



**ARIZONA STATE BOARD OF DENTAL EXAMINERS**

4205 North 7th Avenue, Suite 300 • Phoenix, Arizona 85013

Telephone (602) 242-1492 • Fax (602) 242-1445

[www.azdentalboard.us](http://www.azdentalboard.us)

June 20, 2014

Debra K. Davenport, CPA  
Auditor General  
Office of the Auditor General  
State of Arizona  
2910 N. 44<sup>th</sup> Street, Ste. 410  
Phoenix, AZ 85018

Dear Ms. Davenport:

On behalf of the Arizona State Board of Dental Examiners, I have attached the agency's response to the Audit Report conducted by your office.

The Board and its staff sincerely appreciate the time and resources committed by the audit team to understand the complex nature of the procedures used to balance preserving the due process rights of licensees without compromising our core function of protecting the public. We would also like to take this opportunity to recognize the professionalism of your staff throughout the process.

The recommendations identified in the report, which have either been implemented or are in the process of being implemented, will allow the agency to continue in its ongoing commitment to excellence in the regulatory oversight of health professionals under the Board's jurisdiction and to better fulfill its legislative mandate to protect the public.

Sincerely,

Elaine Hugunin  
Executive Director

Attachment

Cc: Arizona State Board of Dental Examiners Members

**AUDIT RESPONSE**  
**Arizona State Board of Dental Examiners**

**Licensing and Permitting Recommendations**

To improve licensee compliance with continuing-education requirements, the Board should:

1a. Revise its continuing-education affidavit to include information on the number of continuing-education self-study hours.

**The finding of the Auditor General is agreed to and will be implemented.** In conjunction with the Auditor General, the Board will work to develop a system to achieve the desired improvements in a manner that will not impede the online renewal process.

1b. Ensure that its committees comply with its substantive policy by reporting to the Board on the results of continuing-education audits and any recommendations regarding the approval of the audit or further investigation of noncompliance with continuing-education requirements; and

**The finding of the Auditor General is agreed to and will be implemented.**

1c. Take action against licensees who do not comply with its continuing-education requirements, and/or consider revising its administrative rules to allow licensees who meet overall continuing-education hour requirements a specified amount of time to come into compliance with its self-study continuing-education requirements.

**The finding of the Auditor General is agreed to and will be implemented.**

To help it comply with AACR4-11-303(A) (2) regarding incomplete licensee applications, the Board should:

2a. Continue to fully implement its new reports for monitoring applicant compliance with the 60-calendar-day requirement for submitting all licensee application materials;

**The finding of the Auditor General is agreed to and will be implemented.**

2b. Ensure that it closes all applications with deficient application information that are deemed administratively incomplete after 60 calendar days;

**The finding of the Auditor General is agreed to and will be implemented.** The Board's database has been modified to include a field for the 60 day time period to ensure compliance. Additionally, the 60 day date is placed prominently on the application file and finally, the applicant is notified and the file is appropriately closed.

2c. Inform applicants of the closure of their applications and process for reapplying.

**The finding of the Auditor General is agreed to and will be implemented.** Board staff has updated the applicant letter to include more detailed information on the process to reapply.

### **Complaint Resolution Recommendations**

1. The Board should ensure that the Internal Investigative Review Committee continues to prepare a report that documents the Committee's review of the complaint and rationale for its recommendation to the Board.

**The finding of the Auditor General is agreed to and will be implemented.** The Internal Investigative Review Committee (IIRC) continues to document its rationale for its complaint adjudication and recommendations which includes a licensee's complaint history.

2. The Board should include sufficient information in its meeting minutes to clearly communicate to the public the basis for its complaint-adjudication decisions.

**The finding of the Auditor General is agreed to and will be implemented.** While the Board believes its minutes comply with ARS 38-431.01, the Board recognizes improvement can always be made in documentation of minutes.

3. The Board should develop and implement guidance to help direct its enforcement efforts. This guidance should include minimum and maximum sanctions for each type of violation, when to consider using non-disciplinary actions, and how it will consider mitigating and aggravating factors in its determination of discipline, including its consideration of any prior discipline imposed to address previously substantiated complaints.

**The finding of the Auditor General is agreed to and will be implemented.** The Board has obtained other state dental board guidelines referenced in the Auditor General report and will review these as well as any other appropriate documents regarding this matter and establish guidelines consistent with the Arizona Dental Practice Act.

4. To better use its database to monitor complaint timeliness, the Board should:
  - a. Develop and implement policies and procedures to help ensure the consistent and accurate entry of complaint information into its database; and

**The finding of the Auditor General is agreed to and will be implemented.** Board staff has written a policy and procedure to address this and management will conduct reviews to ensure compliance with the policy and procedure.

- b. Work with its contractor to generate a comprehensive report to monitor and track its complaints through the complaint process.

**The finding of the Auditor General is agreed to and will be implemented.** Board staff is working with the contractor on an ongoing basis to enhance the reporting capability. The Board transitioned from a DOS platform to a Windows platform in 2010 and in that timeframe has made considerable improvements and continues to do so to enhance the ability to monitor licensing and complaint processes.

### **Public Information**

1. The Board should further revise and implement its public information policies and procedures to ensure that staff provide complete and accurate information in response to public requests and train its staff accordingly.

**The finding of the Auditor General is agreed to and will be implemented.** Training will be conducted on an ongoing basis and management will conduct random call-ins to ensure appropriate information is being provided to the public. Additionally, Board staff is working to update a query from the database that will readily provide the required and accurate information for staff to give the public.

### **Sunset Factor Analysis**

2. The Board should take steps to address licensee noncompliance with continuing education requirements, better document its complaint-resolution decisions, adopt formal guidelines for taking non-disciplinary and disciplinary action and provide complete and accurate information in response to public requests.

**The finding of the Auditor General is agreed to and will be implemented.** As stated in the audit response, the Board has implemented steps to meet the recommendations.

3. The Board can do more to provide complete and accurate information to the public by phone.

**The finding of the Auditor General is agreed to and will be implemented.** As stated in the audit response, the Board has implemented steps to meet the recommendations.

4. The Board should adopt rules that prescribe the reasonable costs for reproducing patient records when a patient requests his/her records be transferred to another licensee.

The Board should either change its administrative rule (R4-11-202 B) or propose legislation to change the statute to provide for the additional requirements.

**The finding of the Auditor General is agreed to and will be implemented.** The Board will review and adopt and/or amend rules as required.

6. The Board should provide sufficient information in its minutes to clearly communicate to the public the basis for its complaint adjudication decisions and develop and implement guidelines for taking non-disciplinary and disciplinary action.

**The finding of the auditor General is agreed to and will be implemented.** As stated in the audit response, the Board strives to comply with ARS 38-431.01 in its documentation of minutes and will continue to do so. The Board will review and implement guidelines for taking non-disciplinary and disciplinary actions as stated in its audit response.

9. The Board should propose legislation to require applicants for licensure to undergo criminal background checks similar to other Arizona state regulatory boards and other state dental boards.

**The finding of the Auditor General is agreed to and will be implemented.**