



**BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND  
ASSISTED LIVING FACILITY MANAGERS**

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**Douglas A. Ducey**  
Governor

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**Allen Imig**  
Executive Director

February 18, 2020

Ms. Lindsey Perry, Auditor General  
Office of the Auditor General  
2910 N. 44<sup>th</sup> St., Suite 410  
Phoenix, AZ 85018

Dear Ms. Perry:

The Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (Board) respectfully submits its response to the performance audit and sunset review of the Board by the Office of the Auditor General.

The Board continually strives to perform at our best and would welcome any constructive feedback to help us to improve our processes.

On behalf of the Board and staff we would like to thank the Auditor General Staff for their professional conduct and guidance offered to the Board staff during the audit process.

Sincerely,

Allen Imig  
Executive Director

**Finding 1:** Board issued or renewed some administrator and manager licenses/certificates despite not ensuring some requirements were met

**Recommendation 1:** The Board should continue to implement its new policies and procedures to ensure initial administrator and manager applicants submit 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 will continue to implement its policy and procedure to ensure lawful presence is documented.

**Recommendation 2:** The Board should continue to implement its revised policies and procedures for verifying the validity of an initial and renewal applicant's fingerprint clearance card and documenting this verification prior to initially issuing or renewing a license or certificate.

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

Response explanation: The Board will continue to implement its policy and procedure to verify the validity of an initial applicant or renewal applicant's fingerprint clearance card.

**Finding 2:** Board has not timely investigated and adjudicated some complaints, which may have put residents at risk

**Recommendation 3:** The Board should work with DHS to develop a process for obtaining in a timely manner the names of the responsible certified managers associated with the assisted living facilities identified in DHS reports.

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

Response explanation: The Board will work with DHS to develop a process to timely identify the responsible facility manager from the DHS reports.

**Recommendation 4:** The Board should revise and implement its DHS report review policies and procedures to incorporate a requirement for monitoring Board staff compliance with these policies and procedures.

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

Response explanation: The Board will revise and implement its DHS report review policy and procedure to monitor Board staff compliance with the policy and procedure.

**Recommendation 5:** The Board should implement and further revise its complaint handling policies and procedures to include the following requirements:

**Recommendation 5a:** Monitoring Board staff compliance with these policies and procedures.

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

Response explanation: The Board will implement and revise its complaint handling policy and procedure to monitor Board staff compliance.

**Recommendation 5b:** Regularly generating and reviewing management reports that provide information on the timeliness of the complaint handling process.

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

Response explanation: A complaint management report will be generated monthly and presented to the Board regarding complaint timeliness.

**Recommendation 5c:** Generating monthly Board reports that include complaint handling timeliness information, such as how long complaints have been open and reasons for any complaint handling delays.

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

Response explanation: A monthly report will be presented to the Board including timeliness information on complaints and any reasons for delays.

**Finding 3:** Board did not provide adequate public information in response to anonymous phone calls we made

**Recommendation 6:** The Board should continue to implement and ensure staff compliance with its newly revised policies and procedures for providing public information over the phone.

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

Response explanation: The Board will continue to implement the policy and procedure to ensure staff compliance.

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

**Recommendation 7:** The Board should work with its Assistant Attorney General to obtain an exemption to the rule-making moratorium and, contingent on receiving an exemption, modify its rules to provide the Board with greater flexibility to conduct continuing education audits between renewal cycles for licensed administrators and certified managers.

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

Response explanation: The Board will work to obtain a rule-making exemption to amend rules that give the Board more flexibility to conduct continuing education audits other than at renewal time.

**Recommendation 8:** The Board should implement its new policies and procedures for ensuring that assisted living facility manager training programs and assisted living facility caregiver training programs receive onsite or telephonic evaluations when these training programs are approved and renewed pursuant to rule requirements.

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

Response explanation: The Board has implemented its new policy and procedure regarding onsite or telephonic evaluations prior to training programs initial approval or renewal.

**Sunset Factor 3:** The extent to which the Board serves the entire State rather than specific interests.

**Recommendation 9:** The Board should develop and implement policies and procedures for addressing potential conflicts of interest in accordance with State laws, including (1) requiring Board members and staff to annually disclose certain interests in the Board's official records through a signed form, (2) maintaining completed forms in a special file available for public inspection, and (3) implementing a process for managing any disclosed potential conflicts of interest to ensure the conflict will not interfere with the performance of Board member and staff duties.

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

Response explanation: The Board will develop and implement a policy and procedure to address potential conflicts of interest in accordance with State laws.

**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.

**Recommendation 10:** The Board should continue to implement its newly revised complaint handling policies and procedures to ensure its online licensing information provides accurate information to the public.

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

Response explanation: The Board continues to implement its complaint handling policy and procedure to provide the public with accurate information.

**Recommendation 11:** The Board should conduct a risk-based review of its online licensing information to ensure the information is complete and accurate.

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

Response explanation: The Board conducted a risk-based review of its online licensing information to make sure it is complete and accurate. The continued implementation of the complaint handling policy and procedure ensures its online licensing information to the public is accurate.

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

**Recommendation 12:** The Board should conduct a review of its costs for investigating complaints by taking the following steps:

**Recommendation 12a:** Develop a method for determining direct and indirect costs associated with complaint investigations.

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

Response explanation: The Board will develop a cost methodology in determining direct and indirect costs associated with complaint investigations.

**Recommendation 12b:** After developing this cost methodology, establish an hourly rate for investigations.

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

Response explanation: The Board will establish an hourly rate for investigations based on the cost methodology.

**Recommendation 12c:** Establish a method for tracking and documenting staff time and activities to investigate each complaint.

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

Response explanation: The Board will establish a method of documenting and tracking staff time related to the investigation of each complaint.

**Recommendation 13:** The Board should develop and implement policies and procedures for Board members and staff that include implementing the cost methodology, tracking Board staff time and overhead costs, and documenting justification for the amounts charged to provide guidance for when the reimbursement of investigative costs should be included in the consent agreement.

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

Response explanation: The Board will develop and implement policies and procedures for Board members and staff as outlined in recommendation 13.