



State Of Arizona Board of Podiatry Examiners
1400 W. Washington, Ste. 230
Phoenix, AZ 85007 www.podiatry.state.az.us
Email: dee.doyle@podiatry.az.gov
(602) 542-3095 Fax: 542-3093

Janet Napolitano
Governor

Dee Doyle
Executive Director

September 19, 2008

Ms. Debbie Davenport, CPA
Auditor General
2910 N. 44th Street, Suite 410
Phoenix, AZ 85018

RE: Board Response

Dear Ms. Davenport:

Enclosed please find the State of Arizona Board of Podiatry Examiners response to the Performance Audit recently conducted by your Staff. We appreciate the opportunity to respond to the Audit Report and Sunset Findings. We also recognize the diligent effort put forth by your staff in their efforts to understand the Podiatry medical profession and the Board's regulation of the profession. The Board is grateful for your work. The Board has addressed the findings as required by law.

Even though the report is lengthy, it indicates only two findings, which state the following:

- 1) The Board needs to improve complaint-handling process.
- 2) The Board should improve public information.

The Board agrees with the findings #1 and #2 and has already instituted numerous steps to implement the recommendations. The Board feels that the Legislature should consider the best method of regulation of Podiatric Medicine in the State of Arizona, and make a truly informed choice. We believe that a separate Board of Podiatric Medical Examiners is essential both to protect the public AND to provide continued availability of these forms of treatment for the public.

Board members do not agree with all of the remarks stated in the Report and recognize that perceptions regarding the regulated profession are oftentimes misleading. Hopefully, our Agency Response will allow persons reading the Report an opportunity to come to a reasonable conclusion regarding the Board and the difficulties faced by the agency and its staff.

Thank you again for the efforts of your staff to improve the performance of the Board.

Sincerely,

State of Arizona Board of Podiatry Examiners

Dedrie Polakof, DPM

Barry Kaplan, DPM

Joseph Leonetti, DPM

Jeanne Reagan, Public Member

Paula Hollins, Public Member

Enclosed: Agency Response to Performance Audit Report and Sunset Review Findings.

FINDING I

Recommendations:

1. The Board should identify and implement a process that allows it to separate its investigative and adjudicative functions. Options it should consider include.
 - a. Assigning one of its members to conduct complaint investigation activities, including reviewing all relevant medical documentation; conducting necessary interviews of the complainant, licensee, and other appropriate witnesses; and developing an investigative report or summary for submission to the Board. This board member should then recuse himself/herself from all other decisions and discussions regarding the complaints he/she investigates.
 - b. Determining whether current or retired podiatrists would volunteer services to the Board to assist in conducting complaint investigations.
2. The Board should take action against licensees who do not respond to requests for treatment information.
3. The Board should develop and implement policies and procedures that will help ensure that all complaints are appropriately and completely addressed and that investigative and adjudicative actions are documented, including policies and procedures for:
 - a. Ensuring that all complaint allegations are addressed;
 - b. Clearly explaining and documenting the basis for complaint decisions;
 - c. Considering a licensee's disciplinary history when determining discipline for the new complaint; and
 - d. Ensuring that the complainant is informed of the Board's decision regarding the complaint.

Response: The finding is agreed to and the recommendations will be implemented.

Status: The Board agrees that a process needs to be implemented to adjudicate complaints. However, there is a concern that the recommendation for an improved process may result in the Board being less timely in resolving complaints.

The Board could contract with an investigator who is licensed, bonded and an insured podiatrist. The investigator would be used when difficult complaint cases arise and when the need to obtain testimony from witnesses and obtain medical information from various sources for the Board to make a more informed decision.

The Board has used licensed podiatrists as expert witnesses in cases to review the medical record and testify.

Due to severe budget constraints, the Board has not used the contract investigator as often as they would like, however the possible use of a retired podiatrist to volunteer would have to be checked into by the Board.

The Board has taken action against licensees who do not respond in a timely manner in requests for medical documentation. The Board may also issue disciplinary action against the doctor's license in the form of a Decree of Censure and/or civil penalty if records are not provided within the time frame. One license renewal was denied due to not complying with a Board Order and subpoenas.

The Board will develop and implement policies and procedures that will help ensure that all complaints are appropriately and completely addressed, including policies and procedures for ensuring that all complaint allegations are addressed; clearly explaining and documenting the basis for complaint decisions; considering a licensee's disciplinary history when determining discipline for the new complaint; and ensuring that the complainant is informed of the Boards' decision regarding the complaint.

FINDING II

Recommendations:

1. To help ensure that accurate and complete information is provided to the public, the Board should improve the quality of complaint information in its database by:
 - a. Continuing with its efforts to correct inaccurate information in its database as it is identified, entering missing complaint information, and entering complaint information in the database as complaints are received;
 - b. Developing and implementing data entry and verification policies and procedures;
 - c. Continuing with its efforts to address the manually entered yes/no field in the database, which will correct inconsistencies on the Board's Web site;
 - d. Creating a database report that details a licensee's complaint and disciplinary history.
2. The Board should develop and implement written policies and procedures that incorporate its public information guidance and specify the type of information that staff should disclose regarding complaints. The Board should also ensure that information provided by its Web site complies with its written policies and procedures.
3. The Board should revise its records retention schedule to conform to its public information policies and procedures.

Response: The finding is agreed to and the recommendations will be implemented.

Status: The Board agrees that accurate and complete information is to be provided to the public. The Board needs to hire a temporary employee to address this need. However, there is a hiring freeze at present and the Governor's office has denied the Board the need to hire another Executive Director and a temporary employee to address these needs.

Due to the tremendous increased work load over the past few years on regulation for the Board(s) there is a need to hire a permanent part-time employee to help complete the recommendations by the auditors and everyday work load and to cover the office at all times. To correct inaccurate information in its database as identified, entering missing complaint information, and entering complaint information in the database as complaints are received; develop and implement data entry and verification policies and procedures; create a database report that details a licensee's complaint and disciplinary history.

The Board will contact the contract IT person to implement the recommended reports listed above.

The manually entered yes/no field in the database have been implemented to automatically update this field using the information input into the complaint section of the database. Once the complaint section has been updated completely this field will be correct.

The Board will revise its record retention schedule to conform to its public information policies and procedures.

SUNSET FACTORS

Recommendation:

1. Improve documentation to support applicant's qualifications.

Response: The finding is agreed to and the recommendation will be implemented.

2. Meeting notice requirements.

Response: The finding is agreed to and the recommendation will be implemented.

3. Meeting agendas.

Response: The finding is agreed to and the recommendation will be implemented.

4. Examinations inappropriately conducted.

Response: The finding is agreed to and the recommendation will be implemented.

5. Executive sessions.

Response: The finding is agreed to and the recommendation will be implemented.

Status: Several of the recommendations from the auditors on the Sunset Factors have been improved already to date, the Board will continue to improve the findings from the auditors and act upon them.