



A Legislative Summary Document Regarding Texas State Board of Dental Examiners

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We are concerned that weaknesses in the Texas State Board of Dental Examiners' (Board) complaint resolution process impair the Board's ability to protect the health of Texas dental consumers. The Board's inconsistent application of rules and policies and flawed investigation process severely weaken its oversight of dental professionals. The Board has an ongoing history of weaknesses in its complaint resolution process.

The Board does not consistently enforce policies regulating dental professionals. As a result, dental professionals who have committed similar infractions have received different sanctions or no sanctions at all. The Board also does not complete investigations regarding complaints about dental professionals in compliance with its own policies for evidence and timeliness. Staff investigators lack the authority and medical qualifications that could expedite the investigation process, particularly for high priority complaints involving death or injury.

Prepared for the 78th Legislature
by the State Auditor's Office

January 2003

SAO No. 03-370

This is not an audit report and, with the exception of any audit report summaries, the material in this document has not been subjected to all of the tests and confirmations performed in an audit.

Texas State Board of Dental Examiners

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Key Findings from Previous Audits and Reviews

January 1, 2001–December 31, 2002

An Audit Report on Internal Controls and Financial Processes at the Texas State Board of Dental Examiners

(Report No. 02-050, June 2002)

We are concerned that weaknesses in the Texas State Board of Dental Examiners' (Board) complaint resolution process impair the Board's ability to protect the health of Texas dental consumers. The Board's inconsistent application of rules and policies and flawed investigation process severely weaken its oversight of dental professionals. The Board has an ongoing history of weaknesses in its complaint resolution process. Prior State Auditor's Office reports issued in August 1997 and March 2000 made recommendations to the Board to strengthen controls over enforcement. We found that certain weaknesses we identified in these reports continue to exist.

Status of Audit Recommendations as of November 30, 2002

No status is reported at this time to allow the Board sufficient time to address recommendations in this recently released report.

The Board does not consistently enforce policies regulating dental professionals. As a result, dental professionals who have committed similar infractions have received different sanctions or no sanctions at all. The Board also does not complete investigations regarding complaints about dental professionals in compliance with its own policies for evidence and timeliness. Staff investigators lack the authority and medical qualifications that could expedite the investigation process, particularly for high priority complaints involving death or injury.

Examples of the specific weaknesses we identified in the Board's complaint resolution process include the following:

- The Board closed 22 percent of the quality-of-care complaints we reviewed without obtaining the records of a subsequent treating or second dental professional. Board policy requires investigators to obtain the records of a second dental professional's opinion when they investigate cases involving quality of care.
- The Board is not completing complaint investigations within the time frames established by its own policies. In fiscal year 2001, the Board took an average of 201 days to investigate cases based on a sample of 54 complaint investigations. Board policy states that cases should be investigated within 60 days (for Priority 1 complaints involving death or injury) or 120 days (for relatively less serious Priority 2 complaints).

It should be noted that our review of the Board's licensing process indicates that this process is timely and efficient. Although we found no issues associated with the licensing process itself, our findings regarding the complaint process indicate that the effectiveness of licensing is impaired when sanctions regarding license revocation are not implemented.

We tested the accuracy of two performance measures. We were unable to certify the Board's reported average time for complaint resolution. We certified with qualification the Board's reported average licensing cost for individual licenses issued.

Texas State Board of Dental Examiners

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Most Recent Performance Measure Certification

Fiscal Year 1998–Fiscal Year 2003

The results of *An Audit Report on Internal Controls and Financial Processes at the Texas State Board of Dental Examiners* (Report No. 02-050, June 2002) are summarized below.

Period	Goal/Strategy	Measure	Certification Results
2001	A.1.1	Complaint Resolution	Average Time for Complaint Resolution Inaccurate
2001	A.2.1	Licensure and Registration	Average Licensing Cost for Individual License Issues Certified with Qualification
Total Measures Certified Without Qualification^a			0/2 (0%)
Data Reliability Percentage (Certified and Certified with Qualification)			1/2 (50%)
^a The percentage of unqualified certifications is presented because it is used in determining an entity's eligibility for performance rewards as established in the General Appropriations Act [77th Legislature, Article IX, Sec. 6.31(d)(2)].			

Category	Definition
Certified	Reported performance is accurate within +/-5 percent, and controls appear adequate to ensure accurate collection and reporting of performance data.
Certified with Qualification	Reported performance is within +/-5 percent, but the controls over data collection and reporting are not adequate to ensure the continued accuracy of performance data.
Factors Prevented Certification	Actual performance cannot be determined because of inadequate controls and insufficient documentation.
Inaccurate	Reported performance is not within +/-5 percent of actual performance, or there is an error rate of at least 5 percent in the supporting documentation.
Not Applicable	A justifiable reason exists for not reporting performance.

Information System Vulnerability Assessments

The State Auditor's Office (SAO) and/or the Department of Information Resources performed one or more information system vulnerability assessments at the Texas State Board of Dental Examiners between January 2000 and November 2002. Detailed results of this work are confidential under Texas Government Code, Section 2054.077(c). The SAO's Legislative Summary Document titled "Information System Vulnerability Assessments" provides general information about the results of information system vulnerability assessments.

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Travel Expenditures

Travel Expenditures by Appropriation Year (unaudited)			
	2000	2001	2002
In-State Travel	\$ 49,517	\$ 48,667	\$ 64,634
Out-of-State Travel	7,283	7,205	4,100
Foreign Travel	0	0	0
Other Travel Costs	(133)	0	58
Total Travel Expenditures	\$ 56,667	\$ 55,872	\$ 68,792
Limit on Travel Expenditures (Cap)	70,972	70,972	7,283 ^a
Expenditures in Excess of Cap	\$ 0	\$ 0	\$ 0

^a Caps apply to total travel in appropriation years 2000 and 2001, but caps apply only to out-of-state travel and foreign travel in appropriation year 2002. Caps, calculated by the Comptroller of Public Accounts, have been adjusted for any increases requested by the Board and approved by the Legislative Budget Board in accordance with the General Appropriations Act.

Source: Uniform Statewide Accounting System (USAS) as of November 30, 2002. Amounts are subject to change as agencies continue to record additional expenditures or adjustments.