

ARIZONA STATE SENATE

RESEARCH STAFF



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Telephone: (602) 926-3171

TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 4, 2021

SUBJECT: Sunset Review of the Arizona Board of Podiatry Examiners

Attached is the final report of the sunset review of the Arizona Board of Podiatry Examiners, which was conducted by the Senate Health and Human Services Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Douglas A. Ducey

President of the Senate
Senator Karen Fann

Speaker of the House of Representatives
Representative Russell Bowers

Senate Members
Senator Kate Brophy McGee, Chair
Senator Sylvia Allen
Senator Heather Carter
Senator Rick Gray
Senator Tony Navarrete
Senator Tyler Pace
Senator Rebecca Rios
Senator Victoria Steele

Secretary of the Senate
Senate Resource Center
Senate Republican Staff
Senate Democratic Staff
Senate Research Staff
Office of the Chief Clerk
House Republican Staff
House Democratic Staff
House Research Staff

Arizona Board of Podiatry Examiners
Office of the Auditor General
Arizona State Library, Archives and Public Records

Senate Health and Human Services Committee of Reference Report

Arizona Board of Podiatry Examiners

Background

Established in 1941, the Board is responsible for licensing and regulating doctors of podiatric medicine, evaluating the professional competency of podiatrists seeking to be licensed in Arizona and promoting continued competency by investigating complaints against podiatrists, holding hearings, monitoring the activities of its licensees and enforcing standards of practice. The mission of the Board is to protect the health, safety and welfare of Arizona citizens by regulating and maintaining standards of practice in the field of podiatric medicine.

Board membership is composed of five members appointed by the Governor, with members serving five-year terms. Board membership is required to include three members who have practiced podiatry continuously in Arizona for not less than two years immediately preceding their appointment to the Board and who hold a valid license to practice podiatry. Additionally, the Board must include two lay people ([A.R.S. § 32-802](#)).

The Board is set to terminate on July 1, 2021, unless legislation is enacted for its continuation ([A.R.S. § 41-3021.14](#)).

Committee of Reference Sunset Review Procedure

The Senate Health and Human Services Committee of Reference conducted a public meeting on Thursday, December 17, 2020, to evaluate the Board's response to the sunset factors and receive public testimony.

Committee Recommendations

The Senate Health and Human Services Committee of Reference recommended that the Board be continued for eight years until July 1, 2029.

Attachments

- A. Meeting Notice
- B. Minutes of Senate Health and Human Services Committee of Reference
- C. Chairman's Letter requesting the Board's response to the agency factors
- D. Board's response to the agency factors pursuant to [A.R.S. § 41-2954, subsection F](#)
- E. Electronically Submitted Public Testimony

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ARIZONA STATE SENATE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS, THE SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL AND THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS

Date: Thursday, December 17, 2020

Time: 1:00 P.M.

Place: This meeting will be held via teleconference software.
Members of the public may access a livestream of the meeting here:
https://azleg.granicus.com/MediaPlayer.php?publish_id=2

AGENDA

1. Call to Order
2. Roll Call
3. Sunset Review of the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
 - Presentation by the Office of the Auditor General
 - Response by the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
4. Sunset Review of the Developmental Disabilities Advisory Council
 - Response by the Developmental Disabilities Advisory Council
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
5. Sunset Review of the Arizona State Board of Podiatry Examiners
 - Response by the Arizona State Board of Podiatry Examiners
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
6. Adjourn

Members:

Senator Kate Brophy McGee, Chair
Senator Sylvia Allen
Senator Heather Carter
Senator Rick Gray
Senator Tony Navarrete
Senator Tyler Pace
Senator Rebecca Rios
Senator Victoria Steele

The public may provide written testimony through email to cstone@azleg.gov prior to 10:00 a.m. on Thursday, December 17, 2020. Submitted testimony will be entered into the record.

12/10/2020

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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE SENATE

SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS, THE SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL AND THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS

**Minutes of the Meeting
December 17, 2020
1:00 P.M.**

This meeting will be held via teleconference software.

Members of the public may access a livestream of the meeting here:

https://azleg.granicus.com/MediaPlayer.php?publish_id=2

Members Present:

- Senator Kate Brophy McGee, Chair
- Senator Sylvia Allen
- Senator Heather Carter
- Senator Rick Gray
- Senator Tony Navarrete
- Senator Rebecca Rios
- Senator Victoria Steele

Members Excused:

- Senator Tyler Pace

Staff:

- Cherie Stone, Senate Research Staff
- Julia Paulus, Senate Research Assistant Analyst

Chairman Brophy McGee called the meeting to order at 1:05 p.m. and attendance was noted.

Senator Brophy McGee noted for the record that this meeting has a quorum.

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

Presentation by the Office of the Auditor General

Dale Chapman, Auditor General’s Office, electronically distributed and explained a PowerPoint presentation entitled "Arizona Board of Nursing Care Institution Administrators and Assisted Living Facility Managers: Performance Audit and Sunset Review Report No. 20-101 Issued February 2020" (Attachment A). Mr. Chapman addressed the findings of the Performance Audit and Sunset Review, including subsequent recommendations to the Board and answered questions posed by the Committee.

Response by the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers

Allen Imig, Executive Director, Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, electronically distributed a letter dated February 18, 2020 along with enclosures regarding the sunset review process (Attachment B). Mr. Imig gave an update regarding the Board's response of the Auditor General's Performance Audit and Sunset Review and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

Mr. Imig answered additional questions posed by the Committee.

Senator Brophy McGee welcomed Senator Carter.

Public Testimony

Senator Brophy McGee noted for the record that there were three (3) letters electronically submitted in support of the continuation for the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers by Karen Barno, representing Arizona Assisted Living Federation of America (Attachment C), David Voepel, representing Arizona Health Care Association (Attachment D), Pam A. Koester, representing LeadingAge Arizona (Attachment E).

Discussion

Senator Gray shared his concern regarding fingerprint clearances and offered comments.

Mr. Imig answered additional questions posed by the Committee.

Recommendation by the Committee of Reference

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

Senator Carter moved that the Committee of Reference make the recommendation to continue the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers for 8 years. The motion CARRIED by voice vote.

SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL

Response by the Developmental Disabilities Advisory Council

Kathy Ber, Legislative Director, Arizona Department of Economic Security, electronically distributed and explained a PowerPoint presentation entitled "Developmental Disabilities Advisory Council Sunset Review" (Attachment F) and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

Rick Hargrove, Member, Developmental Disabilities Advisory Council, answered questions posed by the Committee.

Senator Brophy McGee offered additional comments.

Mr. Hargrove publicly thanked Senator Brophy McGee and offered comments.

Senator Brophy McGee offered additional comments.

Senator Carter publicly thanked Senator Brophy McGee and offered comments.

Senator Brophy McGee publicly thanked Senators Allen and Carter and offered additional comments.

Public Testimony

No public testimony took place.

Discussion

No further discussion took place.

Recommendation by the Committee of Reference

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

Senator Carter moved that the Committee of Reference make the recommendation to continue the Developmental Disabilities Advisory Council for 8 years. The motion CARRIED by voice vote.

SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS

Response by the Arizona State Board of Podiatry Examiners

Heather Broaddus, Executive Director, Arizona Board of Podiatry Examiners, electronically distributed a letter dated August 13, 2020 along with enclosures regarding the sunset review process (Attachment G). Ms. Broaddus gave an update regarding the Board's response of the Auditor General's Sunset Review and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

Public Testimony

Senator Brophy McGee noted that there was no public testimony.

*Cherie Stone, Senate Research Staff, noted after the completion of the meeting, written testimony was emailed from Joseph F. Abate, representing Arizona Foot and Ankle Medical Association, in support of the continuation for the Arizona State Board of Podiatry Examiners (Attachment H).

Discussion

Senator Brophy McGee asked if there was any further discussion.

No further discussion took place.

Recommendation by the Committee of Reference

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

Senator Carter moved that the Committee of Reference make the recommendation to continue the Arizona State Board of Podiatry Examiners for 8 years. The motion CARRIED by voice vote.

Senator Brophy McGee made closing comments and thanked the Committee members for all their hard work and dedication to serving the people of Arizona.

Senator Brophy McGee thanked staff and made closing comments.

There being no further business, the meeting was adjourned at 1:52 p.m.

Respectfully submitted,

Imee L. Andrew
Committee Secretary
Audio and Video Transcription

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)



Douglas A. Ducey,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”

1740 West Adams St., Suite 3004
Phoenix, Arizona 85007
P: (602)542-8151
W: <https://podiatry.az.gov>

August 13, 2020

Senator Kate Brophy McGee, Chair
Arizona State Senate
House Health and Human Services Committee
1700 West Washington
Phoenix, Arizona 85007

RE: Response to Sunset Factors Pursuant to A.R.S. §41-2954 (D)

Dear Senator Brophy McGee:

In accordance with your request for response to Sunset Factors, the following is submitted on behalf of the Arizona State Board of Podiatry Examiners.

The Arizona State Board of Podiatry Examiners (“Board”) was originally established in 1941. The mission of the Board is to protect the health, safety and welfare of the citizens of Arizona by regulating and maintaining standards of practice in the field of podiatric medicine.

Sunset Factors:

1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.

The Board licenses and regulates doctors of podiatric medicine who practice in the diagnosis and treatment of the foot, ankle, and lower leg. The primary duty of the Board is to protect the public from unlawful, incompetent, unprofessional individuals or financial harm within the podiatry industry through examination, licensing, education and regulation in our State. The Legislature has detailed the Board’s primary powers and duties in A.R.S. §32-801 *et seq.*

Through the licensure process, the Board verifies that all licensees meet the standards outlined in statute and rule for all licensed professions in the podiatry industry. The Board has established goals and objectives in its strategic plan submitted with its budget, as follows:

- To protect the public from unqualified practitioners by efficiently processing applications for licensure to determine if statutory requirements have been met. The Board will do this by continuing the effort to improve the E-Licensing process so that it is fully functional, secure and more user friendly.

- To protect the public from incompetent practitioners within the podiatry industry as well as unprofessional/unethical conduct through timely investigation and adjudication of complaints.
- To protect the public through the auditing of continuing education hours and to ensure licensees are kept apprised of current standards of practice.

As of August 13, 2020, the Board oversees approximately 480 licensees. The Board receives approximately 35 applications and approximately 30 complaints per year against licensees.

The Board Chair speaks at various institutions and participates in National Associations to continue good working relationships within the National and State community.

The Board is not aware of any other private entity, local government, or nonprofit organization that is able to regulate the podiatry profession in Arizona. An organization within the state that helps to assist those in the podiatry industry is the Arizona Podiatric Medical Association (“AZPMA”). At the national level, the Federation of Podiatric Medical Boards (“FPMB”) and the American Podiatric Medical Association (“APMA”) are trade organizations that are instrumental in providing member services, including continuing education, but do not have statutory authority for licensing or regulating.

The Board utilizes the National Board of Podiatric Medical Examiners to conduct required national licensing examinations.

2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.

The Board continually seeks to make improvements in its processes to provide benefit to its applicants, licensees and the public. The Board issues licenses, resolves complaints and responds to requests for information in a timely manner. The public health and welfare is protected through the requirement of continuing education.

Board staff audits all continuing education submitted annually with a license application for renewal.

Licensing issued in a timely manner

The Board receives approximately 35 applications per year for licensure. The average number of days to administratively process an application was three days in FY2020. The average number of days to substantively process an application in FY2020 was 17 days (please note that some applications were received during the COVID-19 crisis). The Board meets every month and grants licensure at that time. Board staff receive and review each application. If an application needs clarification or additional information, the applicant is advised of the deficiency or request. Board staff provides information to the Board members regarding applications that may have background issues to be considered as well as those that are administratively complete.

In May of 2018, the Board entered into an E-Licensing program with twelve other regulatory Boards to offer an online application for licensure. Although there have been many difficulties

throughout the transition, it is still a significant improvement over the previous process which consisted of only paper communication, USPS mail and checks. The system also offers online license applications, an online complaint process, and will eventually transition our back-office paper systems to a digital process. The agency's database, licensing processes and tracking of information and data has been revised with this new system.

Resolves Complaints in a Timely Basis

Investigations are resolved in a timely manner. On average, the majority of complaints are resolved within 3-4 months depending on how close to the next scheduled Board meeting the complaint is received. Upon receipt of a complaint, staff sends a request to the licensee for a written response within 30 days as well as copies of all applicable documentation, records, etc. The Board contracts with licensed podiatrists to serve as Board Investigators. The Complaint, Response and ancillary documentation is sent to a Board Investigator. The Board Investigator is given one month to review the Complaint, Response and ancillary documents, to conduct any interviews necessary and to prepare an Investigative Report for the Board. The Investigative Report will include possible violations (if applicable) and any other information to bring as much clarity as possible. The report is then forwarded with all aforementioned materials to the Board for review and discussion during open public meeting each month.

The Board schedules complaint cases to be reviewed at the next available monthly Board meeting. All written complaints are processed and brought before the Board for review in open meeting. It is not uncommon for the Board to receive a request for a continuance at this juncture of the process if the licensee is represented by legal counsel or if Board members are requesting additional information. The Board completes an initial review of complaints during the monthly Board meetings, which are open meetings to the public. They may hear input from licensees, the complainant and any other individuals that were involved. If the Board has concerns that a violation has occurred, the Board can offer a Non-Disciplinary Letter of Concern, a Non-Disciplinary Order for continuing medical education, a Consent Agreement or refer the matter to an Informal Hearing or Formal Hearing at a future Board meeting.

At the conclusion of an initial review, the Board has the authority to dismiss the complaint, issue a Non-Disciplinary Letter of Concern or offer a Non-Disciplinary Order for continuing medical education. Following an Informal Hearing, the Board may take any of the following actions to protect the public's health, safety and welfare as well as rehabilitate or educate the licensee. The Board may issue a Letter of Concern; issue an Order for continuing medical education; issue a Decree of Censure; issue a Consent Agreement and Order for Probation which may include temporary practice restriction or temporary suspension; issue an Order for Rehabilitation. Additionally, the Board may impose civil penalties of not more than two thousand dollars for each violation. All monies collected in payment of a civil penalty are deposited into the State's General Fund.

At the conclusion of a Formal Hearing, in addition to any actions previously listed for an Informal Hearing, the Board may take the following disciplinary actions. Summarily suspend a license. Suspend or Revoke a license for a period of time or permanently.

If there is a situation wherein the public safety is at risk and needs immediate attention, the Board may issue a Cease and Desist Order on the person requiring the person to cease and desist immediately from engaging in the act, practice or transaction. The Board may also apply, through the Attorney General, to a county Superior Court for an Injunction restraining the person from engaging in acts that further violate statute and rule. If an individual fails to comply with

an Order issued by the Board, they may file an action to restrain and enjoin the individual from engaging in the act, practice or transaction. If the action is willfully disobeyed, the Court shall impose a civil penalty of at least two hundred fifty and not more than one thousand dollars per violation.

Protects the Public By Requiring Continuing Education

A podiatrist is required to renew their license by June 30th of each year if they wish to continue practicing in Arizona. During each renewal cycle, a licensee is required to obtain 25 hours of continuing medical education (CME) in podiatric medicine related topics. Included in the 25 hours, a licensed podiatrist must take at least three hours in opioid related CME.

It is required that all licensees submit documentation of their CME at each renewal. This process allows for a 100% audit. If there is an issue with a licensee's CME, the licensee's renewal application is forwarded to the next regularly scheduled Board meeting. The Board reviews the renewal and makes a determination on the renewal and CME.

Responds to Requests for Information in a Timely Basis

The Board responds to public requests for information in a thorough and timely manner. Requests are responded to on average in two days. The Board's website includes a directory of licensed podiatrists. The non-confidential information includes name, public address and phone number, status of license, license number, original issuance date of license and disciplinary actions, if any. The directory provides primary source verification of licensees. In addition, individuals may call Board staff to receive information or further assistance during regular business hours.

The Board's website provides a Public Records Request form that may be submitted for purposes of obtaining copies of public documents. Interested parties may also make an appointment to view records in person at the Board office during normal business hours.

The Board's website includes agendas, minutes, audio recordings of open meetings, various Board information, application information, statutes and rules. Interested parties may purchase lists of licensees and public information.

At each Board meeting, time is set aside for a Call to The Public to allow anyone the opportunity to address the Board. Board staff receive training to ensure that confidential information is not released.

3. The extent to which the agency serves the entire State rather than specific interests.

The Board's services are provided to the general public as well as interested individuals. The website provides information to anyone seeking information regarding a licensee, Board meetings and agendas or other related information. The website serves citizens of Arizona as well as those who are outside of Arizona. If someone does not have internet access, our office provides information by phone or mail.

If a consumer contacts the Board office to ask for a recommendation, Board staff refers the consumer to their insurance carrier and the Arizona Podiatric Medical Association. Board staff does not promote a licensee over another; rather they try to meet the needs of the consumer to the best of their ability.

As mentioned previously, The Board's Chair is very active in the podiatric community. The Chair gives a yearly lecture to first-year students at Midwestern University. The lecture focuses on Professional Conduct from the Board Perspective. The presentation discusses the functions of the Board, license requirements, state statutes (particularly those associated with unprofessional conduct), legislative updates, and issues affecting the practice of podiatric medicine in Arizona. The Chair sits on several national associations as well. Other Board members sit on various state associations. The Board does all they can to educate consumers and those within the podiatric medical industry as to best practice, prevailing standards and all applicable laws that govern these practices and transactions.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

The Board promulgates rules pursuant to A.R.S. §32-805. The Board completed a Five Year Rule Review in 2019.

In 2020, the Board was granted approval from the Governor's Office to make changes necessary for language clean up and to be consistent with state statute. The rule package includes allowing licensees to obtain all of the required continuing medical education via electronically, requires a licensee to obtain three hours in opioid related continuing medical education pursuant to state statute (32-3248.02) and it repeals the oral exam pursuant to Fifty-third legislature, HB2256. On July 7, 2020, the Governor's Regulator Review Council reviewed and approved the rule package as written. The rule package will become effective on September 6, 2020.

As statutory changes occurs, the Board will respond appropriately and revise rules as needed, provided the Governor's office grants permission to make the rule changes. The Board has the statutory authority to promulgate rules that interpret and apply the broader authority of the statutes that relate to licensed individuals, when approval is given by the Governor's Office.

5. The extent to which the agency 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.

The Board encourages and welcomes input from the public and other stakeholders. This is accomplished through a number of ways including partnerships with professional organizations and associations. The Board would review and discuss any potential revisions in open public meeting.

When rule changes are proposed, notices will be sent to the state professional association, and the changes will be posted on the Board's website. The proposed rules are published in the Arizona Administrator Register and, if requested, an oral proceeding is held where the Board accepts oral comment on the proposed rules.

All Board members are subject to the Open Meeting Laws. Notices for meetings are posted as required by law and the Board provides a minimum of 24 hours' notice. The Open Meeting Law is part of the Board training process. The Assistant Attorney General assigned to the agency works with the Board to assure all of the Open Meeting Laws are followed as the Board carries out its activities.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

The Board is granted the authority to perform investigations and resolve complaints pursuant to A.R.S. §32-852.01. The Board investigates and resolves complaints in an appropriate and timely manner.

The Board Investigator reviews complaints against Board licensees prior to the investigation being presented to the Board in open meeting.

The Board generally receives between twenty and forty complaints per year against licensees. In 2017, the Board received 23 complaints and conducted investigations for all of them. In 2018, the Board received 33 complaints with investigations. In 2019, the Board received 25 complaints with investigations. As of July 2020, the Board has received 13 complaints. The average amount of time to process a complaint from receipt through Board action is 3-4 months.

The Board has sufficient authority to investigate complaints. Although the Board has no actual time frame established in rule for completing investigative cases, absent of pending litigation, complaints are resolved within 3-4 months.

7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

The Board is currently represented by the Attorney General's office to prosecute actions and provide legal counsel. The Board is currently represented by one Assistant Attorney General to ensure consistent and adequate representation to carry out its statutorily mandated duties. The statutes provide sufficient authority to prosecute violations of law.

Pursuant to A.R.S. §41-192, the Attorney General has the authority to prosecute actions and represent the Board. A.R.S. §§32-852 and 32-854.01 define violations and establish penalties. Pursuant to A.R.S. §32-855, the Board may also petition the Superior Court to prevent an unlicensed person from practicing unlawfully in the podiatry industry. Pursuant to A.R.S. §32-852.01(H), the Attorney General may go to the Superior Court to enforce subpoenas. The Board refers insurance fraud matters to the Attorney General Office.

8. The extent to which the agency has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

The Board ran legislation in 2020 to make the statutes more clear, concise and consistent with other healthcare agencies. The legislation included the following:

- clarification regarding the definition of podiatrist;
- provided clarification regarding residency;
- updated its statute pertaining to record retention to be consistent with state law
- authorizes the Board to create fees for public records, licensee lists, duplicate wallet cards and duplicate wall certificates consistent with other health care Boards;
- streamlines the application process; and
- authorizes the Board to require fingerprinting

The Bill (SB1094) passed both the Senate and House, however, due to the current health crisis all non-essential legislation was stalled, including the podiatry Bill (SB1094).

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in the sunset law.

The Board intends to run legislation during the 2021 session to address the deficiencies in question number 8.

10. The extent to which the termination of the agency, board, or commission would significantly affect the public health, safety, or welfare.

Podiatrists possess the ability to evaluate, diagnose and treat a variety of conditions/diseases of the lower leg, ankle and foot. It is critical to the public health, safety and welfare that podiatrists be suitably governed. Such governance includes the proper licensing and regulation of these health professionals to ensure that only properly-qualified practitioners are providing services to the public. Termination of the agency would significantly endanger the public and would allow persons who are not adequately educated or who may engage in unscrupulous medical and business practices, to operate in a lawless environment. Such activity, undoubtedly, would result in the provision of reckless and negligent care and would subject the public to medical and financial harm. The Board has taken disciplinary actions against licensees who posed a threat to the public's health, safety and welfare. Without a regulatory licensing function, there is no assurance that unqualified or incompetent podiatrists are excluded from practice. Without a regulatory complaint investigation and adjudication function, there are fewer mechanisms to discipline licensees that cause harm.

Also, without the Board, consumers would not have a resource to inquire about the profession. The Board provides a single source to adjudicate complaints between consumers and podiatrists. Elimination of the Board would not save public funds as the Board is supported by its licensees through application, license and renewal fees and would cost the state's General Fund the loss of its ten percent (10%) share of the Board's revenues and other professional fees required to adjudicate matters under the current Board's jurisdiction.

Other already over-burdened agencies, such as the Office of the Attorney General, would have to investigate, respond to and resolve consumer complaints if the Board was eliminated. These other agencies do not have the professional expertise the podiatrist members of the Board possess and as such, the result would be a less efficient and more expensive process of governance and public protection.

11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

The Board currently licenses podiatrists. All fifty states use licensure to regulate individuals in the podiatric medical profession.

Regulation of podiatrists establishes minimum standards that must be met in the areas of training, experience, education, and examinations. The standards for licensure in Arizona are consistent with other states. Supervised work experience is consistent across all fifty states. Arizona requires continuing medical education of its licensees. The Board currently requires 25 hours of continuing medical education each fiscal year. Twelve of the fifty states requires

more than twenty five continuing medical education hours each year. Thirteen of the states (including Arizona) requires 25 hours of continuing medical education each year.

The Board is comprised of five members, three of which are licensed podiatrists and two are public members.

12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

The Board utilizes the services of private contractors for services such as court reporting, rule writing, and the database system. The Board also utilizes the services of licensed podiatrists to investigate complaints and to serve as expert witnesses in cases that are forwarded to the Office of Administrative Hearings.

In addition to the use of private contractors, the Board effectively utilizes services from other agencies within state government to improve the Board's own efficiencies. As an example, the Board utilizes the services of the Arizona Attorney Generals' office to provide legal services to the Board. The Board contracts with Central Services Bureau to provide accounting and payroll services as well as the Arizona Department of Administration for IT support. Additionally, the Board recently contracted with CE Broker, at no cost to the Board, as a means for podiatrists to track continuing medical education.

13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the Committee of Reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently, and increasing the cost of government.

The Board is not aware of any negative consequences that are created unexpectedly which may affect the availability of services or limit individuals or establishments abilities to operate efficiently.

1. Identify the problem or the needs that the agency is intended to address.

The Board has identified several strategic issues that it intends to address:

- The Board intends to run legislation in the 2021 session to clarify sections of statute, remain consistent with state statutes and to authorize the Board to require fingerprinting;
- The Board is currently going through the rule-making process to clarify sections of rule, remain consistent with state statute and to allow licensees to obtain all of the continuing medical education via electronically, and;
- Continue to improve Agency processes.

In addition, the Board continue to address its established goals: To ensure that licenses are granted or renewed to qualified podiatrists; To effectively investigate and adjudicate complaints pursuant to statutes and rules; To provide accurate information and programs to stakeholders, including but not limited to: citizens, licensees, health care organizations, and other governmental bodies; To ensure agency policies and procedures are effective and efficient.

2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.

As reported in the agency's strategic plan and information technology plan the main objectives through fiscal year 2020 are to: Ensure that licensees are granted or renewed to qualified podiatrists; Effectively investigate and adjudicate complaints pursuant to statutes and rules; Provide accurate information and programs to stakeholders, including but not limited to citizens, licensees, health care organization, and other governmental bodies.

FY2020 Statistics and demographics:

| | | | |
|---------------------------------|----|---------------------------------------|-----|
| Board meetings held: | 12 | New licensees: | 39 |
| Complaints received: | 33 | License applicants: | 32 |
| Complaints closed: | 36 | Licenses denied: | 0 |
| Disciplinary actions taken: | 1 | Licenses renewed: | 431 |
| Letters of concern issued: | 8 | Licenses voided (due to non-renewal): | 23 |
| Cease & desist orders: | 0 | Active licensees: | 479 |
| Non-Disciplinary actions taken: | 1 | | |


3. Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

The Board has not identified any specific conflicts or duplication that needs to be addressed at this time. The Board consistently refers complaints to the appropriate agency of jurisdiction when necessary.

4. Assess the consequences of eliminating the agency or of consolidating it with another agency.

The elimination or termination of the agency and the effect on the public has been discussed in detail above. The consequences of eliminating the Agency would be that the profession would go unregulated. This would be detrimental to the safety and service to the citizens of Arizona. Consolidating with another agency would also be detrimental as the current level of service provided to the licensees would suffer. This Board regulates a unique profession that does not fall under the directive of any other agency.

I would like to personally thank the Committee of References and staff for their assistance during this review. I may be contacted at (602) 542-8151 or heather.broaddus@podiatry.az.gov with questions.

Sincerely,

Heather Broaddus
Executive Director

The AZ Foot and Ankle Medical Association strongly supports the full continuation of the AZ St. Board of Podiatry Examiners.

Joseph F. Abate - Attorney- Lobbyist for the AZ Foot and Ankle Medical Association