

Katie Hobbs
Governor



Justin Bohall
Executive Director

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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September 20, 2024

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

***Re: Arizona Board of Osteopathic Examiners in Medicine and Surgery - Sunset Review:
ARSS41-2951 et seq.***

Dear Ms. Perry,

The Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") has reviewed and provided responses to the Performance Audit and Sunset Review.

The Board's staff, as well as the Board itself, appreciated the professionalism and thoroughness of the Auditor General's staff as well as the staff of Walker & Armstrong. The Board has already begun addressing the findings as well as implementing the recommendations.

The Board looks forward to meeting with the Committees of Reference in both chambers of the Arizona Legislature with positive changes already made.

Kind Regards,

A handwritten signature in black ink, appearing to read "J. Bohall".

Justin Bohall
Executive Director

Enclosure: Board's Response

Cc: Jonathan Maitem, DO - Board President

Finding 1: Board has not resolved some complaints in a timely manner, which may affect patient safety

Recommendation 1: Investigate and resolve complaints within 180 days.

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

Response explanation: The Board continually strives to investigate and resolve complaints within 180 days. However, the Board has not been able to do so for all complaints due to a lack of resources, staff, Outside Medical Consultants (“OMC”), and support. Due to the Board’s 66% increase in licensees since the 2016 Audit and increasingly complex investigations, the Board’s FY25 operating budget request included a funding issue to increase the number of our licensing and investigative staff. The Board did not receive the requested increase in the FY25 budget; however, it has updated the request for FY26. The Board hopes to be successful in obtaining additional staff to address the high complaint processing times. Additionally, the Board has recently implemented three action items to allow for the processing of complaints to be completed in a more expedited manner. First, the Board is actively recruiting OMCs through our renewal process as well as a mailed flyer campaign. Second, the Board has begun identifying the need for an OMC at the early stage of investigation and begun connecting with potential OMCs earlier in the case’s progress. Third, a discipline matrix was developed to be utilized by the Board members to help identify allegations and enable decisions to be more consistent while adjudicating cases.

Recommendation 2: Use its statutory authority such as issuing subpoenas to third parties.

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

Response explanation: The Board will work with the Arizona Attorney General’s office to encourage compliance with Board subpoenas issued to third parties.

Recommendation 3: Request the Superior Court of Arizona enforce subpoenas when licensees and/or third parties miss deadlines for providing information.

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

Response explanation: The Board will work with the Arizona Attorney General’s office to request the Superior Court of Arizona to enforce Board subpoenas issued to its licensees and third parties.

Recommendation 4: Continue to develop a list of outside medical consultants with varying specialties to more timely resolve complaints requiring these services.

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

Response explanation: The Board is actively recruiting Outside Medical Consultants through our renewal process to identify those willing and qualified to review cases for the Board. The Board has also begun a mailed flyer campaign to target physicians in specialized areas of practice.

Recommendation 5: After opening a complaint, determine whether an outside medical consultant may be needed, based on the allegations of a complaint, and begin searching for a suitable consultant, if the Board does not already have a consultant available on its list.

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

Response explanation: The Board has implemented this recommendation. The Board is now identifying complaints that may require the review of an Outside Medical Consultant as they are received and attempting to secure a suitable consultant.

Recommendation 6: Ensure its database system can produce reports on the progress/status of open complaints.

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

Response explanation: The Board has contracted with a third-party vendor who has already completed the work regarding new reports in our database.

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

Recommendation 7: Develop and implement policies and procedures for permit applications received through medical schools to review reports from the National Practitioner Data Bank, American Osteopathic Association, and Federation of State Medical Boards to verify that permit applicants have not engaged in unprofessional conduct.

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

Response explanation: The Board has implemented this recommendation and begun gathering the reports for the post-graduate training permits.

Recommendation 8: Use its statutory authority consistently to temporarily suspend a license timely and when necessary to protect the public.

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

Response explanation: The Board is implementing this recommendation. The Board has approved a Sexual Misconduct Investigations Policy that clearly outlines when temporary suspension of license is necessary to protect the public.

Recommendation 9: Work with its Assistant Attorney General to determine whether conducting continuing education audits of license renewal applicants requires a change to its rules or statute, and as applicable, resume conducting continuing education audits, revise and implement its rules to include a continuing education audit process, or work with the Legislature to revise Board statutes to require the Board to conduct continuing education audits and implement the statutory revisions.

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

Response explanation: The Board will work with the Arizona Attorney General's office to determine our statutory authority to conduct continuing education audits and will pursue legislative changes or changes to the Board's Administrative Rules as applicable.

Recommendation 10: Conduct continuing education audits if the Board changes its rules or the Legislature passes legislation requiring the Board to do so.

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

Response explanation: The Board will work with the Arizona Attorney General's office to determine our statutory authority to conduct continuing education audits and will pursue legislative or changes to the Board's Administrative Rules as applicable.

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 11: Comply with State open meeting law by posting its meeting agenda in a public place at least 24 hours in advance of the meeting and an audio recording of the minutes within 5 working days.

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

Response explanation: The Board has worked to streamline the process of crafting minutes of the Board's meetings. The Board will implement this recommendation.

Recommendation 12: Publish required information on its website, including 5 years of licensee disciplinary histories, such as final nondisciplinary and disciplinary actions.

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

Response explanation: The Board has implemented this recommendation. The Board has worked with its database developer to ensure that all appropriate discipline is displayed on the Board website.

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

Recommendation 13: The Board should provide periodic training on conflicts-of-interest for staff and Board members.

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

Response explanation: The Board has implemented this recommendation and will be conducting annual conflict of interest training for Board members and staff.