

## Arizona Board of Psychologist Examiners

**CONCLUSION:** The Arizona Board of Psychologist Examiners (Board) regulates psychologists and behavior analysts in Arizona through licensure, providing information about licensees to the public, and investigating and resolving complaints against licensees. We found that the Board should obtain statutory authority to require fingerprint-based criminal background checks for license applicants, ensure timely review of claims against court-appointed psychologists, investigate and adjudicate complaints in a timely manner, review the appropriateness of its licensing fees, and determine whether it can rely on the efforts of a national certification board to more efficiently license behavior analysts. Additionally, the Board should ensure that licensees submit sufficient documentation to support compliance with continuing education requirements.

### Licenses issued without conducting criminal background checks

The Board does not require psychologist and behavior analyst license applicants to submit fingerprints for criminal background checks because it lacks the statutory authority to do so. Several Arizona regulatory agencies are statutorily required to obtain this information, and fingerprint-based criminal background checks would provide the Board critical information to help it determine whether an applicant is able to safely practice.

#### Recommendation

The Board should work with the Legislature to obtain statutory authority to require fingerprint-based criminal background checks for its license applicants.

### Unprofessional conduct claims should be reviewed timely

Statute requires the Board to review claims of unprofessional conduct against psychologists who are performing court-ordered services to determine whether these claims have merit and should be investigated as complaints. Our review of a random sample of claims the Board reported receiving in fiscal year 2017 found that it took the Board between 96 and 187 days to determine whether these claims had merit. Lengthy claims review can put the public at risk because psychologists alleged to have violated Board statutes and rules may continue to practice while under review even though they may be unfit to do so and/or may need supervision.

The Board took between **96 and 187 days** to determine whether claims had merit for the **5 claims** reviewed.



#### Recommendation

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

### Psychologist complaint investigation and adjudication not timely



The Board took longer than **180 days** to investigate and adjudicate **8/14 complaints** reviewed.



We judgmentally selected and reviewed 14 of the 37 complaints against psychologists the Board reported receiving in fiscal year 2017 and found that the Board did not investigate and adjudicate 8 of these complaints in a timely manner. For these 8 complaints, the Board took between 196 and 510 days to investigate and adjudicate the complaints. Similar to the claims review process, untimely complaint investigation and adjudication may put the public at risk because it allows psychologists alleged to have violated Board statutes and rules to practice while under investigation, even though they may be unfit to do so.

## Recommendation

The Board should revise its complaint handling policies and procedures to assign an appropriate complaint-investigation priority for claims that become complaints and continue to implement its newly developed procedures and practices designed to improve its complaint-handling timeliness.

## Board has received more revenues than needed to operate

As of fiscal year 2018, the Board's fund balance was nearly twice the Board's expenditures for that year. Specifically, from fiscal years 2016 through 2018, the Board's fund balance increased by more than \$274,000. This increase in the Board's fund balance indicates that the Board has been receiving more revenue than it needs to operate, potentially because the fees it charges for services may be too high. Government fee-setting standards and guidance state that user fees should be determined based on the costs of providing a service. However, our review of Board meeting minutes and documentation related to the Board's rule packages between fiscal years 2008 and 2018 found no indication that the Board's licensing fees had a cost basis.

### Schedule of revenues, expenditures, transfers, and changes in fund balance

Fiscal years 2016 through 2018

	2016	2017	2018	Increase between 2016 and 2018
Revenues	\$131,843	\$ 662,293	\$ 596,639	\$464,796
Expenditures and transfers	437,586	439,049	545,439	107,853
Fund balance	802,817	1,026,061	1,077,261	274,444

## Recommendation

The Board should conduct a review of its fees and regulatory processes for psychologist and behavior analysts to ensure its fees are based on actual costs and adjust fees accordingly.

## Most behavior analyst license requirements closely align with national certification requirements

The Behavior Analyst Certification Board (BACB), a national corporation that certifies behavior analysts, requires its applicants to submit some of the same primary source documentation that behavior analyst license applicants must submit to the Board for licensing, suggesting that the Board's licensing review process may duplicate the BACB's certification process in some ways. For example, both the Board and the BACB review behavior analyst license applicants' official transcripts, and both certification and licensure applicants must also pass the BACB's behavior analyst exam.

## Recommendation

The Board should compare its behavior analyst initial licensing process with the BACB's national certification process to determine whether it can rely on some aspects of the BACB's process as part of its licensing review process.

## Other Board action needed

As reported in the Sunset Factors section of the report, we found that the Board issued licenses to qualified applicants and in a timely manner for the applications we reviewed, provided accurate information on its website for the licenses we reviewed, and offered opportunities for public input before adopting rules. However, we identified the following area for improvement:

**Board should ensure licensees provide appropriate documentation for continuing education requirement**—Our review of a random sample of 10 psychologist and behavior analyst renewal applications the Board selected for continuing education audits in fiscal year 2018 found that the Board accepted 1 hour of continuing education for a psychologist without sufficient documentation.

## Recommendation

The Board should enhance its procedure for conducting continuing education audits to include guidance for requesting required documentation to support all continuing education hours.