

Arizona State Board of Dental Examiners (Board)

Board may not have taken enforcement action consistent with the nature and severity of some complaints' substantiated violations and did not resolve complaints in a timely manner, potentially affecting public health and safety; and has not complied with conflict-of-interest requirements

Audit purpose

To determine whether the Board investigated and resolved complaints in a timely manner and imposed disciplinary actions consistent with the nature and severity of complaints and past disciplinary and nondisciplinary history; complied with State conflict-of-interest requirements; issued and renewed licenses in accordance with statute and rule; and to provide responses to the statutory sunset factors.

Key findings

The Board:

- Was established in 1935 to protect the public's health and safety by regulating dentistry practices in Arizona.
- May not have taken enforcement action that was consistent with the nature and severity of the complaints' substantiated violations, and/or any prior disciplinary and nondisciplinary action the licensee received for at least 3 of 19 complaints we reviewed, potentially jeopardizing public health and welfare.
- Lacks written procedures for determining enforcement action and deviated from procedures for reviewing a licensee's history prior to determining enforcement action.
- Did not resolve 32 of 35 complaints we reviewed within 180 days, which may affect patient safety.
- Attributed untimely complaint resolution to a lack of investigators and had not established some written policies, procedures, and time frames for processing complaints.
- Did not comply with some State- and Board-specific conflict-of-interest requirements, increasing risk that employees, public officers, and contract investigators had not disclosed substantial interests.
- Generally issued the initial licenses we reviewed in a timely manner but did not ensure that applicants met all licensure requirements.

Key recommendations

The Board should:

- Work with its legal counsel to develop and implement policies and procedures for determining and taking enforcement actions and consistent with statute and its written procedures, review and consider licensee's history when determining enforcement action.
- Assess the impact of its current number of contracted investigators on its complaint-resolution timeliness and take action as needed to ensure it has a sufficient number of investigators to resolve complaints within 180 days.
- Continue to develop and implement written policies and procedures for processing complaints, including time frames for completing all key complaint-handling steps.
- Develop and implement conflict-of-interest policies and procedures.
- Develop and implement written policies and procedures for reviewing and approving license, permit, and business entity registration applications.