

The February 2020 Arizona Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (Board) performance audit and sunset review found that the Board should ensure all license/certificate applicants meet statutory requirements and timely investigate and adjudicate all complaints. The Board's status in implementing the recommendations is as follows:

Status of 17 recommendations

Implemented:	15
In process of being implemented:	2

We will continue to follow up with the Board on the status of the recommendations that have not yet been fully implemented.

Finding 1: Board issued or renewed some administrator and manager licenses/certificates despite not ensuring some requirements were met

1. The Board should continue to implement its new policies and procedures to ensure initial administrator and manager applicants submit the required documentation to demonstrate lawful presence.

Implemented at 6 months

2. The Board should continue to implement its revised policies and procedures for verifying the validity of an initial and renewal applicant's fingerprint clearance card and documenting this verification prior to initially issuing or renewing a license or certificate.

Implemented at 6 months

Finding 2: Board has not timely investigated and adjudicated some complaints, which may have put residents at risk

3. The Board should work with DHS to develop a process for obtaining in a timely manner the names of the responsible certified managers associated with the assisted living facilities identified in DHS reports.

Implemented at 6 months

4. The Board should revise and implement its DHS report review policies and procedures to incorporate a requirement for monitoring Board staff compliance with these policies and procedures.

Implemented at 6 months

5. The Board should implement and further revise its complaint handling policies and procedures to include the following requirements:

- a. Monitoring Board staff compliance with these policies and procedures.

Implemented at 6 months

- b. Regularly generating and reviewing management reports that provide information on the timeliness of the complaint handling process.

Implemented at 6 months

- c. Generating monthly Board reports that include complaint handling timeliness information, such as how long complaints have been open and reasons for any complaint handling delays.

Implemented at 6 months

Finding 3: Board did not provide adequate public information in response to anonymous phone calls we made

- 6. The Board should continue to implement and ensure staff compliance with its newly revised policies and procedures for providing public information over the phone.

Implementation in process—Although the Board revised its public information policies and procedures, we made 2 calls to the Board’s offices in September 2020, and with each call, Board staff did not provide complete and/or accurate information as required by both statute and the Board’s policy. During our 18-month followup, we will further assess the Board’s efforts to provide complete and accurate information to the public.

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

- 7. The Board should work with its Assistant Attorney General to obtain an exemption to the rule-making moratorium and contingent on receiving an exemption, modify its rules to provide the Board with greater flexibility to conduct continuing education audits between renewal cycles for licensed administrators and certified managers.

Implementation in process—The Board received an exemption to the rule-making moratorium and submitted a Notice of Docket Opening to the Secretary of State’s office in September 2020 to initiate a rulemaking to modify its rules to provide greater flexibility to conduct continuing education audits between renewal cycles. The Board anticipates the rule-making process will be completed by February 2021.

- 8. The Board should implement its new policies and procedures for ensuring that assisted living facility manager training programs and assisted living facility caregiver training programs receive onsite or telephonic evaluations when these training programs are approved and renewed pursuant to rule requirements.

Implemented at 6 months

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

- 9. The Board should develop and implement policies and procedures for addressing potential conflicts of interest in accordance with State laws, including (1) requiring Board members and staff to annually disclose certain interests in the Board’s official records through a signed form, (2) maintaining completed forms in a special file available for public inspection, and (3) implementing a process for managing any disclosed potential conflicts of interest to ensure the conflict will not interfere with the performance of Board member and staff duties.

Implemented at 6 months

Sunset Factor 5: The extent to which the Board has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

10. The Board should continue to implement its newly revised complaint handling policies and procedures to ensure its online licensing information provides accurate information to the public.

Implemented at 6 months

11. The Board should conduct a risk-based review of its online licensing information to ensure the information is complete and accurate.

Implemented at 6 months

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

12. The Board should conduct a review of its costs for investigating complaints by taking the following steps:

- a. Develop a method for determining direct and indirect costs associated with complaint investigations.

Implemented at 6 months

- b. After developing this cost methodology, establish an hourly rate for investigations.

Implemented at 6 months

- c. Establish a method for tracking and documenting staff time and activities to investigate each complaint.

Implemented at 6 months

13. The Board should develop and implement policies and procedures for Board members and staff that include implementing the cost methodology, tracking Board staff time and overhead costs, and documenting justification for the amounts charged to provide guidance for when the reimbursement of investigative costs should be included in the consent agreement.

Implemented at 6 months