



Douglas A. Ducey
Governor

Dale Nyblade
Chairman

ARIZONA STATE BOARD OF DISPENSING OPTICIANS

Suzanne Coleman
Vice-Chairman

1740 W. Adams, Suite, 3001
PHOENIX, ARIZONA 85007
Phone (602) 542-8158 FAX (602) 926-8103

Megan Darian
Executive Director

November 5, 2020

Ms. Lindsey Perry
Auditor General
29010 N. 44th Street, Suite 410
Phoenix, Arizona 85018

Re: AZ Dispensing Opticians Board's Sunset Review

Enclosed please find the Board's response to Auditor General Recommendations.

I hope this information is useful. If there is anything further, please do not hesitate to contact my office.

Sincerely,

Megan Darian
Executive Director

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 1: The Board should continue to implement its new lawful presence policy that requires Board staff to ensure initial dispensing optician applicants, including comity 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 continues to implement.

Recommendation 2: The Board should revise its licensing policies and procedures to require its staff to provide written documentation of application deficiencies identified during the application review process to applicants.

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

Response explanation: The Board has revised the policy and will continue to implement.

Recommendation 3: The Board should establish and implement a process to periodically review the appropriateness of its fees by analyzing the costs of its regulatory processes, comparing these costs to the associated fees, and determining the appropriate licensing fees, and then revise its fees as needed.

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

Response explanation: The Board will implement.

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

Recommendation 4: The Board should continue to implement its new conflict-of-interest policy.

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.

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

Recommendation 5: The Board should conduct its planned comprehensive rules review and, based on this review, align its practices with current rule requirements and/or work with its Assistant Attorney General to determine whether and when it should revise its rules, and make revisions to its rules as necessary.

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

Response explanation: The Board has amended/repealed a number of rules the last two years (December 2018 and January 2020) and will continue to review its rules.

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.

Recommendation 6: The Board should conduct a review of its statutes, and based on this review, align its practices with current statutory requirements and/or work with the Legislature to amend its statutes, and revise its policies and procedures as needed.

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

Response explanation: The Board will update its strategic plan to include review of its statutes.

Recommendation 7: The Board should propose legislation that would require it to remit 100 percent of all civil penalties to the State General Fund.

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

Response explanation: The Board historically and consistently submitted 100% of all monies received as administrative penalties to the State's General Fund. The Board will update its strategic plan to include a statutory change reflecting and mandating this practice.