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REGULATORY BOARD REVIEW

BOARD OF EXAMINERS OF PSYCHOLOGISTS

AUDIT OVERVIEW

The West Virginia Board of Examiners of Psychologists Complies With Most of the General Provisions of Chapter 30 of the W.Va. Code.

The West Virginia Board of Examiners of Psychologists Website Needs More Improvement to Enhance User-Friendliness and Transparency.



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Note: On Monday, February 6, 2017, the Legislative Manager/Legislative Auditor's wife, Elizabeth Summit, began employment as the Governor's Deputy Chief Counsel. Most or all the actions discussed and work performed in this report occurred after this date. However, the Governor's Deputy Chief Counsel was not involved in the subject matter of this report, nor did the audit team have any communications with her regarding the report. As Deputy Chief Counsel, the Legislative Auditor's wife is not in a policy making position within the Executive Branch. Therefore, the Performance Evaluation and Research Division does not believe there are any threats to independence with regard to this report as defined in A3.06.a and A3.06.b of the Generally Accepted Government Auditing Standards. Furthermore, the Legislative Auditor has instructed the Director of Performance Evaluation and Research Division to document and discuss any issues he believes are a threat to the division's independence with the President of the Senate and the Speaker of the House due to Ms. Summit's position.

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EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a Regulatory Board Review of the West Virginia Board of Examiners of Psychologists (Board) pursuant to West Virginia Code §4-10-10(b)(2). Objectives of this audit were to assess the Board's compliance with the general provisions of Chapter 30 and other applicable laws and evaluate the Board's website for user-friendliness and transparency. The issues of this report are highlighted below.

Frequently Used Acronyms in This Report:

PERD- Performance Evaluation and Research Division.

CE- Continuing Education

Report Highlights:

Issue 1: The West Virginia Board of Examiners of Psychologists Complies With Most of the General Provisions of Chapter 30 of the W. Va. Code.

- The Board is financially self-sufficient, accessible to the public, has established continuing education requirements, and maintains due process rights for licensees.
- On four occasions, the Board failed to send a status report to either the complainant or respondent within 6 months of the complaint being filed pursuant to *W. Va. Code §30-1-5(c)*.
- The Board does not have adequate segregation of duties due to having only one full-time employee. However, the Board has established procedures. To further reduce the risk of fraud, the Board should consider utilizing the West Virginia State Treasurer's Office Lockbox System and incorporating a license renewal feature to its website.
- Most members of the Board have attended the West Virginia Annual Seminar for State Licensing Boards at least once during their terms, however, the executive director has not attended. Therefore, the executive director should annually attend the West Virginia Annual Seminar for State Licensing Boards pursuant to *W. Va. Code §30-1-2a(c)(2)*.

Issue 2: The West Virginia Board of Examiners of Psychologists Website Needs More Improvement to Enhance User-Friendliness and Transparency.

- The Board’s website needs more improvement to enhance user-friendliness and transparency. Additional features should be considered to further improve user-friendliness, such as a frequently-asked-questions section, RSS feeds, and an online survey/poll to gauge user feedback.
- The Board’s website could benefit from additional transparency features such as a website update status, FOIA information, and performance measures.

PERD’s Response to the Agencies’ Written Response

PERD received the Board’s response to the draft copy of the regulatory board review on November 28, 2018. The Board’s response can be seen in Appendix D. The Board agrees with recommendations two and four; however, the Board did have questions regarding recommendations one and three. Per recommendation one, the Board indicated that in one complaint file the status report was not sent to either party, but the Board was in fact the party filing the complaint. The Board requested clarification on how the six-month letter is to be handled. In this instance the Legislative Auditor understands that the Board does not need to submit a status letter to itself, instead the status of the complaint can be provided within board meeting minutes and a status letter must be sent to the respondent pursuant to *W. Va. Code §30-1-5(c)*. Per recommendation three, the Board reported that due to the place of the comma within *W. Va. Code §30-1-2a(c)(2)*, the law could be construed in different ways thus requiring either the chairperson, executive director or chief financial officer to be required to attend annually. It is the Legislative Auditor’s opinion that the place of the comma requires that at least two individuals attend the annual seminar and that during the scope of this audit the executive director did not attend, thus the recommendation from PERD.

Recommendations

1. *The Board should send status reports to the party filing the complaint and the respondent within six months after the complaint is initially filed pursuant with W. Va. Code §30-1-5(c).*
2. *The Board should consider utilizing the West Virginia State Treasurer’s Office lockbox and incorporating a license renewal feature to its website to further reduce risk.*
3. *The Board’s Executive Director should annually attend the West Virginia Annual Seminar for State Licensing Boards pursuant with W. Va. Code §30-1-2a(c)(2).*
4. *The Legislative Auditor recommends that the Board maintain a complete register of applicants as required by law.*
5. *The Legislative Auditor recommends that the Board improve the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

ISSUE 1

The West Virginia Board of Examiners of Psychologists Complies With Most of the General Provisions of Chapter 30 of the W. Va. Code.

Issue Summary

The Board of Examiners of Psychologists (Board) is financially self-sufficient, accessible to the public, has established continuing education (CE) requirements, and maintains due process rights for licensees. However, the Board did not send a status report to the party filing the complaint once and the respondent two times, and on two other occasions, the letters were sent but not within the required time frame. The Board has one full-time staff member. To have adequate segregation of duties, there should be controls in place to prevent one person from performing two or more control activities associated with the four components of the cash handling process. Therefore, due to a lack of staff, the Board does not have adequate segregation of duties. The Board still receives payment via paper documents, which must be handled and processed by one employee. Also, the Board does not have a website feature which allows online renewal. Therefore, the Board should minimize the handling of revenue by utilizing the West Virginia State Treasurer's Office lockbox system and incorporate an online renewal feature to its website. The Board should also consider incorporating a license renewal feature to its website. The Board is comprised of six members who are required to attend at least one West Virginia Annual Seminar for State Licensing Boards during their terms. The Executive Director and Chairperson are to attend annually. However, during the scope of the audit, the Executive Director has not attended the annual seminar. Therefore, the Board's Executive Director should comply with statute and attend the seminar annually.

The Board of Examiners of Psychologists (Board) is financially self-sufficient, accessible to the public, has established continuing education (CE) requirements, and maintains due process rights for licensees.

The Board Complies With Most of the General Provisions of Chapter 30 With Three Exceptions.

The Board is in compliance with most of the general provisions of Chapter 30 of *W. Va. Code*. These provisions are important for the effective operation of regulatory boards. The Board is in compliance with the following provisions:

- The Board has adopted an official seal (§30-1-4).
- The Board meets at least once annually (§30-1-5(a)).
- The Board's complaints are investigated and resolved with due process (§30-1-8).
- The Board has promulgated rules specifying the investigation and resolution procedure of all complaints (§30-1-8(k)).

- The Board is financially self-sufficient in carrying out its responsibilities (§30-1-6(c)).
- The Board has established continuing education requirements (§30-1-7a).
- The Board has submitted an annual report to the Governor and Legislature describing transactions for the preceding two years (§30-1-12(b)).
- The Board has complied with public access requirements as specified by (§30-1-12(c)).
- A roster has been prepared and maintained of all licensees that includes names, and office addresses (§30-1-13).

The Board is not in compliance with the following provisions:

- The Board shall investigate and resolve complaints which it receives, and shall, within six months of the complaint being filed, send a status report to the party filing the complaint by certified mail with a signed return receipt and within one year of the status report's return receipt date issue a final ruling unless the party filing the complaint and the board agree in writing to extend the time for the final ruling (§30-1-5(c)).
- Each board member shall attend at least one orientation session during each term of office (§30-1-2a(c)(3)).
- The Board has a register of all applicants with appropriate information specified in code, such as the date of the application, name, age, education and other qualifications, place of residence, examination required, whether the license was granted or denied, any suspensions, etc. (§30-1-12(a)).

While the Board's cash reserves during the scope of the audit were a concern, the Board approved an increase in fee structure beginning July 1, 2018 which will enlarge the cash balance to a more prudent level.

The Board Is Financially Self Sufficient.

W. Va. Code §30-1-6(c) requires boards to be financially self-sufficient. Table 1 shows that the Board is financially self-sufficient. However, it is the Legislative Auditor's opinion that cash reserves in the amount of one to two times a board's annual expenditures are an acceptable level. While the Board's cash reserves during the scope of the audit were a concern, the Board approved an increase in fee structure beginning July 1, 2018 which will enlarge the cash balance to a more prudent level.

Table 1
Board of Examiners of Psychologists Budget Information
FY 2016-2018

Fiscal Year	Beginning Cash Balance	Revenue	Disbursements	Ending Cash Balance
2016	\$44,879	\$114,470	\$129,843	\$29,506
2017	\$29,506	\$123,650	\$116,566	\$36,590
2018	\$36,590	\$121,700	\$107,996	\$50,295

Source: FY 2016-2018 Cash Balance OASIS

The Board's annual revenue comes from individual psychologists and school psychologists' fees for an application, oral examination fee, licensure, renewal, continuing education program fee, annual supervision fee and a reinstatement fee if needed. Annual disbursements include staff salaries and benefits, utilities, travel costs and the Attorney General's Office when needed.

West Virginia and surrounding states' licensure and renewal fees can be seen in Table 2. West Virginia's fees are generally in line with those of the surrounding states. West Virginia's initial licensure and renewal fees are assessed to both psychologists and school psychologists. However, practicing psychologists are assessed a biennial renewal fee of \$350 while the school psychologists are assessed a triennial fee of \$150-\$200 based on their level of licensure. Out-of-state psychologist licenses are assessed an annual renewal fee of a \$100.

Table 2
Board of Examiners of Psychologists Licensure Fees for West Virginia and Surrounding States

State	Initial Licensure Fee	Renewal Fee	Renewal Cycle
Kentucky	\$300	\$100	Triennial
Maryland	\$300	\$400	Biennial
Ohio	\$300	\$360	Biennial
Pennsylvania	\$105	\$300	Biennial
Virginia	\$200	\$140	Annual
West Virginia	\$100	\$100-\$350	Biennial and Triennial

Source: State licensure boards' websites, W.Va. Code of State Rules CSR §17-1-2

The Board Resolves Complaints in a Timely Manner, but Status Reports Need to Be Sent in All Cases Within Six Months of the Complaint Being Filed.

The Legislative Auditor reviewed disciplinary data and complaints investigated by the Board for FY 2016 – 2018. Per *West Virginia Code of State Rules (CSR) §17-4-5.1*, complaints against licensees can be filed with the Board by any individual, in writing or through an online form. Table 3 provides an overview of the complaints received and average time to resolve the complaints.

According to W. Va. Code §30-1-5(c), each Chapter 30 board is required to close a complaint within 18 months of the initial filing. Furthermore, the Board is required to send status reports to the party filing the complaint and the respondent within six months after the complaint was initially filed if the case has not been resolved prior to six months.

Table 3
Compliant Decision Statistics
FY 2016-2018

Fiscal Year	Number of Complaints Received	Number of Cases with Disciplinary Actions	Average Resolution Time in Days
2016	9	2	203
2017	15	1	178
2018	6	0	97

Source: The West Virginia Board of Examiners of Psychologists. Average resolution time is calculated based on those complaints which have been resolved. Therefore, the averages are not based on the total number of complaints.

According to *W. Va. Code §30-1-5(c)*, each Chapter 30 board is required to close a complaint within 18 months of the initial filing. Furthermore, the Board is required to send status reports to the party filing the complaint and the respondent within six months after the complaint was initially filed if the case has not been resolved prior to six months. During the scope of the audit, the Board closed all cases within 18 months but had 7 cases in which status reports were to be sent to the complainant 6 months after the complaint was initially filed. The Board adhered to the statutory requirement on three occasions. However, the Board failed to send a status report to the party filing the complaint once and the respondent two times, and on two other occasions, the letters were sent but not within the required time frame. **The Board should send status reports to the complainant and the respondent within six months after the complaint is initially filed pursuant with W. Va. Code §30-1-5(c).**

The Board adhered to the statutory requirement on three occasions.

The Board Has Established Continuing Education Requirements.

The Board has established continuing education requirements for its licensees. *West Virginia CSR §17-3-20.5* indicates that licensed psychologists and supervised-psychologists are required to obtain a minimum of 20 Board approved continuing education hours per two years. *West Virginia CSR §17-3-20.6* reports that school psychologists are required to obtain a minimum of 30 hours of continuing education. Table 4 provides the continuing education requirements in West Virginia and the surrounding states.

State	CE Hours	Renewal Period
Kentucky	39	Triennial
Maryland	40	Biennial
Ohio	23	Biennial
Pennsylvania	30	Biennial
Virginia	14	Annual
West Virginia	20-30	Biennial and Triennial

Sources: State licensure boards' websites, and W.Va. Code of State Rules CSR §17-3-20

The Board provides for authorization of continuing education in West Virginia. A minimum of 50 percent of continuing education must be obtained from professional associations. The remainder can be obtained from programs or activities such as presentations by a psychologist or other professional who has obtained recognized expertise in the specific area, a formal professional presentation given by the licensee, publications, peer review journals, grand rounds from a medical institution or post graduate programs. All licensees and supervisees are required to complete the continuing education audit form upon each renewal cycle. The audit form lists the hours taken with the accompanied certificate of completion. All materials are checked by the Board staff before issuing a license card. The licensee is notified by email if additional materials are needed. According to the Board, *“There have been requests by licensees during times of hardships for extensions on renewals. These requests are reviewed by the Executive Director and approved or not, for a limited time period. No requests have been made for several years.”*

All licensees and supervisees are required to complete the continuing education audit form upon each renewal cycle. The audit form lists the hours taken with the accompanied certificate of completion. All materials are checked by the Board staff before issuing a license card.

The Board Has Some Internal Controls in Place but Should Utilize the State Treasurer’s Lockbox System.

The Board has one full-time employee (Administrative Assistant) who is responsible for handling revenue. The Board does not accept cash,

but does accept checks; however, no revenue is collected from online licensure renewal. To have adequate segregation of duties, there should be controls in place that prevent one person from performing two or more control activities associated with purchasing and receiving revenue, such as authorizing transactions, receiving merchandise, receiving and depositing revenue, recording transactions, and maintaining custody of assets.

As an example of appropriate segregation of duties for handling cash, the West Virginia State Treasurer specifies in its *Cash Receipts Handbook for West Virginia Spending Units*, “Unless otherwise authorized by the State Treasurer’s Office, an individual should not have the sole responsibility for more than one of the following cash handling components:”

- collection,
- depositing,
- disbursement, and
- reconciling.

While the Board has an insufficient number of employees to maintain adequate segregation of duties, the Board has established certain cash handling procedures to reduce the risk of fraud. Revenue received includes application fee, license renewal, supervision renewal, oral examinations, continuing education approvals and other fees such as copies of licensure law, reinstatement fee or duplicate license certificate fee. The Administrative Assistant opens the mail and the checks from renewals, applications and other fees are deposited daily. The deposit posting form is sent to the State Treasury for logging the information into Oasis. The State Treasury sends a receipt back with the transaction number. According to the Board, “For each deposit I keep a copy of every check in the deposit, a copy of the posting form, an adding machine tape of amounts of the checks in the deposit and the total, a copy of the bank deposit slip with the bank’s deposit date, and the receipt with the transaction number from the Treasury Department in a file. These documents are kept for 7 years with all the invoice payments as well.”

The Board does not utilize the State Treasurer’s lockbox system. To minimize the handling of any revenue, the Board should consider the utilization of the lockbox system. The State Treasurer’s Office provides a lockbox operation whereby remittances can be picked up from a post office box, opened and sorted, imaged, deposited, and the information forwarded to the Board by the Treasurer’s Office for a fee. Use of the lockbox operation helps to mitigate the risk of fraud and is beneficial to boards with little or no staff to handle such procedures. Currently, the

While the Board has an insufficient number of employees to maintain adequate segregation of duties, the Board has established certain cash handling procedures to reduce the risk of fraud.

The Board does not utilize the State Treasurer’s lockbox system. To minimize the handling of any revenue, the Board should consider the utilization of the lockbox system.

Board does not have a feature on its website to accept online renewals. The incorporation of this feature would also mitigate the amount of revenue handling by the Administrative Assistant. **Therefore, the Legislative Auditor recommends the Board consider utilizing the State Treasurer’s lockbox and incorporating a license renewal feature to its website to further reduce risk.**

The Board has authorized the Administrative Assistant to make routine purchases necessary to run the office. Invoices are received through the mail and through email. According to the Board, “*These include office rent, various state invoices such as the AG, phones, insurance, and webpage charge. An invoice transaction form is completed by staff and attached to the invoice. These invoices are sent to the Department of Administration for payment.*” The Administrative Assistant holds a purchasing card (PCard) to be used for items such as postage, electric, copier rental, hospitality, some travel, training, and internet service. Board members review PCard purchases at Board meetings which are approved and included within the minutes.

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In order to assess the risk of fraud and gain a reasonable assurance that fraud has not occurred, PERD examined the Board’s revenue and expenditures. For revenue, PERD calculated the minimum expected revenue for the Board by multiplying the biennial renewal fees by half of the number of psychologists actively licensed for FY 2016 – 2018 multiplied annual renewal fee out-of-state licensees, and multiplied the triennial fees by a third of the school psychologists and found that actual revenues exceeded expected revenue. There would be concern if expected revenues were significantly higher than actual revenues and would require additional inquiry by PERD. In all years reviewed, the Table 5 provides a comparison of actual and expected revenues for the Board.

Table 5
Board of Examiners of Psychologists
Expected and Actual Revenues
FY 2016-2018

Fiscal Year	Number of Active Licensees	Annual Renewal Fee	Biennial Renewal Fee	Triennial Renewal Fee	Expected Revenues	Actual Revenues
2016	631*	\$100	\$350	\$150-\$200	\$102,133	\$114,470
2017	633*	\$100	\$350	\$150-\$200	\$103,175	\$123,650
2018	645*	\$100	\$350	\$150-\$200	\$105,133	\$121,700

*Source: PERD calculations based on each FY Board Annual Report which documents the Board’s active licensees. *At the end of FY 2016 there were 588 licensed psychologists, 44 out-of-state licensed psychologists, 43 school psychologists, and 35 dually licensed psychologists. At the end of FY 2017 there were 594 licensed psychologists, 41 out-of-state licensed psychologists, 39 school psychologists, and 37 dually licensed psychologists. At the end of FY 2018 604 licensed psychologists, 40 out-of-state licensed psychologists, 41 school psychologists, and 34 dually licensed psychologists.*

PERD also calculated the percentage of low-risk expenditures (see Table 6). PERD evaluated the Board's expenditures for FY 2016–2018 and determined that on average 86 percent of the Board's expenses consisted of expected and required expenditures to vendors. The Legislative Auditor's opinion is that when the Board's required expenditures are 90 percent or more of the Board's total annual expenditures, the likelihood of fraud having occurred on the expenditure side is relatively low. However, during FY 2016 – 2018 the Board incurred professional expenses such as utilizing the Attorney General's office which solely contributed to the percentage being below 90 percent. Therefore, the Legislative Auditor has no concerns towards the percentage of required expenditures.

Table 6
Board of Examiners of Psychologists
Percentage of Expected and Required Expenditures
FY 2016 - 2018

Fiscal Year	Percent of Expected and Required Expenditures
2016	82
2017	88
2018	89

Source: PERD calculations based on State Auditor's Office data.

PERD evaluated the Board's expenditures for FY 2016 – 2018 and determined that on average 86 percent of the Board's expenses consisted of expected and required expenditures to vendors.

Board Members Should Attend Annual Orientation Session At Least Once During Their Terms.

The Board is to consist of seven members, however, currently, with one vacancy, the Board of Examiners of Psychology is comprised of six members. According to *W. Va. Code §30-1-2a(c)(3)*, each board member is to attend at least one West Virginia Annual Seminar for State Licensing Boards during their term. Also, according to *W. Va. Code §30-1-2a(c)(2)*, the board's Chairperson and Executive Director are to annually attend the seminar. The Board has five new appointees who have not had the opportunity to attend the seminar and one lay member who has attended the seminar during her term. However, the Executive Director is not in compliance due to not having attended every year of the scope of the audit. **Therefore, the Legislative Auditor recommends that the Board's Executive Director annually attend the West Virginia Annual Seminar pursuant with *W. Va. Code §30-1-2a(c)(2)*.**

The Board Does Not Maintain a Complete Register of Applicants as Required by Law.

The Board is not maintaining a complete register of applicants as required by law. W. Va. Code §30-1-12(a) states:

The secretary of every board shall keep a record of its proceedings and a register of all applicants for license or registration, showing for each the date of his or her application, his or her name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of this action, the license or registration number, all renewals of the license or registration, if required, and any suspension or revocation thereof...

The register of applicants provided by the Board to the Legislative Auditor lists only the applicant's name, place of residence, education level, license or registration number and years the licensee renewed. This is not in compliance with Code due to the lack of:

- applicant's age;
- whether or not an exam was required;
- whether the applicant was rejected or accepted;
- a list of any suspensions or revocations.

The Legislative Auditor recommends that the Board maintain a complete register of applicants as required by law.

Conclusion

The Board complies with most of the general provisions of Chapter 30. However, the Board should adhere to W. Va. Code §30-1-5(c) and send official status reports to the party filing the complaint and the respondent within six months after the complaint is initially filed. Additionally, the West Virginia State Treasurer's Office lockbox should be utilized by the Board to process application, licensure and renewal fees. The Board should also consider incorporating a license renewal feature to its website. The Board's Executive Director should comply with W. Va. Code §30-1-2a(c)(2) and attend the West Virginia Annual Seminar for State Licensing Boards annually. Lastly, the Board does not maintain a complete register of applicants and should include records of all categories as required by West Virginia Code.

Recommendations

1. *The Board should send status reports to the party filing the complaint and the respondent within six months after the complaint is initially filed pursuant with W. Va. Code §30-1-5(c).*
2. *The Board should consider utilizing the State Treasurer's lock-box and incorporating a license renewal feature to its website to further reduce risk.*
3. *The Board's Executive Director should annually attend the West Virginia Annual Seminar for State Licensing Boards pursuant with W. Va. Code §30-1-2a(c)(2).*
4. *The Legislative Auditor recommends that the Board maintain a complete register of applicants as required by law.*

ISSUE 2

The West Virginia Board of Examiners of Psychologists Website Needs More Improvement to Enhance User-Friendliness and Transparency.

Issue Summary

The Office of the Legislative Auditor conducted a literature review on assessments of governmental websites and developed an assessment tool to evaluate West Virginia's state agency websites (see Appendix C). The assessment tool lists several website elements. Some elements should be included in every website, while other elements such as social media links, graphics, and audio/video features may not be necessary or practical for some state agencies. Table 7 indicates the Board integrates 40 percent of the checklist items in its website. This measure indicates that the Board needs to make more improvement in the user-friendliness and transparency of its website.

The Board integrates 40 percent of the checklist items in its website. This measure indicates that the Board needs to make more improvement in the user-friendliness and transparency of its website.

Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	40%		

Source: The Legislative Auditor's review of the West Virginia State Board of Examiners of Psychologists website as of September 24, 2018.

The Board's Website Scores Relatively Low in User-Friendliness and Transparency.

In order to actively engage with the agency online, citizens must first be able to access and comprehend the information on government websites. Therefore, government websites should be designed to be user-friendly. A user-friendly website is understandable and easy to navigate from page to page. Government websites should also provide transparency of an agency's operation to promote accountability and trust.

The Legislative Auditor reviewed the Board's website for both user-friendliness and transparency. As illustrated below in Table 8, the website requires improvement to increase its user-friendliness and

transparency. **The Board should make improvements to its website to provide a better online experience for the public.**

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	10	56%
Transparency	32	10	31%
Total	50	20	40%

Source: The Legislative Auditor's review of the West Virginia State Board of Examiners of Psychologists website as of September 24, 2018.

The Board's Website Is Navigable, But Needs Additional User-Friendly Features.

The Board's website is easy to navigate as there is a link to every page on the top of the website; however, the website lacks a frequently-asked-questions (FAQ) section, foreign language accessibility tool, and other features shown below. According to the Flesch-Kincaid Reading Test, the average readability of the text is on a 11th grade reading level, making it difficult to follow average citizens.

User-Friendly Considerations

Although some items may not be practical for this board, the following are a few attributes that could improve user-friendliness:

- **Foreign Language Accessibility** - A link to translate all webpages into languages other than English.
- **FAQ Section** - A page that lists the agency's most frequently asked questions and responses.
- **Online Survey/Poll** - A short survey that pops up and requests users to evaluate the website.
- **Feedback Options** - A page where users can voluntarily submit feedback about the website or particular section of the website.
- **Social Media Links** - The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.

The Board's website is easy to navigate as there is a link to every page on the top of the website; however, the website lacks a frequently-asked-questions (FAQ) section, foreign language accessibility tool, and other features.

- **RSS Feeds** – This allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.

The Website Needs Additional Transparency Features.

A website that is transparent should promote accountability and provide information for citizens about how well the Board is performing, as well as encouraging public participation. The Board’s website has 31 percent of the core elements that are necessary for a general understanding of the Board’s mission and performance. The Board’s website contains important transparency features such as email contact information, its telephone number, and public records such as statutes, rules, and meeting minutes.

Transparency Considerations

The Board should consider providing additional elements to the website to improve the Board’s transparency. The following are a few attributes that could be beneficial:

- **Location of Agency Headquarters**- The agency’s contact page should include an embedded map that shows the agency’s location.
- **Administrator(s) Biography** – A biography explaining the administrator(s) professional qualifications and experience.
- **Budget**- Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).
- **Mission Statement**- The agency’s mission statement should be located on the homepage.
- **Calendar of Events** - Information on events, meetings, etc. ideally imbedded using a calendar program.
- **Audio/Video Features** - Allows users to access and download relevant audio and video content.
- **FOIA Information** - Information on how to submit a FOIA request, ideally with an online submission form.

The Board’s website contains important transparency features such as email contact information, its telephone number, and public records such as statutes, rules, and meeting minutes.

- **Audio/video features-** Allows users to access and download relevant audio and video content.
- **Performance Measures/Outcome -** A page linked to the homepage explaining the agency’s performance measures and outcomes.
- **Agency History -** The agency’s website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.
- **Website Updates -** The website should have a website update status on screen and ideally for every page.
- **Job Postings/Links to Personnel Division Website -** A section on the homepage for open job postings and a link to the application page.

Conclusion

The Legislative Auditor finds that improvements are needed to the Board’s website in the areas of user-friendliness and transparency. The website can benefit from incorporating several common features. The Board has pertinent public information on its website including rules, state code, board members, upcoming meetings and a complaint form. The Board’s contact information is also provided. However, providing website users with additional elements and capabilities, as suggested in the report, would improve user-friendliness and transparency.

Recommendation

5. *The Legislative Auditor recommends that the Board improve the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

Appendix A Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

November 15, 2018

Jeffrey Harlow, Ph.D., Executive Director
West Virginia Board of Examiners of Psychologists
1205 Quarrier Street, Room 200
Charleston, WV 25301

Dear Director Harlow:

This is to transmit a draft copy of the regulatory board review of the Board of Examiners of Psychologists. This report is tentatively scheduled to be presented during the December 9 - 11 interim meetings of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. 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 committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by November 19, 2018. In addition, we need your written response by noon on Wednesday, November 28, 2018, 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 304-340-3192 by Thursday, December 6, 2018, 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,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

Enclosure

Joint Committee on Government and Finance

Appendix B

Objective, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the West Virginia Board of Examiners of Psychologists (Board) as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code (W. Va. Code)*, as amended. The purpose of the Board, as established in *W. Va. Code* §30-21, is to protect the public and be the regulatory and disciplinary body for licensed psychologists throughout the state.

Objectives

The objectives of this regulatory board review are to assess the Board's compliance with the general provisions of Chapter 30, Article 1, of the *W. Va. Code*; the Board's enabling statute (*W. Va. Code* §30-21-et al.); and the Board's handling of complaints. Finally, it is also the objective of the Legislative Auditor to assess the Board's website for user-friendliness and transparency.

Scope

The regulatory board review included an assessment of the Board's financial internal controls; policy and procedures regarding internal controls and complaints; meeting minutes; complaint files from fiscal years 2016 through 2018; complaint-resolution process; disciplinary procedures and actions; revenues and expenditures for the period of fiscal years 2016 through 2018; continuing education requirements and verification; the Board's compliance with the general statutory provisions (*W. Va. Code* §30-1-et al.) for regulatory boards and other applicable laws; and key features of the Board's website.

Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The information gathered and audit procedures are described below.

A compliance review was conducted on the Board's adherence with various requirements of the general provisions of *W. Va. Code* §30-1. A compliance review was also performed on the Board's enabling statute *W. Va. Code* §30-21 and other applicable laws.

Testimonial evidence was gathered for this review through interviews or discussions with the Board's staff and confirmed by written statements. PERD staff made multiple visits to the Board's office to review files and meet with staff. PERD collected and analyzed the Board's meeting minutes, complaint data, budgetary information, annual reports, procedures for investigating and resolving complaints, continuing education, and procedures for collecting revenue and disbursing expenditures. Information was gathered from Ohio's, Virginia's, Pennsylvania's, Kentucky's, and Maryland's regulatory boards regarding their continuing education requirements and license fee structures.

The Legislative Auditor also tested the Board's revenue and expenditures for fiscal years 2016 through 2018 to assess risks on fraud. The test involved determining if expected and required expenditures were at least 90 percent of total expenditures. Some expected and required expenditures include payroll

expenses, board member compensation, office rent and utilities. The test on revenue compared the Board's actual revenue to expected revenue to obtain reasonable assurance that revenue figures were sufficient and appropriate. Expected revenues were approximated by applying license fees to the number of licensees for the period of fiscal years 2016 through 2018.

In order to evaluate state agency websites, the Legislative Auditor conducted a literature review of government websites, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites in order to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States," and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites," helped identify the top ranked states in regard to e-government. The Legislative Auditor identified three states (Indiana, Maine, and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. The Legislative Auditor also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some technology may not be practical or useful for some state agencies. Therefore, the Legislative Auditor compared the Board's website to the established guidelines for user-friendliness and transparency so that the Board can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix C

Website Criteria Checklist and Points System

Website Criteria Checklist and Points System			
User-Friendly	Description	Total Points Possible	Total Agency Points
Criteria	The ease of navigation from page to page along with the usefulness of the website.	18	10
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	1
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0
Content Readability	The website should be written on a 6 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1) and resizing of text should not distort site graphics or text (1).	3 points	2
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	2
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2

Website Criteria Checklist and Points System			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0
Feedback Options	A page where users can voluntarily submit feedback about the website or section of the website.	1 point	0
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	0
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	10
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	1
Physical Address	General address of stage agency.	1 point	1
Telephone Number	Correct telephone number of state agency.	1 point	1
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	0
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0

Website Criteria Checklist and Points System			
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	2
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	0
Mission statement	The agency's mission statement should be located on the homepage.	1 point	0
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	0
Public Records	<p>The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> • Statutes • Rules and/or regulations • Contracts • Permits/licenses • Audits • Violations/disciplinary actions • Meeting Minutes • Grants 	2 points	2
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	0

Appendix D Agency Response

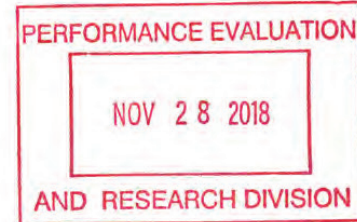
State of West Virginia
Board of Examiners of Psychologists
P.O. Box 3955
Charleston, WV 25339-3955



Phone: 304-558-3040
Fax: 304-558-0608
Email: psychbd@wv.gov
Web: www.psychbd.wv.gov

November 28, 2018

John Sylvia
WV Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, WV 25305



Dear Mr. Sylvia:

Thank you for the opportunity to respond to the 2018 Regulatory Board Review of the WV Board of Examiners of Psychologists. Below is the response to the review.

Page 2 lists two lists instances where a six-month status report was not sent to complainants. The Board functioned as the complainant in one of these complaints, so we are unsure how to proceed in this instance. The other complaint no "official certified" letter was sent. Board staff was in contact with the complainant via email. The Board will comply with sending the six-month letter in the future.

Page 2 also lists that "Each board member shall attend at least one orientation session during each term of office (§30-1-2a(c)(3))." Five of the six board members attended the December 1, 2015 Annual Auditor's Training during their first term. Board members were just recently reappointed as of September 4, 2018. The Administrative Assistant who functions as office manager and is the only full-time staff member has attended this training every year and reports back to the board.

The Board is Financially Self Sufficient

The Board thanks the Legislature for passing the Title 17, Series 1 Fee changes so that the Board can continue to protect the public by having sufficient funding to operate.

Cash Handling

The Board will consider alternate ways to collect revenues via credit card and online renewals.

Table 5

In the draft dated 11/15/18, Table 5 and the paragraph prior to the table used incorrect figures for the biennial and triennial renewal fee. This was to be corrected within the PERD report using \$350 for the biennial renewal fee and \$150 - \$200 for the triennial renewal fee. There was also an out of state renewal fee of \$100 with about 100 psychologists renewing at this out of state rate.

Annual Auditor's Training

(§30-1-2a(c)(3)) reads: "(2) The chairperson, the executive director or the chief financial officer of the board shall annually attend a seminar provided under this section." A discussion took place at

the Annual Auditor's Training on 11/27/2018, which Ms. Lynch and one new Board member attended, where the requirement could be construed in different ways due to the placement of the comma(s). Board staff has attended the training every year and five of six Board members have attended once during their term. We will continue to strive towards the requirement of the Legislature.

Recommendations

1. The Board will comply with the six-month status report with a certified letter being sent to both parties. In complaints where the Board is the complainant the Board needs clarification on how the six-month letter is to be handled.
2. The Board will consider utilizing various forms of handling cash in the future including the WV State Treasurer's Office lockbox system.
3. The Board will continue to strive towards the requirement of the Legislature.

Webpage Review

The Board's webpage was created and launched by WV Interactive during the spring of calendar year 2017. The Board will review the recommendations contained within the report at their next meeting.

Sincerely,



Jeffrey Hammond,
Board President



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

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