

## Arizona Board of Behavioral Health Examiners (Board)

Board complied with statutory and rule requirements related to its objective and purposes for 3 areas we reviewed, but did not timely resolve complaints, potentially affecting patient safety, and charged fees that exceeded its operational costs

### Audit purpose

To assess whether the Board issued licenses in accordance with statute and rule requirements, investigated and resolved complaints within its jurisdiction and in a timely manner, provided information to the public as required by statute, and complied with conflict-of-interest requirements, and to provide responses to the statutory sunset factors.

### Key findings

The Board:

- Is responsible for regulating the behavioral health profession including issuing and renewing licenses, investigating and resolving complaints, and providing information to the public about licensees.
- Reviewed and approved or denied initial and renewal license applications within required time frames, verified that initial and renewal applicants met licensure requirements for applications we reviewed, and took consistent and progressive enforcement action to address substantiated violations for complaints we reviewed.
- Did not resolve 58 percent of complaints it closed in fiscal year 2023 within 180 days, and 31 percent of open complaints had been open for more than 180 days as of June 2023. Untimely complaint resolution may impact patient safety when licensees alleged to have violated Board statutes and rules continue to practice while under investigation even though they may be unfit to do so. The Board did not timely address staffing needs in response to an increase in complaints and prioritized complaints it opened related to licensing applications over investigating lower-risk public complaints, which contributed to untimely complaint resolution.
- Charged fees that exceeded its operational costs in each of the past 3 years, inconsistent with a statutory requirement to establish fees that approximate the cost of maintaining the Board.

### Key recommendations

The Board should:

- Investigate and resolve complaints within 180 days.
- Hire additional investigators to assist in more timely resolution of complaints.
- Develop and implement a process for annually assessing whether its staffing level is sufficient to resolve complaints timely and work with the Legislature to obtain additional staffing resources as appropriate.
- Discontinue prioritizing complaints it opens related to licensing investigations over lower-priority public complaints.
- Establish fees that align with its operating costs as required by statute.