

The November 2020 Arizona State Board of Dispensing Opticians performance audit and sunset review found that the Board has generally met its statutory objective and purpose but should ensure that dispensing optician license applicants submit required lawful presence documentation, provide written notice of application deficiencies to license applicants, and periodically review the appropriateness of its fees. We made 7 recommendations to the Board, and its status in implementing the recommendations is as follows:

**Status of 7 recommendations**

|                           |          |
|---------------------------|----------|
| Implemented               | 4        |
| Implementation in process | 2        |
| <b>Not implemented</b>    | <b>1</b> |

We will conduct a 36-month followup with the Board on the status of the recommendations that have not yet been implemented.

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

1. The Board should continue to implement its new lawful presence policy that requires Board staff to ensure initial dispensing optician applicants, including comity applicants, submit the required documentation to demonstrate lawful presence.  
**Implemented at 12 months**
2. The Board should revise its licensing policies and procedures to require its staff to provide written documentation of application deficiencies identified during the application review process to applicants.  
**Implemented at 12 months**
3. The Board should establish and implement a process to periodically review the appropriateness of its fees by analyzing the costs of its regulatory processes, comparing these costs to the associated fees, and determining the appropriate licensing fees, and then revise its fees as needed.  
**Implemented at 12 months**

**Sunset Factor 3: The extent to which the Board serves the entire State rather than specific interests.**

4. The Board should continue to implement its new conflict-of-interest policy.  
**Implementation in process**—Consistent with its policy, the Board required all Board members and staff to complete an annual disclosure form in 2022, including affirming if no conflict(s) exist. The policy also requires Board members who verbally recuse themselves during a Board meeting to complete a conflict-of-interest form that includes details of the recusal. However, no Board members recused themselves from agenda items during Board meetings held between July 2021 and October 2022, so we were unable to assess the Board’s

implementation of this part of its policy. We will continue to review the Board's implementation of its policy during our 36-month followup.

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

5. The Board should conduct its planned comprehensive rules review and, based on this review, align its practices with current rule requirements and/or work with its Assistant Attorney General to determine whether and when it should revise its rules, and make revisions to its rules as necessary.

**Implemented at 12 months**—To address this recommendation, the Board made revisions to both its dispensing optician renewal license application and its rules, including revising rule to no longer require owners of corporate applicants for initial optical establishment licenses to also sign the applications. The Governor's Regulatory Review Council approved the revised rules in November 2021.

#### **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.**

6. The Board should conduct a review of its statutes, and based on this review, align its practices with current statutory requirements and/or work with the Legislature to amend its statutes, and revise its policies and procedures as needed.

**Implementation in process**—The Board reviewed its statutes and determined that no statutory changes were necessary. Instead, the Board revised its complaint investigation procedures to more closely align them with A.R.S. §32-1691.01(C) and (D). However, the Board reported it has not received any complaints from July 2021 through October 2022 and therefore has not had the opportunity to implement some of the revised procedures. We will further assess the Board's implementation of its revised complaint investigation procedures during our 36-month followup.

7. The Board should propose legislation that would require it to remit 100 percent of all civil penalties to the State General Fund.

**Not implemented**—Although the Board reported it has continued to remit 100 percent of civil penalties to the State General Fund, it determined it would not propose legislation requiring it to do so because it did not identify other needed statutory revisions and decided not to pursue a statutory revision for this lone issue.