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PE 11-07-496

REGULATORY BOARD REVIEW

# WEST VIRGINIA BOARD OF PHYSICAL THERAPY

## AUDIT OVERVIEW

The Board of Physical Therapy Is in Compliance With the General Statutory Requirements for Regulatory Boards and Has Improved Its Financial Condition Compared to Previous Years



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## EXECUTIVE SUMMARY

This report represents the Regulatory Board Review of the West Virginia Board of Physical Therapy (Board), as required by West Virginia Code §4-10-10. The Legislative Auditor finds that the Board is in compliance with the general provisions of Chapter 30. However, the Board can make improvements in its operations by adopting recommendations made by the Legislative Auditor in addition to promulgating rules in accordance with Code.

### **Report Highlights:**

#### **The Board of Physical Therapy Is in Compliance With the General Statutory Requirements for Regulatory Boards and Has Improved Its Financial Condition Compared to Previous Years.**

##### **The Board Has Improved Its Financial Condition.**

- The Board had a precariously low end-of-year cash balance from FY 2006 through FY 2008. As of FY 2010 the Board's finances are in better condition with an ending balance that is greater than its yearly expenditures.

##### **The West Virginia Board of Physical Therapy Does Not Require Licensees to Report Continuing Education for Licensure Renewal.**

- The Board should amend its license renewal application to allow applicants to list continuing education information such as course titles, institution and completion dates.

##### **The Board Does Not Have the Legal Authority to Administer Federal Criminal Background Checks**

- The Board uses the Federation of State Boards of Physical Therapy Licensure and Disciplinary Database (LDB). However, the (LDB) does not capture information regarding criminal charges and/or convictions that may have occurred outside of the licensees professional practice. Consequently, the Board could inadvertently license or renew licensees with a criminal background.

## **Complaints to the Board Are Resolved Timely and With Due Process**

- All complaints, with the exception of two pending cases, were resolved within the 18-month time frame as mandated by statute.

## **The Legislature Transferred the WV Board of Education's Responsibility for Licensing Athletic Trainers to the WV Board of Physical Therapy Per the Legislative Auditor's 2007 Recommendation**

- The Board is currently accepting athletic trainer applications and estimates 225 to 250 registrations for the current registration period.

## **Recommendations**

1. *The Board should request that the Legislature consider granting it the authority to conduct federal criminal background checks on applicants seeking licensure.*
2. *The Board should consider revising its licensure application to allow licensees to list relevant information concerning their continuing education, such as course titles, provider and completion dates.*
3. *The Board should promulgate procedural rules that govern the notice of meetings rule as required by Code §6-9A-3.*
4. *The Board should carefully monitor its financial condition in order to maintain cash reserves equivalent to or greater than its yearly expenditures.*
5. *The Board should consider conducting state criminal background checks on licensure applicants until it receives authorization to conduct federal criminal background checks.*

## BACKGROUND

The West Virginia Board of Physical Therapy (Board) is established in West Virginia Code §30-20-4 and is responsible for licensing physical therapists (PTs), physical therapy assistants (PTAs). The Board is also the disciplinary body for all professions licensed by the Board. The Board collects and processes applications for licensure as well as complaints filed against licensees in addition to renewing licenses. The Board of Physical Therapy licenses 2,000 persons. Table 1 displays the number of individuals licensed in each occupation.

<b>Table 1</b>	
<b>Number of Persons Licensed by the Board of Physical Therapy</b>	
Physical Therapists	1,166
Physical Therapy Assistants	834
Total	2,000
<i>Source: West Virginia Board of Physical Therapy</i>	

To become licensed by the Board, PTs are required to have graduated from an accredited school of physical therapy approved by the Commission on Accreditation in Physical Therapy Education or a successor organization. PTAs must have graduated from a two-year college level education program for physical therapist assistants that meets the standards established by the Commission on Accreditation in Physical Therapy Education and the West Virginia Board of Physical Therapy. In 2010, the Board granted new licenses to 100 PTs and 83 PTAs.





## ISSUE 1

### **The Board of Physical Therapy Is in Compliance With the General Statutory Requirements for Regulatory Boards and Has Improved Its Financial Condition Compared to Previous Years.**

#### **Issue Summary**

The Board of Physical Therapy is in compliance with the requirements set forth in Chapter 30 of the *West Virginia Code*. The Board is financially self-sufficient with a cash balance of \$193,418; however, between FY 2006 and FY 2008 the Board had precariously low cash reserves. Licensing fees are higher than those of surrounding states. The required continuing education has been established and the number of hours required is comparable to the national average. However, licensees are not required to provide proof of continuing education when applying for licensure renewal. The Board does not have the legal authority to administer criminal background checks through the FBI for initial applicants or existing licensees. The Board needs to establish a notice of meetings rule as required by *Code*. The Board's complaint process has due-process rights and is timely. The Board of Physical Therapy is publically accessible. The Legislature transferred the WV Board of Education's responsibility for licensing athletic trainers to the WV Board of Physical Therapy.

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*The Board does not have the legal authority to administer criminal background checks through the FBI for initial applicants or existing licensees.*

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#### **Chapter 30 Compliance**

The Board of Physical Therapy is in compliance with the following general provisions of Chapter 30:

- The Chair or Chief Financial Officer has attended an orientation session conducted by the State Auditor (§30-1-2a (b)).
- The Board has adopted an official seal (§30-1-4).
- The Board has met at least once annually (§30-1-5(a)).
- The Board's complaints have been investigated and resolved with due process (§30-1-5(c);(30-1-8)).
- Rules have been promulgated specifying the investigation and resolution procedure of all complaints (§30-1-8).
- The Board has been financially self-sufficient in carrying out its responsibilities (§30-1-6(c)).
- The Board has established continuing education (§30-1-7a).
- The Board has created a register of all applicants with the

- appropriate information specified in Code (§30-1-12(a)).
- The Board has submitted annual reports to the Governor (§30-1-12(b)).
- The Board has complied with public access requirements as specified by (§30-1-12(c)).
- The Board has prepared and maintained a Roster of all licensees which includes name, and office address (§30-1-13).

## The Board Has Improved Its Financial Condition

The Legislative Auditor found that the Board had a precariously low end-of-year cash balance from FY 2006 through FY 2008. For example, the Board's FY 2007 ending cash balance was only \$12,698 while its annual expenditures were \$210,899. Had this Board incurred any unexpected expenditures, they could have easily depleted the Board's cash reserves. Table 2 illustrates the stark contrast between the Board's ending cash balance from FY 2006 through FY 2008 relative to the Board's cash balance from FY 2009 through FY 2010. Additionally, the Board's fee structure has not changed and the number of licensees has remained basically flat from FY 2006 through FY 2010. However, as of FY 2010 the Board's finances are in better condition with an ending balance that is greater than its yearly expenditures. **Regulatory boards should strive to maintain end-of-year cash reserves equivalent to at least one year of expenditures.**

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*The Legislative Auditor found that the Board had a precariously low end-of-year cash balance from FY 2006 through FY 2008.*

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<b>Fiscal Year</b>	<b>Starting Balance</b>	<b>Revenue</b>	<b>Expenditures</b>	<b>Ending Balance</b>
<b>2006</b>	\$51,426	\$193,983	\$212,208	\$33,201
<b>2007</b>	\$33,201	\$190,396	\$210,899	\$12,698
<b>2008</b>	\$12,698	\$221,552	\$184,666	\$49,585
<b>2009</b>	\$49,585	\$231,156	\$161,314	\$119,427
<b>2010</b>	\$119,427	\$260,383	\$186,392	\$193,418

*Source: West Virginia Digest of Revenue Sources, FY 2006-2010, West Virginia Legislative Auditor's Office.*

The Board collects initial licensure and licensure renewal fees from physical therapists and physical therapy assistants. The Board requires

physical therapists to pay an initial licensure fee of \$220, and a biennial renewal fee of \$120. Physical therapy assistants pay an initial licensure fee of \$140, and a biennial renewal fee of \$80.00. Table 3 contains the licensure fees for PTs and PTAs in West Virginia and neighboring states.

State	Profession	Initial Licensure Fee	Renewal Fee	Renewal Period
<b>Kentucky</b>	PT	\$200	\$150*	Biennial
	PTA	\$200	\$150*	Biennial
<b>Maryland</b>	PT	\$150	\$325	Biennial
	PTA	\$150	\$300	Biennial
<b>Ohio</b>	PT	\$100	\$80	Biennial
	PTA	\$100	\$80	Biennial
<b>Pennsylvania</b>	PT	\$30	\$90	Biennial
	PTA	\$30	\$45	Biennial
<b>Virginia</b>	PT	\$140	\$135	Biennial
	PTA	\$100	\$70	Biennial
<b>West Virginia</b>	PT	\$220	\$120	Biennial
	PTA	\$140	\$80	Biennial
<b>Average</b>	PT	\$140	\$150	Biennial
	PTA	\$121	\$120	Biennial

*\*Kentucky renewal fee includes an assessment fee of (20) dollars.  
Source: State Boards of Physical Therapy.*

PTs practicing in West Virginia pay the highest initial licensure fee relative to the states bordering West Virginia. Pennsylvania's initial licensure fee for PTs is only \$30, the lowest fee of any state bordering West Virginia. PTAs practicing in West Virginia pay the third highest initial licensure fee of \$140. Overall the fee structure in West Virginia is moderately higher than its bordering states. The Board is facing no budgetary concerns at this time.

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*The Board is facing no budgetary concerns at this time.*

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## The Board of Physical Therapy Has Established Continuing Education Requirements

The Board of Physical Therapy has established continuing education requirements for its licensed professions. PTs and PTAs must have 24 hours of continuing education every two years in order to qualify for license renewal. Table 5 displays the continuing education requirements for West Virginia and surrounding states. The continuing education requirements of the surrounding states are relatively comparable to the West Virginia Board of Physical Therapy continuing education requirements. Additionally, Appendix B contains the CE requirements for PT's for all 50 states and the District of Columbia.

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*The continuing education requirements of the surrounding states are relatively comparable to the West Virginia Board of Physical Therapy.*

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<b>State</b>	<b>CE Hours</b>	<b>Renewal Period</b>
National Average	21	Biennial
Kentucky	30	Biennial
Maryland	30	Biennial
Ohio	24	Biennial
Pennsylvania	0	Biennial
Virginia	30	Biennial
West Virginia	24	Biennial

*Source: Gannett Healthcare Group, a division of Gannett company, INC., www.TODAYinPT.com*

## The West Virginia Board of Physical Therapy Does Not Require Proof of Continuing Education

The Legislative Auditor found that although the Board requires licensees to complete 24 hours of continuing education it does not require its licensees to submit evidence of continuing education in addition to their license renewal application. Instead, the licensure renewal application asks if the applicant has fulfilled the continuing education requirements. The Board stated that:

*“Yes, the board does not require licensees to provide proof of continuing education in addition to their license renewal application, because it would... require proof of ce's [sic] during renewal, it would be a massive undertaking but this was discussed in a prior board meetings [sic] but was decided to bring the subject up again before the next renewal time.”*

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*Although the Board requires licensees to complete 24 hours of continuing education it does not require its licensees to submit evidence of continuing education.*

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The West Virginia Board of Medicine requires physician assistants to provide the Board written documentation of participation in and successful completion of continuing education as a condition of licensure renewal. Furthermore, Code requires that pharmacists submit proof to the Board of Pharmacy that they have satisfactorily completed an accredited program of continuing professional education. The Legislative Auditor finds that the Board needs to take action in terms of monitoring licensee compliance with its continuing education requirements. The public expects regulatory boards to ensure that its licensees complete the required continuing education courses in order to enhance their skills and in turn provide their patients with the safest and most effective treatment possible. The Board could easily add a new section to its license renewal application where applicants could list continuing education information such as course titles, institution and completion dates or require applicants to submit proof of continuing education.

Five percent of licensees are audited annually for continuing education compliance. The Board requires auditees to provide proof of continuing education. The Board audited 49 licensees during FY 2011, and three licensees or six percent of licensees were found to be non-compliant. If the Board finds that a licensee has not completed the required continuing education, their license is placed in “delinquent” status.

The Legislative Auditor believes that a patient’s health could be compromised if a physical therapist fails to upgrade his or her skills through continuing education courses. For example, if a PT fails to acquire the required continuing education, the PT may be unaware of new practices or research and may continue using older physical therapy treatments that might be harmful to the patient in terms of health, length of treatment and treatment costs. The Board has discussed the issue of requiring licensees to submit proof of continuing education in addition to the licensure renewal application, and stated that it may take the following steps to better regulate continuing education compliance:

*“We could have our license software to include the licensees to list their ce’s [sic] when they are renewing online and they can attach a pdf [sic] of their certificates. If they cannot provide the pdf [sic], they would need to mail in the certificates along with their renewal application. For the ones that renew by mail, we could require them to mail the CE [sic] certificates at the same time with renewals. We could also have licensee’s [sic] mail their certificates as they take the courses. That way it’s a continuous job and not all at once. But just getting the licensee to renew their license on time is hard enough.”<sup>1</sup>*

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*The Board could easily add a new section to its license renewal application where applicants could list continuing education information such as course titles, institution and completion dates.*

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*The Board audited 49 licensees during FY 2011, and three licensees or six percent of licensees were found to be non-compliant.*

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<sup>1</sup>PDF- A file format that provides an electronic image of text or text and graphics that looks like a printed document and can be viewed, printed, and electronically transmitted.

The Board should adopt the aforementioned recommendations in order to better regulate licensee compliance with its continuing education requirements.

### **The Board Does Not Have the Legal Authority to Administer Federal Criminal Background Checks**

The West Virginia Board of Physical Therapy lacks the legal authority to conduct federal criminal background checks during the licensure application and renewal process. The Board does not conduct state criminal background checks although they are authorized to do so pursuant to §15-2-24. Instead, the Board uses the Federation of State Boards of Physical Therapy Licensure and Disciplinary Database (LDB). This database allows physical therapy licensing boards to share and access a licensee’s disciplinary history with other State Boards of Physical Therapy. However, the Disciplinary Database does not capture information regarding criminal charges and/or convictions that may have occurred outside of the licensee’s professional practice. Consequently, the Board could inadvertently license or renew licensees with a criminal background. The Board stated that:

*“Yes, it’s correct that our board does not conduct criminal background checks on initial applicants or existing licensees when applying for licensure renewal. While working with the legislature [sic] on our Rules, we were advised that we could not add criminal background checks to our new Rule because it is not written in our statute.”*

Therefore, the Legislative Auditor finds that the Board should request that the Legislature grant it the authority to conduct federal criminal background checks on applicants seeking licensure in order to increase public safety. The Board should consider utilizing the State Police criminal background check system until the Legislature grants it the authority to conduct federal criminal background checks.

### **The Board Needs to Establish a Notice-of-Meetings Rule as Required by Code**

The Board has submitted notices for all scheduled board meetings to the West Virginia Secretary of State’s Office. However, the Board has not adopted an official Procedural Rule regarding the notice of meetings as mandated by *Code* §6-9A-3 which states:

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*The Board does not conduct state criminal background checks although they are authorized to do so pursuant to §15-2-24.*

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*The Board should consider utilizing the State Police criminal background check system until the Legislature grants it the authority to conduct federal criminal background checks.*

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“Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time place and purpose of all special meetings are made available, in advance, to public and news media, except in the event of an emergency requiring immediate official action.”

Therefore, the Board should comply with *Code* and adopt Procedural Rules specifying the date, time, place, agenda and all other matters pertaining to its board meetings.

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*The Board should comply with Code and adopt Procedural Rules specifying the date, time, place, agenda and all other matters pertaining to its board meetings.*

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### Complaints to the Board Are Resolved Timely and With Due Process

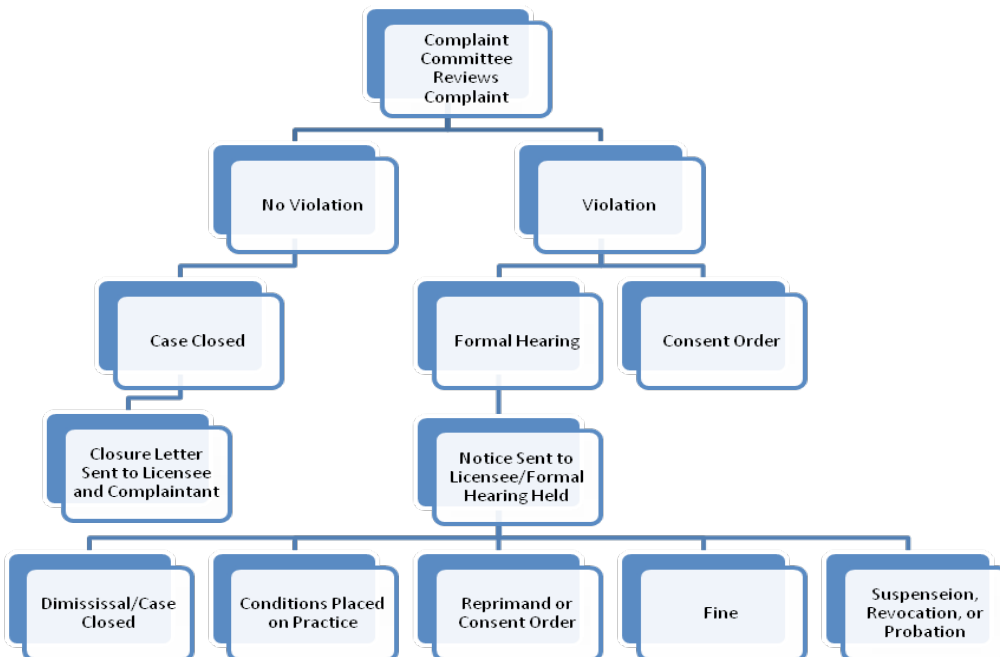
The Legislative Auditor reviewed all 15 complaints received from 2008 to 2010, of which two are currently pending and have not yet fallen outside of the 18- month timeframe. The Board provided status reports to the complainant for the one complaint that went beyond six months. Table 4 shows the number of complaints received yearly for the past three fiscal years, and the number resolved within 18 months as well as the average time to resolution.

<b>Table 5 Complaint Resolution Statistics</b>			
Fiscal Year	Number of Complaints Received	Number Resolved Within 18 Months	Average Time to Resolution
2008	1	1	10 months
2009	5	5	3 months
2010	9	9*	2 months

*\*Two files are still pending and have not yet fallen outside of the 18- month timeframe.  
Source: Legislative Auditor’s review of the Board of Physical Therapy’s complaint files as provided by the Board.*

When a complaint to the Board is received and filed, the Board is required to forward a copy of the complaint to the licensee for a response. The licensee must respond to the complaint within 30 days. After the licensee’s response is received, the complainant has 21 days to respond to the licensee’s response. After the complainant’s response is received by the Board it then reviews the complaint to determine if any action is needed. Figure 1 illustrates the complaint process after the Board has received all information and begins to review the complaint.

**Figure 1:**  
**Board of Physical Therapy Complaint Process**



*Source: West Virginia Board of Physical Therapy.*

## The Board of Physical Therapy Is Publicly Accessible

The Board of Physical Therapy is in compliance with the general provisions of chapter 30 that require public accessibility. In compliance with statute, the board has its telephone number listed in the Charleston telephone book. The website lists information on each Board member as well as the staff. Additionally, the website allows its users to access disciplinary measures initiated by the Board against a licensee, legislative rules and applications/renewal forms, scheduled board meetings and fee information. The Board of Physical Therapy's Licensee Search allows the public to access information about any of its licensees. In addition, the public can access complete license details and a statement of any disciplinary actions regarding the licensure of any licensee.

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*The Board of Physical Therapy's Licensee Search allows the public to access information about any of its licensees.*

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## **The Legislature Transferred the WV Board of Education's Responsibility for Licensing Athletic Trainers to the WV Board of Physical Therapy Per the Legislative Auditor's 2007 Recommendation**

On June 16, 2011 in accordance with HB 3152, the West Virginia Legislature transferred the Board of Education's responsibility for licensing athletic trainers to the West Virginia Board of Physical Therapy as recommended by the Legislative Auditor's 2007 "Licensing Athletic Trainers" report. Registration for athletic trainers will commence July 1, 2011. In addition, the Board will provide title protection for athletic trainers. The Board is currently accepting athletic trainer applications and estimates 225 to 250 registrations for the current registration period.

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*Registration for athletic trainers will commence July 1, 2011.*

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## **Conclusion**

The West Virginia Board of Physical Therapy is in compliance with all general provisions of Chapter 30 of the *West Virginia Code*. The Board of Physical Therapy's complaint process is timely and includes due-process rights. Additionally, the Board could better protect the public by requiring applicants to provide information such as course titles, provider and completion dates as a precondition for license renewal. The Board should also promulgate rules for notice of meetings as required by Code. Finally, the Legislature should consider granting the West Virginia Board of Physical Therapy the authority to conduct criminal background checks through the FBI in order to enhance public safety. However, the West Virginia Board of Physical Therapy should conduct criminal background checks on all licensure applicants through the West Virginia State Police until the Legislature authorizes it to conduct federal criminal background checks.

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*The West Virginia Board of Physical Therapy is in compliance with all general provisions of Chapter 30 of the West Virginia Code.*

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## **Recommendations**

1. *The Board should request that the Legislature consider granting it the authority to conduct federal criminal background checks on applicants seeking licensure.*
2. *The Board should consider revising its licensure application to allow licensees to list relevant information concerning their continuing education, such as course titles, provider and completion dates.*

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3. *The Board should promulgate procedural rules that govern the notice of meetings rule as required by Code §6-9A-3.*

4. *The Board should carefully monitor its financial condition in order to maintain cash reserves equivalent to or greater than its yearly expenditures.*

5. *The Board should consider conducting state criminal background checks on licensure applicants until it receives authorization to conduct federal criminal background checks.*

## Appendix A: Transmittal Letter

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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Director

August 25, 2011

Ms. Lesleigh Barber, Board Chair  
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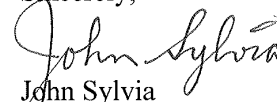
Dear Ms. Barber:

This is to transmit a draft copy of the Performance Review of the West Virginia Board of Physical Therapy. This report is scheduled to be presented during the September 12-14, 2011 interim meetings of the Joint Committee on Government Operations, and Joint Committee on Government Organizations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us between August 25, 2011 and August 29, 2011. We need your written response by noon on September 1, 2011, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, September 8, 2011 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

  
John Sylvia

Enclosure

\_\_\_\_\_ *Joint Committee on Government and Finance* \_\_\_\_\_



## Appendix B: Objective, Scope and Methodology

This Regulatory Board Review of the Board of Physical Therapy is required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code*, as amended. The purpose of the Board is to protect the public interest through its license process and to be the regulatory and disciplinary body for physical therapists, physical therapists assistants, and athletic trainers in this state.

### **Objective**

The purpose of this audit is to determine if the Board is operating in compliance with the general provisions of Chapter 30 of the *West Virginia Code* and other applicable rules and laws.

### **Scope**

The scope of this report is fiscal years 2006-2010.

### **Methodology**

Information for this report has been compiled through communication with the Board, other appropriate state agencies, and physical therapy licensing boards in other states. Documents obtained from the Board included annual reports, board minutes, board procedures for investigating and resolving complaints, and board and licensee rosters. The Performance Evaluation and Research Division (PERD) also gathered information from related PERD audits. Information from the Federal State Boards of Physical Therapy and the Gannett Healthcare Group was also used. Finally, data related to the licensing practices of other state physical therapy boards were obtained through website resources as well as direct contact with those boards.



## Appendix C: Continuing Education Requirements for PTs

<b>All 50 States and the District of Columbia Continuing Education Requirements for PTs</b>			
<b>State</b>	<b>Hours</b>	<b>Term</b>	<b>Average Per Year</b>
<b>Alabama</b>	10	1	10
<b>Alaska</b>	24	2	12
<b>Arizona</b>	20	2	10
<b>Arkansas</b>	20	2	10
<b>California</b>	30	2	15
<b>Colorado</b>	0	0	0
<b>Connecticut</b>	20	1	20
<b>Delaware</b>	30	2	15
<b>DC</b>	40	1	40
<b>Florida</b>	24	2	12
<b>Georgia</b>	30	2	15
<b>Hawaii</b>	0	0	0
<b>Idaho</b>	16	1	16
<b>Illinois</b>	40	2	20
<b>Indiana</b>	0	0	0
<b>Iowa</b>	40	2	20
<b>Kansas</b>	40	2	20
<b>Kentucky</b>	30	2	15
<b>Louisiana</b>	12	1	12
<b>Maine</b>	0	0	0
<b>Maryland</b>	30	2	15
<b>Massachusetts</b>	0	0	0
<b>Michigan</b>	0	0	0
<b>Minnesota</b>	20	2	10
<b>Mississippi</b>	24	2	12
<b>Missouri</b>	30	2	15
<b>Montana</b>	20	2	10
<b>Nebraska</b>	20	2	10
<b>Nevada</b>	15	1	15
<b>New Hampshire</b>	30	2	15
<b>New Jersey</b>	30	2	15
<b>New Mexico</b>	20	2	10
<b>New York</b>	36	3	12

**All 50 States and the District of Columbia  
Continuing Education Requirements for PTs**

<b>State</b>	<b>Hours</b>	<b>Term</b>	<b>Average Per Year</b>
<b>North Carolina</b>	30	2	15
<b>North Dakota</b>	25	2	12.5
<b>Ohio</b>	24	2	12
<b>Oklahoma</b>	40	2	20
<b>Oregon</b>	24	2	12
<b>Pennsylvania</b>	0	0	0
<b>Rhode Island</b>	24	2	12
<b>South Carolina</b>	30	2	15
<b>South Dakota</b>	0	0	0
<b>Tennessee</b>	30	2	15
<b>Texas</b>	30	2	15
<b>Utah</b>	0	0	0
<b>Vermont</b>	0	0	0
<b>Virginia</b>	30	2	15
<b>Washington</b>	40	2	20
<b>West Virginia</b>	24	2	12
<b>Wisconsin</b>	30	2	15
<b>Wyoming</b>	0	0	0
<b>Average:</b>	-	-	21
<b>Average Removing States with Zero</b>	-	-	15
<b>Median</b>	-	-	12
<i>Source: Today in PT.com</i>			



## Appendix D: Agency Response

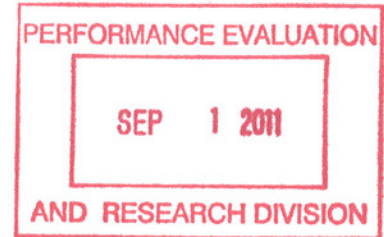


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Board Chair

PATRICIA A. HOLSTEIN  
Executive Secretary

September 1, 2011



John Sylvia  
WV Legislature  
Performance and Research Division  
Bldg. 1 Room W-314  
1900 Kanawha Blvd. East  
Charleston, WV 25305 – 0610

RE: Performance Review

Dear Mr. Sylvia,

Attached is our response to the Performance Review that you provided on August 25, 2011. Should we have any additional material, we are aware that we are required to contact the House Government Organization by Thursday, September 8, 2011.

Please feel free to contact me if you have questions regarding our response.

Sincerely,

A handwritten signature in blue ink that reads "Patricia Holstein".

Patricia Holstein  
Executive Secretary

**WV BOARD OF PHYSICAL THERAPY**  
**RESPONSE TO WV LEGISLATURE PERFORMANCE REVIEW**

**SEPTEMBER 1, 2011**

1. The Board should request that the Legislature consider granting it the authority to conduct federal criminal background checks on applicants seeking licensure.

The Board will investigate granting authority to conduct federal criminal background checks on applicants and believes this is a policy that needs to be made by the Legislature. The board has concerns about turnaround time which would delay applicant's ability to start work as well as cost for the background check to the licensee's. A federal criminal background check would cost the applicant \$18.00 and takes approximately 8 weeks.

2. The Board should consider revising its licensure application to allow licensees to list relevant information concerning their continuing education, such as course titles, provider and completion dates.

- In order to require the review of continuing education for each licensee when renewing, this would be a great undertaking and require additional staff and monetary expenses.
- In 2010, there were 971 PT and PTA's that renewed their license. To review each continuing education certificate, it would take an employee at least 520 hours (3 months) to complete. This would cost our office at least \$5870.00 by hiring a temporary employee at \$11.29 hour. (Adecco pricing located on the WV contracts)
- As stated in our performance review, we do an annual random audit for 5% of our licensees. We require them to provide proof of CE's. If they are not in compliance, there license will be placed in "delinquent status".
- All CE's that are not automatically approved through our CE guidelines must go through our board for CE review. CE's must be WV Board approved.
- We automatically audit anyone who was disciplined for a CE violation in another jurisdiction.
- The increase in monetary expenses to our office would pass along to the licensee.

The Board will survey how surrounding states monitor their completion of CE's. We have increased our audit from 3% to 5% and will discuss increasing the percentage again until we can find a cost effective way of monitoring all licensees' completion of CE's.

3. The Board should promulgate procedural rules that govern the notice of meetings rule as required by Code §6-9A-3.

As stated in our performance review, the board does follow the Open Meetings Act by submitting notices for all scheduled board meetings to the WV Secretary of State's Office.

Once our Procedural Rules are open for changes, we will include the notice of meetings rule as required by Code §6-9A-3.

4. The Board should carefully monitor its financial condition in order to maintain cash reserves equivalent to or greater than its yearly expenditures.

As stated in our performance review, our cash balance from 2006 to current has significantly increased.

- Ending balance for fiscal year 2006 was \$33,201
- Ending balance for 2010 was \$193,418.

The Board believes the cash reserve increases have happened due to the changes the Board has made in the last 4 years. The Board relocated our office from Clarksburg to Charleston in 2009 and hired new office staff. Since the move, we believe our finances have increased because of the following:

- Less rent
- No utilities
- Personnel expense
- Reduced administrative fees such as entering accounts payable and deposits into FIMS
- The executive secretary sends out the monthly FIMS reports along with breakdown of object codes and explanations of any excessive charges.
- At every quarterly board meeting, the Board approves monthly balance sheets containing revenue and expenditures.
- Previously the P-Card charges were not discussed with the Board. At every quarterly board meeting, the Board now requires a breakdown of all P-card charges and the board reviews the charges.
- The Board Chair reviews and approves the P-card documents quarterly.
- We now scan our deposits daily and the deposits are double checked with Office Assistant and Executive Secretary.
- Revenue is broken down into categories and is totaled monthly.
- We now scan our Accounts Payable and they are saved electronically by vendor.

5. **The Board should consider conducting state criminal background checks on licensure applicants until it receives authorization to conduct federal criminal background checks.**

The Board will consider conducting state criminal background checks as recommended on licensure applicants by reviewing the legal authority that is necessary to conduct such checks.

The board has concerns about turnaround time which would delay applicant's ability to start work as well as cost for the background check to the licensee's. A state criminal background check would cost the applicant \$40.00 and takes approximately 10-15 working days; however at times they can be several weeks behind.





WEST VIRGINIA LEGISLATIVE AUDITOR

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