

# Arizona Board of Occupational Therapy Examiners (Board)

## Performance Audit and Sunset Review

Board timely issued initial licenses in calendar year 2024, but allowed licensees to practice after their licenses had expired, could not demonstrate that it verified some applicants it approved for initial and renewal licenses possessed a valid fingerprint clearance card or a fingerprint-based criminal history records check, and did not resolve some complaints in a timely manner, putting public safety at risk

### Audit purpose

To determine whether the Board issued licenses to qualified applicants in a timely manner, resolved complaints timely, and provided information to the public as statutorily required, and to respond to the 10 statutory sunset factors.

### Key findings

- Board timely issued initial licenses in calendar year 2024.
- Board could not demonstrate it obtained fingerprint clearance cards or fingerprint-based criminal history records checks for 9 of 30 initial and renewal applicants we reviewed, and lacked documentation that it verified that 8 of 21 applicants possessed a valid fingerprint clearance card when it did obtain the fingerprint clearance cards from the applicants.
- Board did not resolve within 180 days 4 of 11 complaints it investigated in fiscal year 2024.
- Board failed to initiate rulemakings to align its rules with statute despite identifying inconsistencies in rules since 2008, increasing the risk of regulatory ambiguity and non-compliance.
- Board issued renewal licenses for 14 licensees we reviewed after their license expiration date in calendar year 2024, allowing these licensees to continue to practice after their license expired. The Board's statutes and rules do not: (1) require licensees to submit a renewal application within a specific time frame prior to the expiration date or outline the consequences for licenses if they fail to do so; or (2) outline a specific period of time that licensees have to resolve deficiencies in incomplete applications.

### Key recommendations to the Board

- Issue licenses only to applicants who possess a valid fingerprint clearance card and continue to develop and implement written procedures for verifying and documenting that all applicants possess a valid fingerprint clearance card.
- Investigate and resolve complaints within 180 days, and track and monitor timeliness of overall duration as well as incremental goals defined in board policy and procedure.
- Develop and implement a rulemaking plan to address all inconsistencies between its rules and statutes, including developing timeframes for initiating and completing rulemakings and assigning responsibility for overseeing the rulemaking process.
- Consult with its Assistant Attorney General to determine if a statutory change is needed to address the lack of a renewal application submittal deadline and time frame for addressing renewal application deficiencies.