



PERFORMANCE AUDIT REPORT

Board of Nursing: Assessing Its Efficiency and Effectiveness in Carrying Out Its Administrative Responsibilities

Executive Summary ***with Conclusions and Recommendations***

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas**

June 2000



Legislative Post Audit Committee

Legislative Division of Post Audit

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To: Members of the Kansas Legislature

This executive summary contains the findings and conclusions, together with a summary of our recommendations and the agency responses, from our completed performance audit, *Board of Nursing: Assessing Its Efficiency and Effectiveness in Carrying Out Its Administrative Responsibilities*.

This report includes several recommendations concerning both the licensing and investigation functions of the Board. We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

If you would like a copy of the full audit report, please call our office and we will send you one right away.

Barbara J. Hinton
Legislative Post Auditor

**Board of Nursing: Assessing Its Efficiency and Effectiveness
In Carrying Out Its Administrative Responsibilities**

EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

**Question 1: What Problems Have Existed in the Way the
Board of Nursing Has Handled Its Administrative
Responsibilities Regarding Licensing and the Handling of
Fees, and How Can Those Situations Be Corrected?**

In the past year, some nurses have experienced significant delays getting their licenses. page 3
Based on our review of a sample of licenses issued during 2 periods (late 1999 and early 2000), we found that some significant delays still were common. For example, "endorsement" licenses issued to nurses who move to Kansas from another state still took nearly 2 months to issue; the longest delay during the more recent period was about 4 months. License renewals generally were issued within 2 weeks; the longest delay during the second period was 4 weeks.

Staff problems--including shortages and a lack of staff training and supervision--appeared to contribute most to licensing delays. At times during the past year, the Board was operating at about half its total staff, but has now filled most of those positions. Even if the Board were fully staffed, however, its licensing staff would have significantly higher workloads than similar staff in other regulatory boards.

Poor customer service frustrated many licensees. . . . page 7
Many licensees complained they weren't able to get through to the Board by phone to resolve licensing problems despite repeated attempts, or that staff weren't responsive when they did get through. Lack of coordination between the Board and the Division of Information Systems and Communications (DISC) appeared to be the primary cause of the phone problems, but lack of properly trained staff and staff shortages also contributed to poor customer service. Our review of recent phone records provided by DISC showed that phone system problems appear to be resolved. In addition, the new Executive Administrator has taken steps to ensure that staff are responsive to phone calls.

We noted a number of problems with the way the Board handles license applications and fees. . . . page 7
For example, the Board doesn't have a current policy and procedures manual, licensing staff process applications with minimal oversight, and the filing system for applications is disorganized. In addition, licensing staff who process applications also process fee payments, increasing the risk that applications and fees could be misplaced or misused. Staff also sometimes file fee payments or leave them in unopened mail instead of depositing them immediately. During our file review, we found 3 undeposited checks for renewal fees filed with the renewal applications. The lack of good procedures for handling applications and fees further increases the risk of additional delays and the loss or misuse of fee payments.

The Board's new Executive Administrator has acted to address many of these problems, but more needs to be done. . . . page 10
The Executive Administrator has filled nearly all the staff vacancies, contacted the Division of Accounts and Reports to help the Board get caught up with processing fee payments, arranged for the Division of Personnel Services to conduct an "operations review" of the workflow process, and provided ongoing staff evaluations and training. However, other steps are needed, such as filling the last 2 vacant positions and ensuring that the Division of Accounts and Reports assesses how the Board segregates its fee handling duties.

Question 1 Conclusion. . . . page 11
Like other small regulatory agencies we've audited in recent years, the Board of Nursing recently experienced a significant breakdown in its ability to operate effectively and responsibly on behalf of its licensees and the public. Although the new Executive Administrator has taken a number of steps to address the serious problems that existed in the Board's licensing operations, the agency still will need considerable help from other agencies to get those operations back on track.

Question 1 Recommendations. page 11
We recommended that the Board hire sufficient additional staff to increase the efficiency of the licensing process. We also specified a number of particular items that the Division of Accounts and Reports and the Division of Personnel Services should address in their evaluations of the agency. In addition, we made several recommendations to improve the licensing process, such as making sure that licensees getting temporary endorsement licenses through the walk-in process get checked for disciplinary and criminal histories.

In general, the Board concurred with our recommendations and is already taking steps to address many of them.

Question 2: What Problems Have Existed in the Way the Board Has Handled Its Administrative Responsibilities Regarding Investigations and Discipline, and How Can those Situations Be Corrected?

Licensees have reported a lack of timeliness in investigations. . . . page 12
We reviewed 20% (73) of the cases opened by the Board during the first half of 1999, and found that nearly 1 out of every 4 investigations exceeded the Board's time standards. Staff vacancies were the primary cause of investigation delays. However, even if the Board had a full staff, the Board's investigators would have higher caseloads than similar staff in other boards. More delays may occur because the Board doesn't have a systematic process for deciding which cases should be screened in and investigated, and it doesn't monitor whether investigations are proceeding in a timely manner.

Licensees have expressed concerns about inconsistencies and uncertainties that occur throughout the disciplinary process. . . . page 15
We looked at how the Board's Investigative Committee resolved cases and how the Committee's "informal interviews" were being used. The Committee recently developed thorough guidelines to help it resolve investigations in a consistent manner, but those guidelines weren't being followed. Although the informal interview process is neither an informal hearing nor a violation of the law, it has created a lot of confusion because the Board hasn't made the purpose of the interview clear to those licensees who participate in one. Finally, the Board's monitoring of licensees' compliance with disciplinary agreements is minimal.

Licensees had issues with the Board's written communication, but current letter templates generally didn't appear to be inappropriate. . . . page 19
Although the templates were factual and legalistic, they weren't offensive. One particular form letter, called the "KAPA" letter, was of particular concern to nurses, but the Board discontinued the use of this letter in December 1999. We did find a few individual letters written by past staff members that seemed unnecessarily adversarial, and we pointed these out to the Board staff.

Question 2 Conclusion. . . . page 20
Investigating complaints and administering appropriate disciplinary actions are key functions of the Board. To be effective and efficient in regulating licensees, the Board must be timely and consistent in its approach. Lack of staff is one reason why investigations and disciplinary processes aren't

as efficient as they could be, but the lack of written policies and procedures also has hampered the Board's ability to effectively discipline licensees. Further, some written policies, such as time standards for the disciplinary process and guidelines for consistent penalties, aren't being followed.

Question 2 Recommendations. *We recommended that the Board hire sufficient additional staff to effectively carry out its investigatory and disciplinary responsibilities. In addition, we made several recommendations concerning adoption of policies to help streamline investigations and reduce confusion among licensees.* . . . page 20

In its response, the Board generally concurred with our recommendations.

APPENDIX A: *Scope Statement* . . . page 23

APPENDIX B: *Agency Response* . . . page 25

This audit was conducted by LeAnn Schmitt, Gretchen Heasty, and Robin Kempf. Cindy Lash was the audit manager. If you need any additional information about the audit's findings, please contact Ms. Schmitt at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call us at (785) 296-3792, or contact us via the Internet at LPA@lpa.state.ks.us.