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August 21, 2020

The Honorable Anthony Kern, Chair  
Joint Legislative Audit Committee

The Honorable Rick Gray, Vice Chair  
Joint Legislative Audit Committee

Dear Representative Kern and Senator Gray:

We have recently completed an 18-month followup of the Arizona Psychiatric Security Review Board (Board) regarding the implementation status of the 7 audit recommendations presented in the performance audit and sunset review report released in December 2018 (Auditor General Report 18-107). As the attached grid indicates:

- 3 have been implemented, including a legislative recommendation.
- 1 has been implemented in a different manner.
- 1 has been partially implemented.
- 2 are no longer applicable.

Unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Board's efforts to implement the recommendations from the December 2018 performance audit and sunset review.

Sincerely,  
Dale Chapman, Director  
Performance Audit Division

cc: James P. Clark, M.D., Chairman  
Arizona Psychiatric Security Review Board

# Arizona Psychiatric Security Review Board

## Auditor General Report 18-107

### 18-Month Follow-Up Report

#### Recommendation

#### Status/Additional Explanation

#### **Finding 1: Board should take steps to ensure it receives needed information to inform its decisions regarding GEI persons**

1. The Board should revise its hearing notification letters and develop other written guidance, such as rules, procedures, and/or examples of well-written reports, to clarify its expectations for the information that should be provided to it in mental health reports. At a minimum, the guidance should indicate the level of detail and any supporting information and/or documents that should be included as part of the mental health report.

**Implemented at 18 months**

#### **Sunset Factor 2: The extent to which the Board has met its statutory objective and purpose and the efficiency with which it has operated.**

2. The Board should take steps to reduce errors in its process for sending hearing notices and Board decision orders, such as requesting assistance for Board staff and/or providing supervisory review of the process. Alternatively, the Board could request technological assistance to automate the process. If the Board is able to obtain technological assistance to automate the process, it should ensure that Board staff receive training on the automated process.

#### **Partially implemented at 18 months**

The Board requested technological and administrative support from the Arizona Department of Health Services (ADHS) and assessed the feasibility of Board members providing supervisory review to help reduce errors in its process for sending hearing notices and Board decision orders. However, these efforts did not yield workable solutions. Specifically, ADHS provided the Board with a database to maintain information on the GEI persons under its jurisdiction, but ADHS staff reported that this database had functional limitations and could not be used to automate the Board's process for sending hearing notices and decision orders. In addition, ADHS requested that the Board streamline its processes, including eliminating written Board meeting minutes and preparing hard copies of hearing documentation for 2 Board members before it would consider providing the Board with additional administrative support. The Board did not implement these changes because it believed they would reduce its efficiency and effectiveness. Finally, the Board concluded that Board members could not provide supervisory review over the process of sending hearing notices and Board decisions because of its members' other responsibilities and time commitments.

However, as of May 2020, the Board had reduced errors in its process for sending hearing notices and Board decision orders. Specifically, our review of 6 cases heard at the Board's May 2020 meeting found that Board staff sent the hearing notices and Board decision orders associated with these cases to all parties statutorily required to receive them, ex-

## Recommendation

## Status/Additional Explanation

cept for the courts that committed the GEI persons to the Board's jurisdiction. This represented an improvement from what we observed during the audit. Additionally, Board staff reported that they did not provide notices and decision orders to the committing courts because they were unaware of the statutory requirement to do so. As of July 2020, Board staff reported they had started sending hearing notices and decision orders to the committing courts.

3. The Board should work with its Assistant Attorney General to determine whether and when it can develop and adopt rules to clarify its statutes and processes.

**Implemented in a different manner at 18 months**

The Board has developed and implemented internal policies to clarify its statutes and processes rather than adopting rules. For example, these policies define common terms used in the Board's operations, policies, procedures, meetings, and documents; establish standard release conditions for GEI persons; and outline guidelines for the information that should be included in mental health reports. The Board reported that its Assistant Attorney General supported its decision to implement policies rather than adopting rules.

4. The Board should, contingent on receiving an exemption to the rulemaking moratorium, develop and adopt rules to clarify its statutes and processes.

**No longer applicable**

This recommendation is no longer applicable because the Board has developed and implemented internal policies to clarify its statutes and processes rather than adopting rules (see explanation for Recommendation 3).

5. The Board should take steps to obtain resources that may be needed to adopt rules, such as requesting assistance from other State agencies to help develop rules or obtaining assistance with Board staff's other duties and responsibilities to provide Board staff with time to develop rules. If the Board is unable to identify any additional resources through these efforts, it should then work with the Legislature to obtain funding and authority to enter into contracts and agreements so that the Board may contract for assistance with developing rules.

**No longer applicable**

This recommendation is no longer applicable because the Board has developed and implemented internal policies to clarify its statutes and processes rather than adopting rules (see explanation for Recommendation 3).

6. The Board should develop and implement policies, procedures, and other written guidance to outline its processes for meeting its key responsibilities and provide training on them to Board members, staff, and other stakeholders, as appropriate.

**Implemented at 18 months**

**Sunset Factor 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.**

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7. The Legislature should consider revising statute to establish authority and responsibility for providing the Board's administrative support, including granting the Board authority to enter into contracts and agreements, so that administrative support roles and responsibilities may be clarified through agreements with other agencies that provide it with administrative support, as needed.

**Implemented at 18 months**

During the 2020 legislative session, the Legislature considered but did not pass House Bill 2320, which would have provided the Board with its own budget and authorization to hire its own executive director.

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