

REPORT HIGHLIGHTS
PERFORMANCE AUDIT

Our Conclusion

The Arizona State Board of Nursing (Board) emphasizes protecting the public by focusing on the most serious complaint cases and conducting thorough investigations. However, despite its efforts, the Board processes some complaints in an untimely manner. To improve timeliness, the Legislature should consider revising statute to enable the Board to obtain substance abuse and other evaluations earlier, and the Board should take additional steps to address other factors that contribute to delays.



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Board regulation

The Board regulates the nursing practice by:

- Licensing nurses and certifying certified nursing assistants (CNAs).
- Approving education programs for nurses and nursing assistants.

- Investigating complaints of nursing law violations and disciplining violators.
- Operating a confidential, nondisciplinary monitoring program for chemically dependent nurses.

Board should take additional steps for more timely complaint processing

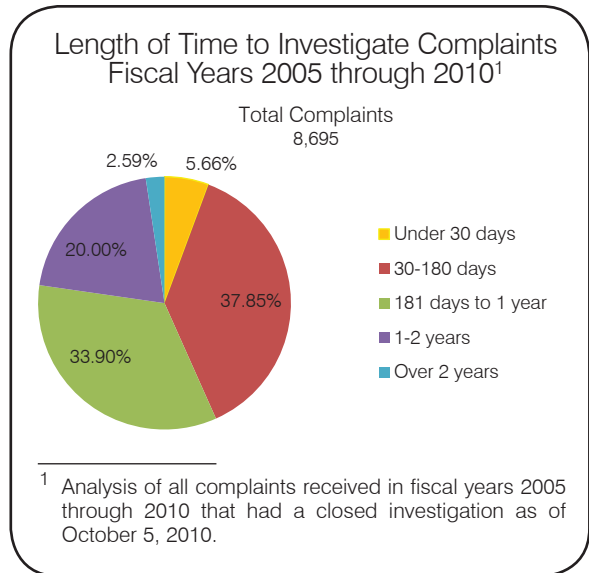
Board has taken steps to improve timeliness—The Board has taken steps to improve complaint-processing timeliness by:

- Establishing a complaint screening process.
- Permitting the Executive Director to resolve low-risk and noncomplex cases.
- Focusing on high-priority complaints first.
- Monitoring the status of complaint investigations.

received between fiscal years 2005 and 2010 took longer than 180 days to dismiss, have a consent agreement signed, or transfer to the Board's hearing department to request a hearing at the Office of Administrative Hearings (see Figure). Some of the complaints far exceeded 180 days to resolve or refer to hearing.

Board uses summary suspensions—The Board also takes prompt action in high-priority cases by issuing summary suspensions. For example, a CNA allegedly stole narcotics from patients and replaced the pills with over-the-counter pain relievers. While investigating this complaint, the Board received another similar complaint against the CNA. The Board suspended the CNA's certificate 8 days after receiving the second complaint, just 107 days after receiving the first complaint.

Many complaints are not completed in a timely manner—The Office of the Auditor General has found that Arizona health regulatory boards should resolve complaints within 180 days. Fifty-six percent of the complaints the Board



Complaint processing delays allow unsafe nurses to continue practicing—Delays in resolving complaints may permit unsafe nurses to continue to practice without needed oversight or limits on what they are allowed to do. In one substance abuse-related case, where a nurse allegedly used a patient's medication and removed a patient's emergency kit containing narcotics, it took the Board more than a year to resolve the case. The delay was attributed to difficulty contacting and getting responses back from the nurse, extending the investigation 2 months for a substance abuse evaluation, and waiting 5 months for the nurse to sign a consent agreement.

Addressing three factors could improve investigation timeliness:

(1) Substance abuse, psychological, and other board-ordered evaluations can prolong complaint investigations for 2 months or longer. If the Legislature gave the Board authority to allow its Executive Director to order such evaluations, as is the case with the Arizona Medical Board's executive director, evaluations could be conducted earlier so the results could be considered when the Board first reviews the complaint investigation.

(2) Many matters coming before the Board are resolved by consent agreement with the nurse/CNA. The agreement is often negotiated after the board meeting, and in 20 cases auditors reviewed, the agreements were not signed until 77 days after the meeting, on average. Some agreements are negotiated before the board meeting and then

presented to the Board for its review and approval. To resolve complaints more quickly, this practice should be expanded so that more agreements are negotiated before a meeting, contingent on the Board's approval.

(3) Improving its database would help the Board monitor complaints to ensure timely completion. During the audit, board staff corrected a problem that caused the database to show inaccurate priority level information for some complaints. Some other database fields were also unreliable, either because they were not filled in or were used inconsistently or because the database could not capture changes in the fields' contents over time. In addition to improving its database, the Board could use the database to regularly review complaints that have had no activity for a period of time.

Recommendations:

The Legislature should consider giving the Board authority to allow its Executive Director to order a nurse/CNA to obtain an evaluation.

The Board should:

- Expand its practice of negotiating consent agreements and have the nurse/CNA sign it before presenting the agreement to the Board for its review and approval.
- Improve the accuracy and consistency of information in its database and use the database to enhance its monitoring and tracking of complaint-processing timeliness.