

**REPORT
HIGHLIGHTS**
PERFORMANCE AUDIT

Our Conclusion

The Arizona Board of Behavioral Health Examiners (Board) regulates the practice of behavioral health professionals by licensing counselors, marriage and family therapists, social workers, and substance abuse counselors, and by investigating allegations of unprofessional conduct and ordering appropriate discipline. The Board has had problems with the timeliness of handling complaints caused by delays in beginning substantial investigative work, commencing an investigation when none was needed, and duplicating reviews of cases proposed for dismissal. As a result, the majority of cases closed in 2010 and 2011 were resolved more than 180 days after the complaint was received. Although the Board has already taken steps to address some timeliness issues, more needs to be done.



2012

Board should improve complaint resolution timeliness

Board investigates complaints—The Board is responsible for investigating complaints against licensed behavioral health professionals and taking appropriate nondisciplinary and disciplinary action, if necessary. The Board investigates two types of complaints—those received from the public and those opened by the Board's credentialing committees. Four credentialing committees, one for each behavioral health discipline, assist the Board in regulating the four licensed professions. The committees may open complaints to determine whether licensure applicants or licensees renewing their license have committed unprofessional conduct, such as failing to disclose a criminal arrest on the application form. The Board relies on staff investigations and committee recommendations in deciding whether to dismiss complaints or take disciplinary action.

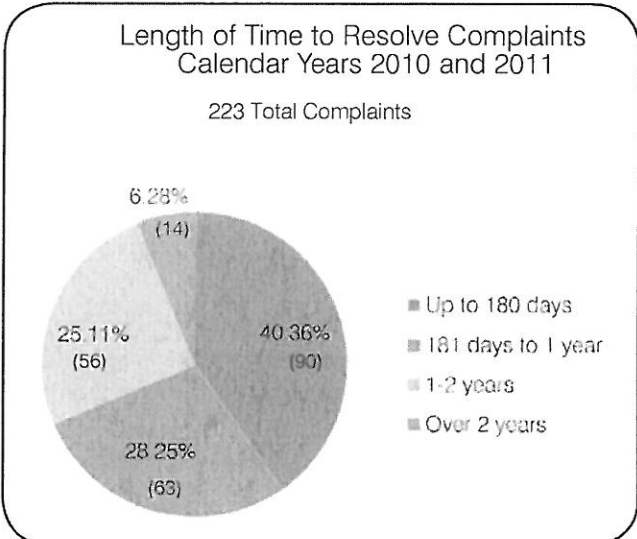
Majority of complaints are not resolved in a timely manner—We have found that Arizona health regulatory boards should resolve complaints within 180 days of receiving them. However, the median time it took the Board to resolve complaints was 248 days for the complaints it closed in 2010 and 2011, and about 60 percent of these complaints took longer than 180 days to resolve.

In one case involving a therapist's inappropriate activities with a 16-year-old client, it took the Board 4.5 months to begin substantial investigative work. It took another 4.5 months before the licensee signed a consent agreement that revoked his license.

The Board has authority to restrict, limit, or summarily suspend a license if public safety warrants emergency action, and the Board acted quickly in five such cases in 2010 and 2011 where it determined that it had sufficient evidence to pursue emergency action prior to fully resolving the complaint. In those cases, it took the Board a median time of 26 days to execute consent agreements to suspend the licenses. In 2012, the Board revoked a license only 4 days after receiving the complaint, when the licensee signed a consent agreement admitting to having sexual relations with a client in prison and indirectly giving money to the client.

Three factors hindered complaint-resolution timeliness:

- **The length of time before substantial investigation began**—There was a delay in public complaints' being investigated, which board officials attributed in part to not enough investigative staff. Staff took a median time of 174 days to begin substantial investigative work on 21 public complaints reviewed by auditors. This



delay in investigating cases has also contributed to the growing number of open cases. Between 2010 and 2011, the Board opened 83 more complaints than it closed, and as of March 2012, the Board had 191 open complaints, 79 of which had not been assigned to an investigator, including 20 complaints that had been waiting for over 1 year to be assigned.

- **Opening cases that could have been dismissed without investigation**—Historically, the Board opened all complaints against its licensees, including allegations that did not need to be investigated because they did not constitute violations of board statutes or rules.
- **Duplicate reviews of complaint dismissals**—Complaints that are dismissed are first reviewed by a credentialing committee and then forwarded to the Board for dismissal, which adds 30 days or more to the complaint-resolution process. However, credentialing committees have statutory authority to dismiss complaints.

The Board has taken steps to resolve complaints more quickly but should take additional steps. In May 2012, the Board directed staff to begin screening out complaints that do not need investigation, and staff developed procedures to do the screening. The Board should also develop policies to allow credentialing committees to dismiss more complaints. In addition, the Board should analyze its investigative staffing needs by continuing to assess the efficiency of the investigation process, determine the workload, and then determine staffing needs.

Complaint priority not sufficiently based on the level of risk to the public—Prior to the audit, the Board lacked an adequate approach to prioritize complaints based on risk to the public. For example, a licensee's sexual contact with a client was assigned the same priority as borrowing money from or socializing with a client. In June 2012, the Board revised its procedures to use a more risk-based approach to prioritizing complaints. Now, complaints alleging conduct that poses an imminent threat of substantial danger to public safety have a high priority while potentially harmful conduct that does not pose a substantial danger or imminent threat has a medium priority. The Board

also revised its procedures to better monitor high-priority complaints and ensure that investigative work begins promptly.

Complaint resolution time sometimes understated—For some complaints, we found that the time it took for the Board to resolve the complaint was understated in its database. This was because board staff recorded the "closed" date as the date the Board made a decision to resolve the complaint rather than when the decision was finalized. In 3 of 30 cases we reviewed, the actual "closed" date was 1 to 2 months later than what board staff had recorded. In two additional cases, the "open" date was underreported by more than 2 months because staff recorded the date that they began to work on a case rather than the date when a credentialing committee had officially opened it. The Board has since adjusted its procedures to clearly define when a complaint is opened and closed.

Recommendations:

The Board should:

- Continue to screen and better prioritize complaints, monitor high-priority complaints, and ensure that complaint data accurately reflects the time it takes to resolve complaints.
- Develop policies allowing credentialing committees to dismiss more complaints.
- Analyze investigative staffing needs by continuing to assess the efficiency of the investigation process, determine the workload, and then determine staffing needs.