

LBA Performance Audit Report Summary:

Board Of Mental Health Practice Audit Report – November 2004

This performance audit was conducted to determine if the Board of Mental Health Practice (BMHP) has adequate rules or procedures for managing 1) compliant resolution, 2) licensing, and 3) office operations. The audit period includes State Fiscal Years (SFY) 1999-2004.

The BMHP's purpose is "to regulate mental health practice by practitioners in the state to assure that the services provided are effective and of a quality consistent with the standard of care within each profession, and to safeguard the public against harm which may be caused by untrained, unskilled, or unlicensed practitioners." It fulfills this mission by implementing administrative rules establishing licensing and re-licensing requirements and ethical standards for clinical mental health counselors, clinical social workers, marriage and family therapists, pastoral psychotherapists, and psychologists. Additionally, the BMHP is authorized to investigate complaints against licensed practitioners and discipline those found to be in violation of statute and rules.

The BMHP approved 941 applications during the audit period. As of June 2004, the BMHP provided oversight of 1,898 active mental health providers. On average, from SFY 2000-2004, it received 29 complaints against licensees per year, referred 23 for investigation, and disciplined five licensees. On average, it takes the board approximately one year, from when the complaint is filed, to resolve a complaint it investigates.

OBSERVATIONS

Our audit presents 17 observations with recommendations. Six observations address rules and policies for resolving complaints, three observations address monitoring of complaints and complainants' comments, four observations address controls over office operations, three observations address quorum-related issues, and one observation addresses licensing.

Implement Sufficient Rules And Policies For Resolving Complaints

We found the BMHP's administrative rules for investigations are inadequate and the process is poorly publicized. The board needs to specifically address how it should handle complaints against board members and other licensees associated with the board, and provide guidance to its investigators on how to document their work. Additionally, the board should seek statutory clarification of the role and responsibility of practitioners who act as supervisors of disciplined licensees.

Improve Monitoring Of Complaints And Complainants' Comments

We found the BMHP needs to systematically track complaints to better evaluate the timeliness of board actions. As part of tracking complaints, the board should ensure complainants have an adequate opportunity to comment on potential disciplinary actions.

Improve Controls Over Office Operations

We found the BMHP needs to strengthen controls over revenue processing and segregate certain duties to improve its handling of hundreds of thousands of dollars. The board also needs to periodically review how much it charges practitioners for licensing and examinations to ensure it only collects an appropriate amount to fund board operations. To ensure consistency and continued operations, the board needs to develop and maintain an office manual.

Address Quorum-Related Issues

We found the BMHP and Governor need to ensure the board is operating with seven eligible members. The board chairperson must ensure members file required statements of financial interests. In addition, the board needs a new statutory mechanism to conduct board business when it has to function with less than a quorum.