licenses auditors reviewed in a timely manner. AAC R4-49-205 requires the Board to approve or deny initial and renewal license applications within 120 days. Auditors reviewed a random sample of 15 of the 195 initial license applications and 15 of the 787 renewal license applications the Board received between July 1, 2016 and March 31, 2018, and found that the Board processed these applications within as few as 5 days and as many as 109 days, with an average of approximately 34 days.

In addition, the Board adequately investigated and resolved complaints received and opened against athletic trainers between calendar years 2015 and 2017 in a timely manner but should develop and implement additional written complaint-handling procedures (see Sunset Factor 6, pages 12 through 13, for more information).

Auditors also recommended that the Board:

- Ensure that applicants meet all lawful presence requirements before issuing licenses (see Finding 1, pages 3 through 4);
- Verify compliance with continuing-education requirements (see Finding 2, pages 5 through 6); and
- Improve the accuracy and sufficiency of information it provides to the public on its website (see Finding 3, pages 7 through 8) and over the phone (see Finding 4, page 9).

3. The extent to which the Board serves the entire State rather than specific interests.

The Board serves the entire State by licensing qualified applicants and investigating and resolving complaints against athletic trainers who practice throughout Arizona.

4. The extent to which rules adopted by the Board are consistent with the legislative mandate.

A review of the Board's statutes and rules found that the Board has adopted rules when statutorily required. According to A.R.S. §32-4103(A)(7), the Board has statutory authority to adopt rules to enforce its statutory authority. In 2013, the Board revised its rules to prescribe continuing-education requirements, allow for the issuance of temporary licenses, and revise its license and related fees.

5. The extent to which the Board has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Auditors found that the Board provided opportunities for public input before adopting rules by publishing public notices and holding public meetings. In 2012, the Board published a notice of proposed rulemaking in the Arizona Administrative Register indicating that it would receive written comments at the address provided for at least 30 days after it published the notice of proposed rulemaking and that an oral proceeding would be scheduled if one was requested. The Board indicated that it did not receive any input regarding its proposed rule changes.

Additionally, auditors assessed the Board's compliance with various provisions of the State's open meeting law for its April, May, and June 2018 board meetings and found that the Board generally complied with most open meeting law requirements for these three meetings but could improve its compliance with some requirements. For these three meetings, the Board:

- **Adhered to posting requirements with one exception**—The Board posted meeting notices and agendas with all of the required elements on its website at least 24 hours in advance and posted the notices and agendas at the physical locations specified on its website for two of the three meetings tested. Prior to the Board's April 2018 meeting, the Board's statement indicating where public notices and agendas of all public meetings will be posted indicated the Board's previous physical address. The Board subsequently corrected the address in its website statement.
- **Provided audio recordings of two of its three public meetings within the required 3-day time frame**—The Board made an audio recording available to auditors upon request within 3 business days following two of the three board meetings auditors attended. However, for one meeting, the Board provided auditors with the audio recording of the meeting 7 working days after the meeting occurred.
- **Did not include all required information in meeting minutes**—For the three meetings auditors attended, the minutes accurately represented discussion topics and decisions made at each meeting. However, these written minutes did not include the meeting location, as required by statute.

Recommendations

The Board should:

8. Ensure that it makes meeting minutes or a recording of public meetings available for public inspection within 3 working days following a meeting.
9. Ensure its meeting minutes include the location where the meeting was held.

Board response: As outlined in its [response](#), the Board agrees with the findings and will implement the recommendations.

6. The extent to which the Board has been able to investigate and resolve complaints that are within its jurisdiction.

The Board has statutory authority to investigate and resolve complaints within its jurisdiction and has various nondisciplinary and disciplinary options available to address statute and/or rule violations, such as issuing a confidential advisory letter or imposing a civil penalty (see textbox, page 13, for examples of the Board's nondisciplinary and disciplinary options). According to board records, the Board received and opened 17

complaints against athletic trainers between calendar years 2015 and 2017, including:

- 12 complaints the Board opened against initial or renewal license applicants for allegedly practicing without a license or with an expired license or for aiding in the practice of athletic training of individuals without a license, and
- 5 complaints received from the public.

Auditors found that the Board:

- Adequately investigated the 17 complaints by collecting sufficient information, such as letters from athletic trainers' employers and medical records, to determine if the licensee violated board statutes;
- Appropriately dismissed 3 complaints with unsubstantiated allegations; and
- Imposed discipline for 12 of the complaints and nondisciplinary action for 2 of the complaints when it determined that a licensee violated statute or rule.

These disciplinary and nondisciplinary actions were consistent with its complaint resolution guidelines.

Additionally, auditors found that the Board generally resolved complaints in a timely manner. The Office of the Auditor General has found that Arizona regulatory boards should resolve complaints within 180 days of receiving them, which includes the time to both investigate and adjudicate complaints. Auditors' review of the 17 complaints found that the Board resolved all but one of these complaints within 180 days. The Board took 220 days to resolve 1 complaint. For this 1 complaint, the Board made its initial decision within 180 days by issuing a consent agreement. However, the licensee did not accept the agreement at that time and requested an opportunity to address the Board at a later board meeting, after which the complaint was dismissed.

Despite appropriately investigating and adjudicating complaints in a timely manner, the Board has limited written procedures regarding its complaint-handling practices.

Recommendation

10. The Board should develop and implement additional written complaint-handling procedures to help ensure it consistently and appropriately handles complaints in the future.

Board response: As outlined in its [response](#), the Board agrees with the finding and will implement the recommendation.

7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

The Attorney General serves as the Board's legal advisor and provides legal services as the Board requires, according to A.R.S. §41-192(A)(1). In addition, according to A.R.S. §32-4157(C), the Board may apply for injunctive relief through the Attorney General or the county attorney to enjoin violations of the Board's statutes or rules.

8. The extent to which the Board has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

The Board reported that it proposed statutory changes in 2010 to address deficiencies in its statutes. Specifically, Laws 2010, Ch. 34, §9:

Examples of the Board's nondisciplinary and disciplinary options

Nondisciplinary actions:

- Confidential advisory letter

Disciplinary actions:

- Civil penalty
- Decree of censure
- Practice restriction
- License suspension or revocation

Source: Auditor General staff analysis of A.R.S. §§32-4156 and 32-4154.

- Amended A.R.S. §32-4122 to allow the Board to assess whether an applicant is of good moral character by determining whether the applicant has been convicted of a felony or a misdemeanor, and
- Established A.R.S. §32-4128 to require applicants for licensure to submit a full set of fingerprints to the Board to obtain a state and federal criminal records check or submit a copy of an unexpired fingerprint clearance card issued by the Arizona Department of Public Safety.

9. The extent to which changes are necessary in the laws of the Board to adequately comply with the factors listed in this sunset law.

Auditors did not identify any needed changes to board statutes.

10. The extent to which the termination of the Board would significantly affect the public health, safety, or welfare.

Terminating the Board would affect the public health, safety, and welfare if its regulatory responsibilities were not transferred to another entity. The Board's role is to protect the public by regulating the practice of athletic training. It accomplishes this mission by:

- Licensing individuals who meet statutory requirements;
- Receiving and investigating complaints against licensees alleging statute and/or rule violations, including unprofessional conduct;
- Taking disciplinary action against licensees when necessary; and
- Providing information to the public about licensees, including disciplinary history.

These functions help protect the public from harm. For example, auditors reviewed complaints alleging actions by athletic trainers who posed a threat to the public, including athletic trainers who allegedly provided treatment that was inconsistent with the State's scope of practice and had inappropriate physical contact with patients.

11. The extent to which the level of regulation exercised by the Board compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

According to the BOC, 49 states regulate the athletic training profession.³ The audit found that the level of regulation exercised by the Board appears appropriate and is generally similar to the level of regulation in other states auditors selected for review. Auditors judgmentally selected three states that license athletic trainers—Nevada, Virginia, and Wyoming; two states that register athletic trainers—Colorado and West Virginia; and one state that certifies athletic trainers—South Carolina, and reviewed their regulation of athletic trainers. Auditors found that these states' requirements for licensure, registration, and certification are similar to Arizona's requirements. For example:

- **National examination**—Arizona and all six states reviewed require applicants to pass a national examination to demonstrate their competency to practice athletic training.
- **Bachelor's degree from an accredited athletic training program**—Arizona and all six states reviewed, either directly in statute or rule or indirectly by requiring BOC certification, require applicants to have a bachelor's degree from an accredited athletic training program.
- **Continuing education**—Similar to Arizona, five of the six states reviewed—Colorado, Nevada, South Carolina, Virginia, and Wyoming—either directly in statute or rule or indirectly by requiring BOC certification, require licensees to complete continuing education to be eligible for license, registration, or certification

³ The BOC is a nonprofit organization that validates entry-level competency in the practice of athletic training through professional certification.

renewal. Colorado, Nevada, and Virginia require athletic trainers to maintain a BOC certification, which requires 50 hours of continuing education in a 2-year period.

However, in reviewing other states' level of regulation, auditors identified an area where board processes could be improved to better protect the public. A.R.S. §32-4103 requires athletic trainers to practice under a licensed physician's direction, and the Board's rules require licensees to have written protocols that a physician approves. However, the Board does not verify that licensees have these protocols. According to the BOC, eight states have processes to verify that athletic trainers are practicing under a licensed physician's direction. For example, Alabama requires athletic training license applicants and their supervising physician to submit a signed protocol consent form, which references written protocols approved by the Alabama Board of Athletic Trainers before receiving an initial and a renewal license to practice athletic training.

Recommendation

11. The Board should implement a process to help ensure athletic trainers are practicing under a licensed physician's direction, such as requiring licensees to provide documentation of their physician-approved written protocols.

Board response: As outlined in its [response](#), the Board agrees with the finding and will implement the recommendation.

12. The extent to which the Board has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

The Board does not use private contractors to perform its duties, and the audit did not identify any areas where the Board should consider using private contractors.

Auditors contacted four states—Colorado, Nevada, Wyoming, and Virginia—to obtain information regarding their use of contractors for regulatory activities. One state, Wyoming, indicated that it uses a private contractor to provide online license renewal application services.



SUMMARY OF RECOMMENDATIONS

Auditor General makes 11 recommendations to the Board

The Board should:

1. Develop and implement policies and procedures for ensuring that licensees submit and board staff review the required documentation to demonstrate lawful presence (see Finding 1, pages 3 through 4, for more information).
2. Continue with its efforts to establish a continuing-education audit process, including developing and implementing policies and procedures that direct staff on how to conduct these audits, how many licensees to review, how to determine the appropriateness of continuing-education hours submitted, and how to verify that the continuing education was completed during the appropriate time period (see Finding 2, pages 5 through 6, for more information).
3. Make all licensee disciplinary actions available on its website, as required by statute (see Finding 3, pages 7 through 8, for more information).
4. Ensure that its website reflects the accurate licensure status for its licensees (see Finding 3, pages 7 through 8, for more information).
5. Include on its website the statutorily required statement that members of the public may contact the Board directly to request public records related to any licensee, including information about dismissed complaints or complaints that resulted in nondisciplinary action (see Finding 3, pages 7 through 8, for more information).
6. Include board orders related to licensee disciplinary actions on its website (see Finding 3, pages 7 through 8, for more information).
7. Develop and implement policies and procedures to guide its staff on what information to provide about licensees over the phone in accordance with statutory requirements, including information on dismissed complaints and nondisciplinary actions (see Finding 4, page 9, for more information).
8. Ensure that it makes meeting minutes or a recording of public meetings available for public inspection within 3 working days following a meeting (see Sunset Factor 5, page 12, for more information).
9. Ensure its meeting minutes include the location where the meeting was held (see Sunset Factor 5, page 12, for more information).
10. Develop and implement additional written complaint-handling procedures to help ensure it consistently and appropriately handles complaints in the future (see Sunset Factor 6, pages 12 through 13, for more information).
11. Implement a process to help ensure athletic trainers are practicing under a licensed physician's direction, such as requiring licensees to provide documentation of their physician-approved written protocols (see Sunset Factor 11, pages 14 through 15, for more information).



Objectives, scope, and methodology

The Office of the Auditor General has conducted a performance audit and sunset review of the Board pursuant to a September 14, 2016, resolution of the Joint Legislative Audit Committee. The audit was conducted as part of the sunset review process prescribed in A.R.S. §41- 2951 et seq. This audit addresses the Board's licensing and complaint resolution processes and its provision of information to the public. It also includes responses to the statutory sunset factors.

Auditors used various methods to study the issues in this performance audit and sunset review of the Board. These methods included reviewing board statutes, rules, and policies and procedures; interviewing board staff; and reviewing information from the Board's website. Auditors also reviewed minutes from and attended three board meetings held in April, May, and June 2018. Auditors used the following specific methods to meet the audit objectives:

- To determine whether the Board issued licenses to qualified applicants in a timely manner, auditors reviewed random samples of 15 of the 195 initial applications and 15 of the 787 renewal applications for athletic trainer licenses the Board received between July 1, 2016 and March 31, 2018. Additionally, auditors reviewed the Board's initial and renewal application forms and compared them to statutes and rules.
- To assess whether the Board appropriately investigated and adjudicated complaints in a timely manner, auditors reviewed the 17 complaints that the Board received and opened against athletic trainers between calendar years 2015 and 2017. Auditors also reviewed the process that board staff used to monitor and track complaints and board meeting minutes from applicable board meetings held between February 2015 and January 2018 where the Board reviewed the 17 complaints.
- To assess whether the Board shared appropriate information with the public, auditors placed one anonymous phone call to board staff in July 2018 requesting information about a licensee and compared the information provided to board records. Auditors also reviewed licensing and disciplinary information for 17 athletic trainers who had complaints opened between calendar years 2015 and 2017 to assess whether the information provided on the Board's website matched the Board's files and whether it was consistent with statutory requirements.
- To obtain information for the Introduction, auditors reviewed board records regarding the number of licenses issued in calendar year 2017 and the number of active licensees as of March 2018. In addition, auditors compiled and analyzed unaudited information from the Arizona Financial Information System *Accounting Event Transaction File* for fiscal years 2016 through 2018 and the State of Arizona *Annual Financial Report* for fiscal years 2016 and 2017.
- To obtain information for the Sunset Factors, auditors reviewed information in the Arizona Administrative Register regarding the Board's proposed rules from calendar years 2011, 2012, and 2013, and assessed the Board's compliance with various provisions of the State's open meeting law for board meetings held in April, May, and June 2018. In addition, auditors judgmentally selected three states that license athletic trainers—Nevada, Virginia, and Wyoming; two states that register athletic trainers—Colorado and West Virginia; and one state that certifies athletic trainers—South Carolina, and reviewed their regulation of athletic trainers. Auditors also contacted staff from entities in four of these states—Colorado, Nevada, Virginia, and Wyoming—to obtain information about their use of private contractors.

- Auditors' work on internal controls included reviewing the Board's policies and procedures for ensuring compliance with board statutes and rules and, where applicable, testing its compliance with these policies and procedures. Auditors reported their conclusions on these internal controls and, where applicable, board efforts to improve its controls in Findings 1 through 4. In addition, auditors assessed the reliability of the Board's database information for performing audit work. Specifically, auditors interviewed board staff, reviewed database controls, and compared information in the database against licensing files. Through this work, auditors determined that the Board's database was sufficiently reliable for audit purposes.

Auditors conducted this performance audit and sunset review of the Board in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Auditor General and staff express appreciation to the Board and its executive director and staff for their cooperation and assistance throughout the audit.

BOARD RESPONSE



ARIZONA BOARD OF ATHLETIC TRAINING

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Governor
Douglas A. Ducey

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Bart Peterson
Vice-Chair
Professional Member

Charles Baughman
Professional Member

Jennifer Fadeley
Public Member

Cheryl Ingram
Public Member

Executive Director
Karen Whiteford

October 16, 2018

Lindsey Perry, Auditor General
State of Arizona, Office of the Auditor General
2910 N. 44th Street, Suite 410 Phoenix, AZ 85018

RE: Response to Preliminary Report

Dear Ms. Perry:

Thank you for the opportunity to respond to the revised draft preliminary performance audit and sunset review report for the Arizona Board of Athletic Training ("Board") dated October 10, 2018. The Board is in agreement with the findings and recommendations from the Auditor General, and each will be discussed below as requested.

Chapter 1: Board should ensure licensees meet lawful presence requirements

Recommendation 1: The Board should develop and implement policies and procedures for ensuring that licensees submit and board staff review the required documentation to demonstrate lawful presence.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and has obtained a list of states that verify lawful presence. Board staff will update application processing policies and procedures to ensure applicants demonstrate lawful presence.

Chapter 2: Board should ensure licensees meet continuing education requirements

Recommendation 2: The Board should continue with its efforts to establish a continuing-education audit process, including developing and implementing policies and procedures that direct staff on how to conduct these audits, how many licensees to review, how to determine the appropriateness of continuing-education hours submitted, and how to verify that the continuing education was completed during the appropriate time period.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and will develop and implement the recommended policies and procedures.

Chapter 3: Board should improve the information on its website

The Board should:

Recommendation 3: Make all licensee disciplinary actions available on its website, as required by statute.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and understands the importance of providing accurate information to the public. Board staff has updated its database to indicate disciplinary actions taken against licenses

Recommendation 4: Ensure that its website reflects the accurate licensure status for its licensees.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation. Board staff will leverage the capabilities of the new licensing system to ensure the website reflects the accurate licensure status for licensees. The Board will include a step to include changing the license status to complaint handling policies and procedures.

Recommendation 5: Include on its website the statutorily required statement that members of the public may contact the Board directly to request public records related to any licensee, including information about dismissed complaints or complaints that resulted in nondisciplinary action.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and has added the recommended statement to its website.

Recommendation 6: Include board orders related to licensee disciplinary actions on its website.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: Board staff will upload orders related to disciplinary actions to its licensing web portal and make them available to the public.

Chapter 4: Board should improve its provision of public information over the phone

Recommendation 7: The Board should develop and implement policies and procedures to guide its staff on what information to provide about licensees over the phone in accordance with statutory requirements, including information on dismissed complaints and nondisciplinary actions.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: Board staff will develop and implement policies and procedures related to providing public information over the phone.

Sunset Factor 5: The extent to which the Board has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

The Board should:

Recommendation 8: Ensure that it makes meeting minutes or a recording of public meetings available for public inspection within 3 working days following a meeting.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: Board staff will post an audio recording of the meeting or meeting minutes to its website within 3 working days following a meeting. Post-meeting policies and procedures will be developed and implemented to ensure future staff members are aware of the requirement.

Recommendation 9: Ensure its meeting minutes include the location where the meeting was held.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and has added the meeting location to its Board meeting minutes template.

Sunset Factor 6: The extent to which the Board has been able to investigate and resolve complaints that are within its jurisdiction.

Recommendation 10: The Board should develop and implement additional written complaint-handling procedures to help ensure it consistently and appropriately handles complaints in the future.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with this recommendation and will develop and implement more thorough procedures for handling written complaints.

Sunset Factor 11: The extent to which the level of regulation exercised by the Board compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

Recommendation 11: The Board should implement a process to help ensure athletic trainers are practicing under a licensed physician's direction, such as requiring licensees to provide documentation of their physician-approved written protocols.

Board Response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The Board agrees with the recommendation and will pursue necessary changes to statutes and rules, and update policies and procedures once statutes and rules are in place.

The Board would like to thank the Auditor General's consideration during this process, and the professionalism of the staff involved. The Board looks forward to continuing to implement these procedures as it continues to act in accordance with its stated mission and statutory directives.

Sincerely,

Karen Whiteford
Executive Director

