

The April 2019 Arizona Board of Psychologist Examiners (Board) performance audit and sunset review found that the Board should seek statutory authority to require criminal background checks for licensure, improve the timeliness of its complaint and claim handling, and review the appropriateness of its licensing fees. We made 22 recommendations to the Board, and its status in implementing the recommendations is as follows:

Status of 22 recommendations

Implemented	11
Partially implemented	1
Implementation in process	3
Not yet applicable	1
No longer applicable	5
Not implemented	1

We will conduct a 60-month followup with the Board on the status of the recommendations that have not yet been implemented.

Finding 1: Board should seek statutory authority to require criminal background checks for license applicants

1. The Board should work with the Legislature to obtain statutory authority to require fingerprint-based criminal background checks for its license applicants. In doing so, the Board should work with its Assistant Attorney General to determine if these checks should be conducted through either a criminal history records check or a fingerprint clearance card.

Partially implemented at 30 months—As previously reported in the Board’s 30-Month Follow-Up Report, Laws 2021, Ch. 210, revised the Board’s statutes to require applicants for initial, temporary, and renewal licenses to apply for a fingerprint clearance card beginning January 1, 2022. In accordance with federal law, the Federal Bureau of Investigation (FBI) must approve the revised Board statute and authorize the Arizona Department of Public Safety (DPS) to accept fingerprint clearance card applications to review criminal history records for the Board’s licensure applicants.

The Board reported that, as of January 2023, the FBI’s approval is pending, and it is uncertain of the timing of this approval. The Board has a posting on its website explaining that the fingerprint clearance card requirement has been delayed indefinitely.

2. The Board should develop and implement policies and procedures for verifying the fingerprint clearance card’s validity, both for initial and renewal license applications, if it obtains statutory authority to require fingerprint-based criminal background checks through a fingerprint clearance card.

Implementation in process—The Board has developed draft policies and procedures for verifying fingerprint clearance cards and reported that it will finalize them when DPS has advised it on the specific process it must follow for verifying fingerprint clearance cards and that DPS has received FBI approval to accept fingerprint clearance card applications to review criminal history records for the Board’s licensure applicants. We will assess the Board’s further efforts to develop and implement these policies and procedures during a future followup if the

FBI approves the revised Board statute and authorizes DPS to accept fingerprint clearance card applications to review criminal history records for the Board's licensure applicants (see explanation for Recommendation 1).

Finding 2: Board should improve timeliness in reviewing claims against court-appointed psychologists

3. The Board should continue its efforts to implement its newly adopted claims review procedures and practices, including tracking time frames, and evaluate how these procedures and practices impact its timeliness in reviewing claims.

Implemented at 30 months

Finding 3: Board should improve timeliness in investigating and adjudicating complaints against psychologists

4. The Board should revise its complaint handling policies and procedures to require Board staff to consider and assign an appropriate complaint investigation priority for claims that become complaints based on the nature of the alleged violations and the time the Board has already spent reviewing the claim in order to more quickly address these complaints.

Implemented at 18 months

5. The Board should continue its efforts to implement all new procedures and practices designed to improve timeliness in investigating and adjudicating complaints and evaluate how its newly adopted efforts impact its complaint timeliness.

Implemented at 6 months

6. The Board should continue using its newly developed claims and complaints log to ensure it tracks all complaints received.

Implemented at 6 months

Finding 4: Board should review appropriateness of licensing fees

7. The Board should conduct a review of its fees for psychologists and behavior analysts by taking the following steps.
 - a. Ensure its regulatory processes, such as reviewing initial license and license renewal applications and investigating and adjudicating complaints, are as efficient as possible to help ensure that regulatory costs are as low as possible.

Implementation in process—The Board tracks the total number of licensee applications and complaints it receives and processes, as well as its time frames for processing these applications and complaints, and compares its performance with various time frame goals it has established. Additionally, Board staff annually provide information on its performance to the Board for discussion, consideration, and possible action. The Board also reported that it has previously requested additional resources to more timely process license applications to address declining performance. However, it did not provide documentation that it consistently addresses performance that does not meet established goals to help ensure that its regulatory processes are as efficient as possible. The Board reported it will continue to assess its performance against established time frame goals and take action such as requesting additional resources as needed.

- b. Develop and implement a method for determining and tracking the direct and indirect costs for its regulatory processes and create policies and procedures for using this method.

Implementation in process—The Board has developed a method for tracking its direct and indirect costs and policies and procedures for annually reviewing its cost information. However, it reported that it has not used this method to track its actual regulatory costs because it anticipates that its fiscal year 2023 regulatory costs will be higher than its fiscal year 2022 regulatory costs, and analyzing its fiscal year 2023 regulatory costs would be more meaningful. Additionally, although the Board has developed policies and procedures for using its tracking method, it has not developed policies and procedures for accurately and consistently determining the direct and indirect costs for each of its regulatory processes, such as for processing a psychologist license application. According to Board policy, Board staff should analyze fiscal year 2023 regulatory costs and present the results of this analysis to the Board by December 2023. We will further assess the Board's analysis of its regulatory costs during our 60-month followup.

- c. After developing this cost methodology, determine the appropriate licensing fees and set fees accordingly.

Not implemented—The Board has not yet determined whether its fees are appropriate or proposed revisions to its fees because it has not tracked and identified the actual costs for its regulatory processes (see explanation for Recommendation 7b).

- d. Consider the effect the proposed fee changes may have on license applicants and licensees and obtain their input when reviewing the fees.

Not yet applicable—See explanation for Recommendation 7b and 7c.

Finding 5: Board should study whether it can more efficiently license behavior analysts by relying on a national certification board

- 8. The Board should determine whether it can more efficiently license behavior analysts by:

- a. Reviewing the BACB's national certification process to determine to what extent the Board might be able to rely on various aspects of the BACB's process as part of its licensing review process.

Implemented at 18 months—The Board considered whether it could rely on various aspects of the BACB's national certification process as part of its licensing review process during its August 2019 Board meeting, and by a vote of the Board, it determined that it would not do so. According to the Board's August 2019 meeting minutes, the Board expressed concerns with accepting BACB's review of documentation, such as transcripts, without an ability to independently review and verify this documentation.

- b. Identifying areas where the Board's process may be streamlined to avoid duplicating efforts such as applicants submitting duplicative materials and the Board reviewing materials that the BACB has already reviewed and approved during its certification process.

No longer applicable—This recommendation, as well as recommendations 8c, 8d, 9a, and 9b, are no longer applicable because the Board determined it would not be able to rely on various aspects of BACB's process as part of its licensing review process (see explanation for Recommendation 8a).

- c. Pursuing rule changes to enable modifications to its behavior analyst initial licensing requirements for the aspects of the BACB's certification review process it has determined it will rely on.

No longer applicable—See explanation for Recommendation 8b.

- d. Revising its policies and procedures accordingly.

No longer applicable—See explanation for Recommendation 8b.

- 9. The Board should, if it determines that it will rely on some aspects of the BACB's certification process as part of its initial licensing process for behavior analysts:

- a. Establish a process to periodically ensure that the BACB's review continues to satisfy the Board's licensing requirements.

No longer applicable—See explanation for Recommendation 8b.

- b. Periodically evaluate the cost of licensing behavior analysts to determine whether accepting the BACB's review has resulted in a cost savings and, if so, then reduce licensing fees for behavior analysts as appropriate.

No longer applicable—See explanation for Recommendation 8b.

Sunset Factor 2: The extent to which the Board has met its statutory objective and purpose and the efficiency with which it has operated

10. The Board should enhance its procedure for conducting continuing education audits to include guidance for Committee members to request required documentation from audited licensees to support all continuing education hours before it determines the licensee is compliant with the continuing education requirements in rule.

Implemented at 6 months

11. The Board should continue to work with ADOA to resolve technical problems with the new online licensing system that may affect the Board's ability to appropriately process initial and renewal license applications in a timely manner.

Implemented at 6 months

12. The Board should enhance its license renewal policies and procedures to better ensure that license renewal applicants take and submit the required number of continuing education hours to renew their licenses.

Implemented at 6 months

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

13. The Board should work with its Assistant Attorney General to determine whether and when it can develop and adopt rules to clarify its statutes and processes.

Implemented at 18 months

14. The Board should, contingent on receiving an exemption to the rulemaking moratorium, modify its rules to specify that its licensing time frames may be suspended to allow psychologist applicants to complete the initial national licensing exam.

Implemented at 18 months

Sunset Factor 6: The extent to which the Board has been able to investigate and resolve complaints that are within its jurisdiction

15. The Board should continue to implement its revised procedures for handling complaints that staff determine are not within the Board's jurisdiction.

Implemented at 18 months