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AUDITOR GENERAL

STATE OF ARIZONA
OFFICE OF THE
AUDITOR GENERAL

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DEPUTY AUDITOR GENERAL

March 21, 2017

The Honorable Bob Worsley, Chair
Joint Legislative Audit Committee

The Honorable Anthony Kern, Vice Chair
Joint Legislative Audit Committee

Dear Senator Worsley and Representative Kern:

Our Office has recently completed a 30-month followup of the Arizona State Board of Dental Examiners (Board) regarding the implementation status of the 15 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in July 2014 (Auditor General Report No. 14-103). As the attached grid indicates:

- 14 have been implemented, and
- 1 is no longer applicable.

Unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Board's efforts to implement the recommendations from the July 2014 report.

Sincerely,

Dale Chapman, Director
Performance Audit Division

DC:ka
Attachment

cc: Gregory A. Waite, DDS, President
Arizona State Board of Dental Examiners

Elaine Hugunin, Executive Director
Arizona State Board of Dental Examiners

Arizona State Board of Dental Examiners

Auditor General Report No. 14-103

30-Month Follow-Up Report

Recommendation

Status/Additional Explanation

Licensing and Permitting: Board ensured initial licensure applicants submitted required documents

1. To improve licensee compliance with continuing-education requirements, the Board should:

a. Revise its continuing-education affidavit form to include information on the number of self-study continuing-education hours that licensees can take to fulfill the continuing-education requirement and at a minimum, require licensees to report the number of self-study and nonself-study hours completed;

Implemented at 12 months

b. Ensure that its committees comply with its substantive policy by reporting to the Board on the results of continuing-education audits and any recommendations regarding the approval of the audit or further investigation of noncompliance with continuing-education requirements; and

Implemented at 12 months

c. Take action against licensees who do not comply with its continuing-education requirements, and/or consider revising its administrative rules to allow licensees who meet overall continuing-education hour requirements a specified amount of time to come into compliance with its self-study continuing-education requirements.

Implemented at 12 months

2. To help it comply with AAC R4-11-303(A)(2) regarding incomplete license applications, the Board should:

a. Continue to fully implement its new reports for monitoring applicant compliance with the 60-calendar-day requirement for submitting all license application materials;

Implemented at 12 months

b. Ensure that it closes all applications with deficient application information that are deemed administratively incomplete after 60 calendar days; and

Implemented at 12 months

c. Inform applicants of the closure of their applications and process for reapplying.

Implemented at 12 months

Recommendation**Status/Additional Explanation****Complaint resolution: Board adequately investigated complaints reviewed, but should consistently document the basis for its decisions**

1. The Board should ensure that the Internal Investigative Review Committee continues to prepare a report that documents the Committee's review of the complaint and rationale for its recommendation(s) to the Board. **Implemented at 30 months**

2. The Board should include sufficient information in its meeting minutes for complaints it discusses and then adjudicates during its meetings to clearly communicate to the public the basis for its complaint-adjudication decisions. **Implemented at 30 months**

3. The Board should develop and implement guidance to help direct its enforcement efforts. This guidance should include minimum and maximum sanctions for each type of violation, when to consider using nondisciplinary and disciplinary actions, and how it will consider mitigating and aggravating factors in its determination of discipline, including its consideration of any prior discipline imposed to address previously substantiated complaints. **Implemented at 30 months**

4. To better use its database to monitor complaint timeliness, the Board should:

a. Develop and implement policies and procedures to help ensure the consistent and accurate entry of complaint information into its database; and **Implemented at 12 months**

b. Work with its contractor to generate a comprehensive report to monitor and track its complaints through the compliant process. **Implemented at 12 months**

Public information: Board should improve its provision of information to public

1. The Board should further revise and implement its public information policies and procedures to ensure that staff provide complete and accurate information in response to public requests and train its staff accordingly. **Implemented at 12 months**

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

1. The Board should adopt rules that prescribe the reasonable costs for reproducing patient records when a patient requests his/her records to be transferred to another licensee. **No longer applicable**
During the 2015 legislative session, the Legislature passed Laws 2015, Ch. 315, removing this requirement from the Board's statutes.

Recommendation**Status/Additional Explanation**

2. The Board should either change Arizona Administrative Code R4-11-202(B) to be consistent with its statutory authority or propose legislation to change statute to provide for additional requirements for applicants applying for licensure by credential.

Implemented at 12 months

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.

1. The Board should propose legislation to require applicants for licensure to undergo criminal background checks similar to other Arizona state regulatory boards and other state dental boards.

Implemented at 12 months
