

Katie Hobbs
Governor



State of Arizona
Board of Respiratory Care Examiners
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Jack Confer
Interim Executive Director

September 18, 2024

VIA ELECTRONIC MAIL

Lindsey Perry, CPA, CFE, Auditor General
Arizona Auditor General
2910 North 44th Street, Suite, 410
Phoenix, Arizona 85018-7271

RE: Arizona Board of Respiratory Examiners – Sunset Review: ARS §41-2951 et seq.

Dear Auditor General Perry,

The Arizona Board of Respiratory Care Examiners (“Board”) has received the revised final report draft of the performance audit and sunset review. As requested, we are forwarding our final response.

The Board’s staff, as well as the Board itself, appreciated the professionalism and courtesy extended during this audit process. In addition, I would like to extend our gratitude to you, your office and the team at Sjoberg-Evashenk Consulting, Inc., Thank you!

The Board has already begun addressing the finding(s) identified in this report and plans to have the majority of the recommendations implemented in the near future.

We look forward to meeting with the Joint Health Committee of Reference this fall and look forward to working with you and your team during the follow-up.

Respectfully,

A handwritten signature in black ink, appearing to read "Jack Confer".

Jack Confer
Interim Executive Director

Copy: Jeff Gove, Performance Audit Director, Arizona Auditor General
George Skiles, Partner, Sjoberg Evashenk Consulting Inc.
File

Attachment: Final Response to Revised Final Report

Finding 1: Board did not issue licenses in a timely manner, potentially delaying applicants' ability to work, impacting availability of practitioners to treat patients, and resulting in the Board potentially paying unnecessary penalties

Recommendation 1: Issue or deny licenses within the 105-day time frame established by the Board's administrative rules.

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

Recommendation 2: Determine the status of its licensing application backlog, develop a written plan to reduce any backlog it identifies, and report monthly the status of the backlog to the Board until the backlog has been eliminated.

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

Recommendation 3: Send and maintain documentation of required application notifications, including notices of completeness.

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

Recommendation 4: Develop and implement a process to monitor its licensing application process and compliance with its licensing time frames until its new database is fully implemented and functional, including steps to record dates when it receives license applications, sends deficiency letters and notices of completeness to applicants, and issues licenses or denies/closes applications.

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

Recommendation 5: Complete implementation of its new database including ensuring that the database includes complete and accurate licensing information and can generate management reports necessary for monitoring and overseeing compliance with licensing time frames.

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

Recommendation 6: Regularly review management reports for all in-process applications and track compliance with its time frames for issuing licenses.

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

Finding 2: Board did not investigate or timely investigate, document, or review all complaints it received, increasing public safety risk

Recommendation 1: Investigate and resolve complaints within 180 days.

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

Recommendation 2: Determine the status of its complaint backlog, develop a written plan to reduce any backlog it identifies, and report monthly the status of the backlog to the Board until the backlog has been eliminated.

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

Recommendation 3: Ensure Board staff provide the Board with a complete investigative report that includes all the Board required information for every complaint the Board reviews.

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

Recommendation 4: Prioritize and investigate complaints within specified time frames, as required by its policy.

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

Recommendation 5: Train staff on how to investigate complaints.

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

Recommendation 6: Develop and implement a process to track and monitor its complaint investigation process and timeliness until its new database is fully implemented and functional, including steps to record dates that key complaint handling steps are completed to help ensure it timely investigates and resolves complaints.

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

Recommendation 7: Complete implementation of the Board's new database including ensuring that the database includes complete and accurate complaint information and can generate management reports necessary for monitoring and overseeing complaint handling timeliness.

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

Recommendation 8: Regularly review management reports for all in-process complaints and track compliance with its time frames for investigating and resolving complaints.

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

Sunset Factor 2: The Board's effectiveness and efficiency in fulfilling its key statutory objectives and purposes.

Recommendation 1: Assess license applications received in calendar years 2022, 2023, and 2024 to determine if any were issued/denied beyond the 105-day time frame for issuing licenses.

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

Recommendation 2: For any license application it received in calendar years 2022, 2023, and 2024 that were issued beyond the 105-day time frame, refund the licensing fees to the applicants, calculate the amount of time beyond the 105-day time frame the licenses were issued, and remit a 2.5 percent penalty to the State General Fund for each month beyond the 105-day time frame that the Board did not issue or deny the license.

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

Recommendation 3: Develop and implement policies and procedures outlining a process for identifying licenses that are issued beyond the 105-day time frame, refunding licensing fees to applicants, calculating the amount of time beyond the 105-day time frame the licenses were issued, and remitting a 2.5 percent penalty to the State General Fund for each month beyond the 105-day time frame that the Board did not issue or deny a license.

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

Recommendation 4: Perform continuing education audits on license renewals.

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

Recommendation 5: Develop and implement policies and procedures for periodically reviewing fees and performing a cost analysis to determine if fees should be adjusted.

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

Sunset Factor 5: The extent to which the Board has provided appropriate public access to records, meetings and rulemakings, including soliciting public input in making rules and decisions.

Recommendation 1: Provide the public with information over the phone as required by statute.

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

Recommendation 2: Develop and implement a tracking mechanism to track requests for public information and its responses to public records requested to ensure it complies with statutes.

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

Recommendation 3: Develop and implement policies and procedures for responding to public records requests in compliance with statutes.

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

Recommendation 4: Post all final Board decisions, orders, and actions to its website no later than 5 days after the meeting during which the decision was made, as required by statute.

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

Recommendation 5: Review all final Board decisions, orders, and actions from calendar years 2022 and 2023 to ensure they are posted to its website as required by statute.

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

Recommendation 6: Remove all Board disciplinary and nondisciplinary actions/orders from its website after 5 years as required by statute.

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

Recommendation 7: Post complete audio recordings of all its Board meetings on its website within 5 business days, as required by statute.

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

Recommendation 8: Ensure its written meeting minutes and audio recordings capture all details of the meetings, including ensuring that audio recordings cover the entire meeting.

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

Recommendation 9: Ensure its written meeting minutes and audio recordings include the location of the Board meeting.

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

Sunset Factor 8: The extent to which the Board has established safeguards against possible conflicts of interest.

Recommendation 1: Continue to store all substantial interest disclosures, including disclosure forms and meeting minutes, in a special file available for public inspection.

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

Recommendation 2: Continue to have all Board members and employees complete conflict-of-interest disclosure forms upon appointment/hire and remind them at least annually to update their form when their circumstances change.

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

Recommendation 3: Provide conflict-of-interest training annually to Board members and staff, as required by policy.

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

Sunset Factor 9: The extent to which changes are necessary for the Board to more efficiently and effectively fulfill its key statutory objectives and purposes or to eliminate statutory responsibilities that are no longer necessary.

Recommendation 1: Work with the Legislature to revise statute to address the needed changes it has identified.

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