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May 13, 2013

Debra K. Davenport
Auditor General
2910 North 44th Street
Suite 410
Phoenix, AZ 85018

Dear Ms. Davenport,

Please find the Board's response to the agency performance audit and sunset review. Please accept the Board and staff's appreciation for a thorough and open audit process.

Response to Finding:

1.1 The Board should continue to monitor the time it takes to resolve complaints. If complaints continue to be resolved in an untimely manner, the Board should:

- a. Continue to review its complaint resolution process and make changes as needed to ensure that it is as efficient as possible.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. While the majority of the Board's complaints are resolved in a timely manner, the Board and staff have continually reviewed its processes of investigating complaints and holding disciplinary hearings and have worked to address identified timeliness issues. As noted in the audit report, several factors can affect the length of an investigation, some of which are beyond Board control. Nevertheless, the Board has an ongoing commitment to improving the process for those complicated complaints that are resolved in lengthier time frames.

For example, in April 2013, the Board formalized for its complaint triage process, including classification of complaint types and defined goals for staff to meet in the investigative process.

The Board has also instituted a new procedure for scheduling informal complaints to help alleviate issues due to a licensee's failure to attend a hearing. The Board is also in the process of implementing a complaint database report to monitor timeliness of complaints.

Lastly, the Board has requested additional appropriation authority from its fund for FTE staffing needs in FY 2014 and FY 2015. That is, in order to address the increasing number and severity of complaints the Board is currently experiencing, the additional FTE related appropriation would allow the Board to have a full time investigator, as opposed to the part time position that is presently funded.

- b. Continue to investigate staffing needs. This assessment should include a documented workload analysis that compares the Board's investigative workload, including an estimate of future workload, with staff resources.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. In April 2013, staff added new tracking parameters to the complaint portion of the licensee database to allow closer tracking of the Investigator's time spent actively investigating a complaint rather than tracking the time between opening a complaint and concluding the investigation only. Due to the dynamic nature of the complaint process and the multitude of complaints the Investigator works during any given day, the tracking will primarily monitor the time taken to perform primary analysis of the information collected and the time taken to create an investigative report of the investigation. The Board will track the information for the remainder of the calendar year 2013. Based on the results, the Board will conduct an analysis of the data and the impacts on future workload in order to determine if additional resources are needed beyond what has been requested to date.

Response to Sunset Factor Analysis:

Recommendations:

1. The Board should implement a policy and procedure regarding requests for information by the public regarding complaints and disciplinary action.

The recommendation of the Auditor General is agreed to and the audit recommendation has been implemented. Board staff makes every effort to quickly provide information requested by the public regarding all Board activities and responsibilities, as allowed by statute and rule. As of May 8, 2013, the Board has implemented a new policy and procedure to ensure a consistent method of responding to inquiries made by telephone and electronic mail ("email") to the Board regarding the complaint and disciplinary history of licensees or certificate holders. The policy and procedure has been provided to both the Board and its staff. In order to track compliance with the policy and procedures, Board staff will continue monitoring the Board's customer satisfaction survey for reports for any dissatisfaction with the reporting of public information.

2. The Board should develop a method to identify physical therapy businesses that meet the criteria for registration but are not registered.

The recommendation of the Auditor General is agreed to and the audit recommendation will be implemented. In 2010, legislation was passed by stakeholders to register businesses that offer

physical therapy services but which are not entirely owned by a licensed physical therapist or other licensed medical provider. Stakeholders were concerned about the retention, maintenance, and destruction of patient records at such unregulated facilities. During the legislative process, the Board made interested parties aware of the potential requirement on the main (home page) of its website. After the enactment of the legislation, the Board continued to highlight the new requirement on the home page of its website until the end of 2011 (a total of 18 months). The Board also provided information about the law in its 2010 newsletter to licensees to help educate these types of businesses about the new requirement. The Board continues to provide the registration information and necessary documents on its website. The Board will make additional efforts to identify the business entities as suggested by the Auditor General. Efforts under consideration include direct communications to all licensee and certificate holders' work addresses with information on how to determine if an entity they may work for should register.

In closing, the Board and staff appreciate the opportunity to respond to the audit findings and recommendations. In addition, please accept the Board's appreciation for the audit staff's professionalism and approach to the audit process. The Board recognizes that the recommendations are intended to improve the agency's ability to meet its regulatory responsibilities of protecting the public.

Regards,

Charles D. Brown
Executive Director