

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE
MINUTES

September 11, 2019

The Legislative Performance Audit and Oversight Committee met on Wednesday, September 11, 2019 at 11:00 AM in Room 212 of the Legislative Office Building.

Members in attendance were as follows:

Sen. John Reagan, Chair
Sen. Jay Kahn
Sen. Bob Giuda
Rep. Lynne Ober
Rep. Richard Barry
Rep. Mary Jane Wallner
Rep. David Huot

The meeting convened at 11:00 AM.

ACCEPTANCE OF MINUTES:

On a motion by Representative Weber, seconded by Representative Ober, that the minutes of the June 12, 2019 meeting be accepted.

MOTION ADOPTED.

CURRENT STATUS OF ONGOING PERFORMANCE AUDITS:

Stephen Smith, Audit Division Director, informed the Committee members of two audits currently in process: the Department of Education (DOE), Bureau of Vocational Rehabilitation; and the Liquor Commission, Division of Enforcement and Licensing. Field work for the Bureau of Vocational Rehabilitation is still active. Completion is targeted for February. Planning is near completion and fieldwork has begun for the Liquor Commission, Division of Enforcement and Licensing. The scope statement was to be discussed momentarily, and the completion is targeted for February.

Mr. Smith reminded the Committee of the four audits in the queue: 1) the Department of Administrative Services, Office of Cost Containment; 2) the Department of Health and Human Services, Sununu Youth Service Center; the Board of Dental Examiners at OPLC; and 4) Department of Profession Licensure and Certification. No work had begun on the audits.

Representative Ober requested that of the four audit topics, the Sununu Center audit be moved to the top of the queue.

DISCUSSION AND APPROVAL OF PROPOSED SCOPE STATEMENT FOR THE LIQUOR COMMISSION, DIVISION OF ENFORCEMENT AND LICENSING:

On a motion by Chairman Reagan, seconded by Representative Huot, that the scope statement for the Vocational Rehabilitation Program performance audit be accepted.

Steven Grady; Senior Audit Manager and in-charge auditor of the Liquor Commission, Division of Enforcement and Licensing audit; briefed the Committee and responded to questions regarding the scope statement on the Liquor Commission, Division of Enforcement and Licensing audit.

MOTION ADOPTED.

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting will be at the call of the Chair.

Chairman Reagan adjourned the Committee at 11:23 AM.

John Reagan, LPAOC Chair

Recently audited agencies in yellow.

LBA Performance Audits by State Agency as of March 1, 2021

Constitutional Officers that we can not audit in grey

Department/Agency	Year Issued
Adjutant General	
Administrative Services, Department Of	April 2016 (Back Office), May 2015 (Recycling), March 2013 (Emp. Vs. Contractors), June 2011 (Health Benefit Program), March 2009 (Service Contracting), September 2008 (Fleet Mgmt), July 2008 (Succession Planning), September 2006 (Insurance Procurement), November 1993 (Prop. & Casualty Loss), June 1990 (Procure. & Prop. Mgmt. Serv.), December 1987 (Deferred Comp. Plan), August 1984 (Fleet Mgmt), June 1984 (Mgmt Review)
Adult Parole Board	April 2019
Agriculture, Markets, & Food, Department Of	
Banking Department	
Boxing - Wrestling Commission	
Business Finance Authority	
Civil Air Patrol	
Community College System of NH	August 2017 (CCSNH)
Community Development Finance Authority	January 2014
Corrections, Department Of	November 2016 (Sexual Offender Treatment), November 2013 (Trans. Housing), November 2012 (Security Staffing), November 2012 (Nonsecurity Staffing), December 2003 (Div. of Field Serv.), January 2003 (Inmate Healthcare), October 2002 (Sexual Harr. & Misconduct), April 1992 (Prison Expansion)
Cultural Resources, Department Of	
Development Disabilities Council	
Education, Department Of	February 2021 (Vocational Rehabilitation), July 2014 (Charter School), February 2007 (NCLB), December 2004 (Adequate Ed. Grant), September 2001 (Construction & Reno. Programs), August 2001 (Voc. Rehab.), July 1999 (Sp.Ed. Cat.Aid)
Employment Security, Department Of	
Energy & Planning, Office Of	
Environmental Services, Department Of	May 2019 (Wetlands Division), May 2018 (Air Division), October 2015 (Dams), December 2009 (Fuel Cleanup), August 2007 (Alter. Terrain & Wetland), March 2002 (Perf.-Based Budgeting), June 1989 (Hazardous Waste Mgmt),
Executive Council	
Fish & Game Commission	January 2008
Governor's Commission on Disability	
Health & Human Services, Department Of	Forthcoming (Sununu Center), June 2019 (Cannabis Program), February 2016 (DD Unspent App.), October 2015 (Child Spprt.), July 2015 (Food), June 2014 (Health Facility Licensing), September 2013 (EBT Cards), March 2013 (Juv. Justice Serv.), July 2010 (Mental Health Sys.), July 2009 (Medicaid Long-Term Care), April 2004 (Children Severe Disabilities), April 2003 (Elderly Home & Comm. Care), September 2001 (Foster Care), November 1998 (Juv. Justice), January 1998 (Health Serv. Planning & Rvw Board), May 1997 (Job & Skills Training), December 1995 (Child Support Serv.), December 1995 (DWI Program), March 1993 (Child Settlement), April 1991 (Dev. Serv. System), January 1990 (Mental Health Serv.)
Human Rights Commission	
Information Technology, Department Of	March 2018, July 2008
Insurance, Department Of	August 2007
Judicial Branch	November 2003 (Branch Administration), January 2000 (Family Division Pilot), January 1989 (Indigent Defense)
Judicial Council	
Justice, Department Of / Attorney General	
Labor, Department Of	November 1995 (Workers' Comp. Eval. Report)
Liquor Commission	February 2021 (Division of Enforcement), April 2009, July 1994
Lottery Commission / Racing & Charitable Gaming	
McAuliffe-Shepard Discovery Center	
Municipal Bond Bank	
Professional Licensure and Certification, Office Of	
*Division Of Health Professions	
-Acupuncture Licensing	
-Alcohol & Drug use Professionals	
-Allied Health Professionals	
-Barbering, Cosmetology, & Esthetics	
-Body Art Practitioners	
-Chiropractic Examiners	
-Dental Examiners	Planning
-Dietitians	
-Electrologists	
-Funeral Directors & Embalmers	
-Hearing Care Providers	
-Massage Therapists	
-Medical Technicians	
-Medicine	April 2008
-Mental Health Practice	November 2004

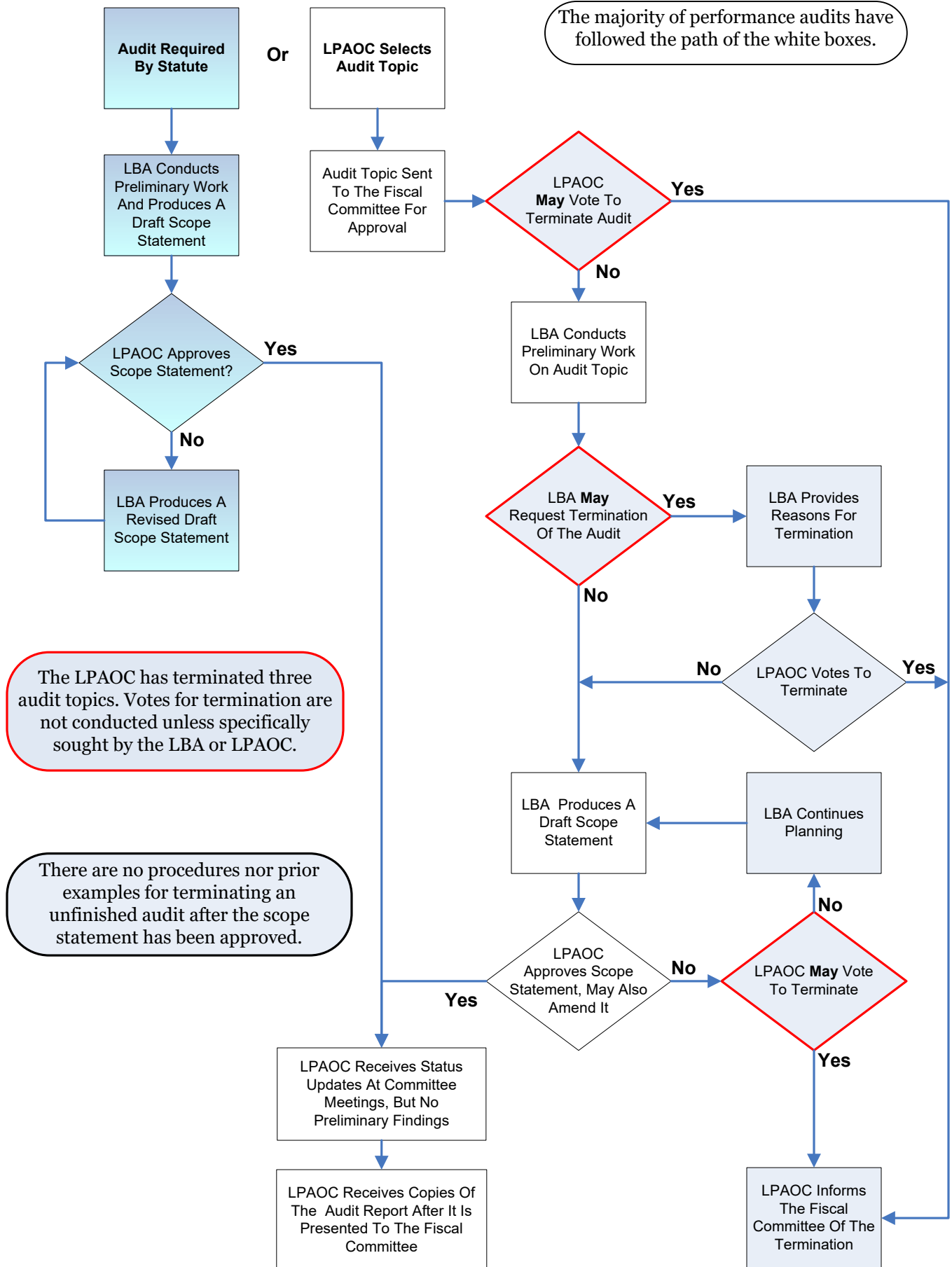
Recently audited agencies in yellow.

LBA Performance Audits by State Agency as of March 1, 2021

Constitutional Officers that we can not audit in grey

Department/Agency	Year Issued
-Naturopathic Examiners	April 2017
-Nursing	
-Nursing Home Administrators	
-Ophthalmic Dispensers	
-Optometry	
-Pharmacy	May 2015
-Podiatry	
-Prescription Drug Monitoring Program	December 2017
-Psychologists	
-Reflexology, Structural Integrators & Asian Bodywork Therapists	
<i>* Division Of Technical Professions</i>	
-Airborne Radon Mitigation Certification	
-Architects	
-Certified Public Accountants	
-Court Reporters	
-Electricians	
-Family Mediators	
-Foresters	
-Guardian Ad Litem	January 2012
-Home Inspectors	
-Installers - Manufactured Housing	
-Land Surveyors	
-Landscape Architects	
-Manufactured Housing	
-Mold Assessment Certification	
-Natural Scientists	
-Professional Engineers	
-Professional Geologists	
-Real Estate Appraisers	
-Real Estate Brokers & Salespersons	September 2017
Pease Development Authority	
Police Standards & Training Council	February 2019
Public Employees Labor Relations	
Public Utilities Commission	April 2012
Resources & Economic Development, Department Of	April 2016 (WorkReadyNH), June 2014 (Div. Economic Dev.), October 1997 (Econ. Dev.)
Revenue Administration, Department Of	July 2013 (Delinquent Taxes)
Safety, Department Of	August 2016 (HSEM), November 2014 (Radio Interop.), April 2013 (DMV Cust. Serv.), September 2011 (Police Forensic Lab.), October 2010 (Div. State Police Op. Bureau), January 2006 (Enhanced 911), November 2001 (Div. Fire Safety), March 1998 (Marine Patrol), March 1988 (Allocation Hwy Fund Resources)
<i>*Administratively Attached Boards</i>	
-Plumbers Board	December 2009
-Pipe Fitters Board	
-Highway Safety	
Secretary Of State	
<i>*Administratively Attached Boards</i>	
-Auctioneer's Board	
-Board Of Claims	
-Records Management & Archives	
-Securities Regulation	
Tax & Land Appeals, Board Of	
Transportation, Department Of	September 2016 (Bridge Maint.), November 2014 (Fleet Mgmt), April 2001 (Turnpikes)
Treasury, Department Of	
Retirement System	
University System Of New Hampshire	
Veterans Home	February 2014 (Internal Controls over Budget),
Veterans Services	
Statewide	July 1999 (Year 2000 Computing Crisis - Special Report Update), March 1999 (Year 2000 Computing Crisis - Special Report)

LPAOC's Role In Approving Audit Topics And Determining Their Scope



STATE OF NEW HAMPSHIRE
OFFICE OF LEGISLATIVE BUDGET ASSISTANT, AUDIT DIVISION

PROPOSED PERFORMANCE AUDIT SCOPE
BOARD OF DENTAL EXAMINERS

In August 2019, the Fiscal Committee of the General Court adopted a joint Legislative Performance Audit and Oversight Committee recommendation to conduct a performance audit of the Board of Dental Examiners (Board). We held an entrance conference with representatives of the Board and the Office of Professional Licensure and Certification (OPLC), in December 2020.

BACKGROUND

The Board was created to protect the public's health, safety, and welfare by licensing and regulating dentists and dental hygienists. To achieve this objective, the Board was required to establish licensure requirements and issue licenses to qualified applicants, establish rules to regulate dentistry and dental hygiene, and receive and adjudicate complaints against licensees.

Management Control Framework

The Board and the OPLC were responsible for designing integrated control systems to help achieve objectives, operate efficiently and effectively, report reliable information, and comply with laws and rules. Controls can help assure accountability and encompass the plans, methods, policies, and procedures used to fulfill the Board's purpose and accomplish strategic goals and objectives. However, preliminary analysis indicated the Board lacked control systems to manage its relationship with the OPLC, oversee its committees, manage and monitor its performance and compliance with laws and rules, manage information, and ensure transparency and consistency.

Organization

The Board's nine governor-appointed members served five-year terms. The Board included six dentists, two hygienists, and one public member. Several committees supported Board operations. The statutory Dental Hygienists Committee was to develop rules regulating the practice, discipline, education, examination, and licensure of hygienists. The rules-based Anesthesia and Sedation Evaluation Committee was to ensure dentists with general anesthesia or sedation permits conformed to applicable rules, and a subordinate advisory subcommittee, formed at the Board's request in calendar year (CY) 2017, was to provide advice on anesthesia-related issues.

The OPLC was created to provide the Board efficient administrative, clerical, business process, and recordkeeping support. Reportedly, administrative, clerical, and recordkeeping support included assistance with rulemaking and proposed revisions to laws, taking meeting minutes, and maintaining records. Business process support was reported to include processing licensing applications, maintaining a licensure database, processing and reviewing complaints, overseeing complaint investigations, and managing the disciplinary process.

Licensing

The Board held authority to establish substantive requirements for becoming licensed and retaining licensure, while the OPLC was responsible for efficient operation of licensing processes. Applications for initial licenses, which lasted two years, were processed manually. Applicants had to meet educational, examination, conduct, and other requirements to be eligible. Renewals were processed electronically starting in CY 2018, in alternating years for dentists and dental hygienists. Licenses

**PROPOSED PERFORMANCE AUDIT SCOPE
BOARD OF DENTAL EXAMINERS**

could be renewed by meeting professional conduct and other requirements, including continuing education. Late renewals were permissible with a fee, but if a license lapsed, it could be reinstated.

The Board also issued permits to qualified licensees for anesthesia-related procedures, some of which required both facility inspections and comprehensive evaluations. Additionally, the Board regulated aspects of dental assistants' practice, certified public health dental hygienists, and permitted expanded function dental auxiliaries.

There were reportedly 4,260 active Board licenses in State fiscal year (SFY) 2020. The numbers of permits and other certifications issued were not published. Board revenue in SFYs 2018 and 2019 totaled \$871,142, primarily obtained from licensing fees, while expenses totaled \$521,119.

The State's pandemic response affected the Board's operating environment. Emergency orders allowed for emergency licensing and telehealth, altered licensee continuing education requirements, and altered applicant examination requirements.

Monitoring And Enforcement

To regulate the practices of dentistry and dental hygiene, the Board was empowered to investigate potential professional misconduct among licensees and take necessary disciplinary action. The Board could receive complaints about potential misconduct, or, alternatively, the Board could initiate an investigation without a complaint if it had a reasonable basis for doing so. The Board then would conduct adjudicative and disciplinary proceedings, as needed. During SFY 2020, the Board reportedly received 41 complaints and took no disciplinary actions. The imposition of disciplinary action was not consistent year-to-year, however. In SFY 2018, the Board reportedly received 34 complaints and took disciplinary action in 11 cases.

AUDIT SCOPE

We will design the audit to answer the following question: ***How efficiently and effectively did the Board administer its responsibilities and operations regulating the professions of dentistry and dental hygiene during SFYs 2019 and 2020?*** To address this question, we plan to:

- review relevant State and federal laws, administrative rules, declaratory rulings, orders, plans, policies, procedures, guidance, and similar materials;
- review audits, guidance, and related materials from other states and national organizations;
- interview Board members and staff with relevant responsibilities;
- observe Board and committee meetings occurring during the audit;
- obtain perspectives from external stakeholders; and
- obtain, review, and analyze relevant Board records and data.

We will examine management controls and other relevant matters outside the audit period when they affect Board operations during and after the audit period. We will also examine OPLC and other agencies' management control systems when they directly affect Board operations.

We anticipate completing this audit and presenting the final report to the Fiscal Committee in early fall CY 2021.