

Regulatory Board Review: Board of Occupational Therapy

Agency Purposes:

The purpose of the Board of Occupational Therapy is to protect the public through its licensing process, and to be the regulatory and disciplinary body for licensed occupational therapists and occupational therapy assistants throughout the state.

What Did PERD Find?

The Board is necessary to protect the public and complies with some of the general provisions of chapter 30 of the W. Va. Code.

PERD’s Objectives:

To determine if there is a continued need for licensure by the Board of Occupational Therapy (Board), assess whether the Board complied with the general provisions of Chapter 30 and other applicable laws, to determine whether the Board has the authority to offer free continuing education services to licensees, to determine if the Board’s fees generate excessive revenue when compared to the Board’s normal expenses, to evaluate the Board’s website for user-friendliness and transparency, and to determine to what extent the Board’s facility generally meets the requirements for the Americans with Disabilities Act (ADA).

Key Recommendations:

The Board should:

- Provide status updates to its licensees within six months of complaints being filed.
- Consider measures it needs to take to improve handicap accessibility under the ADA.

The Legislature consider:

- Amending W. Va. Code §30-1-5 to require additional entities to report individual practice violations.
- Amending W. Va. Code §5A-10-seq. to require that state agency properties comply with the ADA under the provisions of 42 U.S.C. §12101.

Fiscal Year	Beginning Cash Balance	Revenues	Expenditures	Ending Cash Balance	End-of-Year Cash as a Percentage of Annual Expenditures
2020	\$226,807	\$102,610	\$97,918	\$231,619	237%
2021	\$231,619	\$92,576	\$94,295	\$228,281	242%
2022	\$228,281	\$96,675	\$101,212	\$223,744	221%
2023	\$223,744	\$92,486	\$100,132	\$216,098	216%
Avg.	\$227,613	\$96,087	\$98,389	\$224,935	228%

Source: Our Advanced Solution with Integrated Systems (OASIS) WV-FIN-GL-151 Cash Balance report. PERD calculations of percentages.

PERD also found the following:

- The Board is financially self-sufficient, and its fees do not currently generate excess revenue when compared to its normal expenses.
- The Board has established continuing education requirements.
- The Board is exceeding its statutory authority and duties by providing free continuing education services to licensees at significant expense.
- The Board’s enabling statute does not require anyone to report potential practice act or rules violations, including sexual misconduct with patients and controlled substance diversion.
- The Board’s website needs modest improvement overall to enhance user-friendliness and transparency.
- The building entrance, hallway, restrooms, and elevator either do not meet ADA requirements or may hinder physical access to the Board.