

The June 2022 State of Arizona Naturopathic Physicians Medical Board performance audit and sunset review found that the Board issued licenses/certificates we reviewed to qualified applicants within required time frames but did not resolve some complaints in a timely manner, which may impact patient safety, and did not provide sufficient public information. We made 15 recommendations to the State of Arizona Naturopathic Physicians Medical Board, and its status in implementing the recommendations is as follows:

### Status of 15 recommendations

Implemented	3
In process	11
<b>Not implemented</b>	<b>1</b>

We will conduct an 18-month followup with the Board on the status of the recommendations that have not yet been implemented.

### Finding 1: Board has not resolved some complaints in a timely manner, which may affect patient safety

1. The Board should investigate and resolve complaints within 180 days.

**Implementation in process**—For the 8 complaints the Board received between June and December 2022, it investigated and resolved 7 of these complaints within 180 days, and as of January 19, 2023, 1 complaint had been open for 43 days. Although the Board has improved its timeliness in resolving complaints, based on the smaller number of complaints it received during the June through December 2022 time period, we will continue to assess the Board's efforts to resolve complaints within 180 days during our 18-month followup.

2. The Board should develop and implement time frames for completing all key steps in its complaint-handling process to help ensure it can investigate and resolve complaints within 180 days, including completing the investigation and associated report, placing the complaint on the Board's meeting agenda for its review, and time frames for the Board to review and resolve the complaint.

**Implementation in process**—The Board has established time frames for some key steps in its complaint-handling process, such as initiating its investigation of a complaint, notifying complainants and licensees of the investigation, and requiring a response from the licensee. Although the Board has not developed and implemented time frames for other key steps of its complaint-handling process, such as completing the investigation and associated report and placing the complaint on the Board's meeting agenda for its review, it reported that it plans to establish time frames for additional key complaint-handling steps by May 2023.

3. The Board should develop and implement a process that requires the Executive Director to regularly report to the Board on the timeliness of closed complaints and status of open complaints to provide information the Board needs to monitor, review, discuss, and take action to address delays in the timeliness of complaint handling.

**Implementation in process**—The Board's Executive Director prepares and submits a report on the number of complaints under investigation to the Board prior to their meetings. However, this report does not include information regarding all open and closed complaints. For example, the report does not include the number of days complaints under investigation have been open, complaints that are open and have been referred to the

Board for review, and the number of days it took the Board to investigate and resolve closed complaints, although complaints that have been referred to the Board for review are noted on the Board's meeting agenda. Without this information, the Board is not able to monitor, review, discuss, and take action to address delays in the timeliness of complaint handling. The Board reported that it will make changes to the Executive Director's report by May 2023 to include additional information indicated in the recommendation.

4. The Board should contract for complaint investigation services on an as-needed basis and develop and implement written policies and procedures for when to use these contracted services.

**Implementation in process**—The Board has initiated efforts to recruit and compile a listing of licensed naturopathic physicians that would be willing to serve as medical consultants to assist with complaint investigations. However, as of December 2022, the Board reported that it has yet to receive an application from a qualified naturopathic physician to serve as a medical consultant. Additionally, the Board has not developed written policies and procedures for when to use medical consultants.

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

5. The Board should perform statutorily required inspections or work with the Legislature to modify statute related to these statutory requirements.

**Implementation in process**—Legislation introduced in the 2023 legislative session would revise statute to eliminate the requirement for the Board to conduct periodic inspections of naturopathic physicians' dispensing and prescribing practices. However, as of February 2023, this legislation did not propose changes to the statutory requirements for the Board to periodically inspect and evaluate training programs and continuing medical education programs. As of February 2023, the Legislature was still considering this legislation.

6. The Board should develop and implement policies and procedures for periodically reviewing the appropriateness of its fees that direct it to analyze the costs of its regulatory processes, compare these costs to the associated fees, determine the appropriate licensing fees, and then revise its fees as needed.

**Implementation in process**—Although the Board has not developed policies and procedures for periodically reviewing the appropriateness of its fees, including policies and procedures for analyzing the costs of its regulatory processes, it has amended its administrative rules governing fees to eliminate or reduce some fees. For example, it eliminated all clinical training certificate fees based on its plans to pursue a statutory change that would eliminate the clinical training certificate (see explanation for Recommendation 13). The Board also reported that the implementation of its new e-licensing system will help facilitate the review of its licensing fees and anticipates that this new system will be implemented by May 2023. We will further assess the Board's efforts to develop policies and procedures during our 18-month followup.

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

7. The Board should continue to implement its conflict-of-interest procedures to help ensure compliance with State conflict-of-interest requirements, including:

- a. Reminding employees/public officers at least annually to update their disclosure form when their circumstances change, including attesting that no conflicts exist, if applicable.

**Implemented at 6 months**

- b. Documenting the details of Board members' verbal recusals in the official record.

**Implemented at 6 months**

- c. Storing all substantial interest disclosures, including disclosure forms and applicable meeting minutes, in a special file available for public inspection.

**Implemented at 6 months**

#### **Sunset Factor 4: The extent to which rules adopted by the Board are consistent with the legislative mandate.**

- 8. The Board should proceed with the rulemaking process to adopt rules for naturopathic medical assistant training, and for the labeling, recordkeeping, storage, and packaging of natural substances.

**Implementation in process**—The Board has approved proposed rules for naturopathic medical assistant training and has authorized the initiation of the rulemaking process for the proposed rules. The Board has also initiated discussions regarding proposed rules related to the labeling, recordkeeping, storage, and packing of natural substances. We will further assess the Board's progress in adopting these rules during our 18-month followup.

#### **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.**

- 9. The Board should adhere to its goal to post required disciplinary and nondisciplinary orders on its website within 36 days after the order is issued.

**Not implemented**—Based on our review of the 2 complaints the Board received in June and July 2022 that resulted in nondisciplinary orders, the Board posted these orders in 39 days, which exceeded its internal goal of 36 days for posting required disciplinary and nondisciplinary orders on its website after the order is issued. We will further assess Board efforts to post these orders within 36 days during our 18-month followup.

- 10. The Board should post all final disciplinary and allowable nondisciplinary orders and actions on its website for no more than 5 years.

**Implementation in process**—Based on our review of the 6 complaints the Board resolved between January and June 2017 that resulted in disciplinary and nondisciplinary orders and actions, as of January 2023, 2 of these orders were still posted on the Board's website, exceeding the 5-year statutory requirement. The Board reported that the implementation of its new e-licensing system will help it to comply with the 5-year statutory requirement (see explanation for Recommendation 6).

- 11. The Board should comply with its policies and procedures for returning voicemail messages requesting information on licensees and certificate holders within 24 hours.

**Implementation in process**—We made 2 anonymous phone calls to the Board requesting licensee information and left voicemail messages. Although Board staff responded to 1 voicemail message within 24 hours, consistent with its policies and procedures, it did not respond to the other voicemail message within 24 hours and instead responded within 48 hours. We will further assess the Board's compliance with its policies and procedures during our 18-month followup.

#### **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 comply with its policies and procedures for providing complaint opening, meeting, and outcome notices to complainants and respondents.

**Implementation in process**—Based on our review of the 4 complaints received and closed by the Board between June and October 2022, the Board complied with its policies and procedures for providing complaint opening, meeting, and outcome notices for 1 of these complaints. For the other 3 complaints, it did not comply with all of its complaint-notification requirements. We will further assess the Board’s compliance with its notification policies and procedures during our 18-month followup.

### **Sunset Factor 11: The extent to which the termination of the Board would significantly affect the public health, safety, or welfare.**

13. The Board should, consistent with its reported plans, work with the Legislature to pursue a statutory change to eliminate the clinical training certification requirement.

**Implementation in process**—Legislation introduced in the 2023 legislative session would revise statute to eliminate the clinical training certification requirement. As of February 2023, the Legislature was still considering this legislation.