

August 2024  
PE 24-02-675

## REGULATORY BOARD REVIEW

# BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

### AUDIT OVERVIEW

The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public

The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W.Va. Code; However, Improvement Is Needed

The Board's Fees Do Not Generate Excessive Revenue When Compared to the Board's Normal Expenses

The Board's Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency



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**John Sylvia**  
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August 25, 2024

The Honorable Jack Woodrum  
State Senate  
Building 1, Room 214W  
1900 Kanawha Boulevard, East  
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The Honorable Chris Phillips  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Boulevard, East  
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Dear Chairs:

Pursuant to the West Virginia Performance Review Act, we are transmitting a Regulatory Board Review of the *Board of Examiners for Speech-Language Pathology and Audiology*. The issues covered herein are:

1. The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public
2. The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W. Va. Code; However, Improvement is Needed
3. The Board's Fees Do Not Generate Excessive Revenue When Compared to the Board's Normal Expenses
4. The Board's Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency

We transmitted a draft copy of the report to the Board and held an exit conference on August 8, 2024. We received the Board's written response on August 13, 2024. If you have any inquiries on this report, please let me know.

Sincerely,

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

John Sylvia



# CONTENTS

Executive Summary .....	7
Issue 1: The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public .....	11
Issue 2: The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W.Va. Code; However, Improvement Is Needed .....	19
Issue 3: The Board's Fees Do Not Generate Excessive Revenue When Compared to the Board's Normal Expenses .....	35
Issue 4: The Board's Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency .....	39

## List of Tables

Table 1: Board of Examiners for Speech-Language Pathology and Audiology Number of Licensees, Registrations, and Provisional Licenses FY 2020 through FY 2023 .....	13
Table 2: National Practitioner Data Bank Nationwide Regulatory Action Against Speech-Language Pathologists and Audiologists FY 2013 through FY 2023 .....	15
Table 3: National Practitioner Data Bank Cause for Adverse Action Reports Nationwide Speech-Language Pathologists and Audiologists FY 2013 through FY 2023 .....	16
Table 4: Board of Examiners for Speech-Language Pathology and Audiology Budget Information FY 2018 through FY 2023 .....	21
Table 5: Board of Examiners for Speech-Language Pathology and Audiology Expected Revenue and Actual Revenue FY 2020 through FY 2023 .....	22
Table 6: Board of Examiners for Speech-Language Pathology and Audiology Percentage of Expected Required Expenditures FY 2020 through FY 2023 .....	22
Table 7: Board of Examiners for Speech-Language Pathology and Audiology Percent Online Revenues are of All Revenues FY 2020 through FY 2023 .....	23
Table 8: Speech-Language Pathologist and Audiologist Licensure Fees West Virginia and Surrounding States .....	25
Table 9: Board of Examiners for Speech-Language Pathology and Audiology Complaint Resolution Statistics FY 2020 through FY 2023 .....	26
Table 10: Speech-Language Pathologist and Audiologist Continuing Education Requirements West Virginia and Surrounding States .....	27
Table 11: Board of Examiners for Speech-Language Pathology and Audiology Excess Fund Transfers to the State General Revenue Fund FY 2020 through FY 2023 .....	35
Table 12: Board of Examiners for Speech-Language Pathology and Audiology Website Evaluation Score .....	39
Table 13: Board of Examiners for Speech-Language Pathology and Audiology Website Evaluation Score .....	40

## List of Figures

Figure 1: Board of Examiners for Speech-Language Pathology and Audiology Revenues, Expenditures, and End-of-Year Cash Balances FY 2018 through FY 2023 .....	37
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## List of Appendices

Appendix A: Transmittal Letter .....	45
Appendix B: Objectives, Scope and Methodology .....	47
Appendix C: Agency Response .....	51
Appendix I: Chapter 30 Healthcare Licensing Boards .....	53
Appendix II: Website Criteria Checklist and Points System .....	55

## EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the Board of Examiners for Speech-Language Pathology and Audiology (Board) pursuant to the Performance Review Act, Chapter 4, Article 10 of the West Virginia Code. Objectives of this review were to determine the continued need for the Board, to assess the Board's compliance with the general provisions of Chapter 30 and other applicable laws, to determine if the Board's fees generate excessive revenue when compared to the Board's normal expenses, and to 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  
OASIS – Our Advanced Solution with Integrated Systems  
SLP – Speech-Language Pathologist  
NPDB – National Practitioner Data Bank  
PEIA – Public Employees Insurance Agency

### Report Highlights:

#### **Issue 1: The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public**

- Speech-language pathology and audiology are specialized professions that require technical knowledge and expertise.
- Although complaints are not prevalent the nature of the complaints indicate the potential for harm.
- Regulating the practice of speech-language pathology and audiology, as currently established, should continue as currently structured.

#### **Issue 2: The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W. Va. Code; However, Improvement Is Needed**

- The Board is financially self-sufficient and has established continuing education requirements.
- Four of the Board's seven members are serving on expired terms and have been serving for more than two consecutive terms.
- The Board should ensure that board members attend the required state auditor's training sessions for regulatory boards.

#### **Issue 3: The Board's Fees Do Not Generate Excessive Revenue When Compared to the Board's Normal Expenses**

- Currently, the Board's fee structure does not raise revenue above what it needs to operate.
- While the Board's expenditures were mostly consistent in FY 2018 through FY 2021, they increased by 58% in FY 2022 largely because of an increase in the Board's payroll costs and a resumption in travel following the COVID-19 pandemic.

## Issue 4: The Board's Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency

- The Board's website is somewhat difficult to navigate because there is no search tool, there is no option to resize the text, and there is no mobile functionality.
- The website is at the recommended reading level of 7<sup>th</sup> grade, according to the Flesch Kincaid reading test.
- The Board's website contains important transparency features including its email, physical address, telephone number, names and contact information for administrators, and public records such as statutes, rules, and meeting minutes.

## PERD's Response to the Agency's Written Response

The Board provided its response on August 13, 2024 (see Appendix C). The Board reported that it agrees with all but one of the findings and recommendations in the report and that it is already implementing some of the recommendations. The Board states that using the State Treasurer's lockbox system will create a problem with the timely turnaround of licenses and registrations and that most of its transactions are done online. PERD understands the Board's concerns; however, as it currently stands, the Board does not have enough staff for proper segregation of duties related to handling revenues. PERD's recommendation of using the State Treasurer's lockbox has been a standard recommendation for other regulatory boards with similar issues. There are several regulatory boards that have found the State Treasurer's lockbox to be beneficial. However, PERD emphasizes that this is a recommendation, and it is up to the Board to determine the feasibility of the recommendation considering its particular circumstances.

## Recommendations

1. *The Performance Evaluation and Research Division recommends that the Legislature continue the Board of Examiners for Speech-Language Pathology and Audiology as currently regulated.*
2. *The Board should consider utilizing the State Treasurer's Lockbox system to reduce the risk of fraud.*
3. *The Board should provide the public with remote attendance instructions for its teleconference meetings.*
4. *The Legislature should consider amending law to impose the same notice standards that apply to virtual meetings held during a declared state of emergency to virtual meetings held during non-emergencies.*
5. *The Board should ensure that all its members attend at least one orientation session for each term they are in office.*



6. *The Board should identify proper authorization to hold executive sessions as required by West Virginia Code §6-9A-4.*
7. *The Board should communicate with the Governor's Office to cover the expired terms of the four board members currently serving on expired terms.*
8. *The Board should maintain a complete register of applicants as required by law.*
9. *The Legislature should consider amending West Virginia Code 30-1-5 to require reporting of individual practice violations from additional entities such as hospitals, health care organizations, and liability insurance organizations to the healthcare licensing boards listed in Appendix I.*
10. *The Legislature should also consider amending W. Va. Code 30-1-5 to include civil penalties for failure to report by mandated reporters.*
11. *If the Legislature amends West Virginia Code 30-1-5 to require reporting of individual practice violations from additional entities, the Board should give general guidance on the types of issues that should be reported.*
12. *The Board should consider adding other user-friendliness and transparency elements to its website as recommended in this review.*



## ISSUE 1

### The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public

#### Issue Summary

This is a regulatory board review of the Board of Examiners for Speech-Language Pathology and Audiology (Board) required by West Virginia Code §4-10-10. An objective of this review is to determine if there is a continued need for the Board and regulation of the speech-language pathology and audiology professions, or can the professions be regulated less restrictively or without the Board, or can the Board be consolidated with another board.<sup>1</sup> The Board licenses speech-language pathologists (SLP) and audiologists, and issues registrations to speech-language pathology and audiology assistants. In considering the need for regulation of a profession, the Performance Evaluation and Research Division (PERD), within the Office of the Legislative Auditor, determines if there would be significant adverse effects to the public if the profession was unregulated. PERD determined that the public could be harmed if the practices of speech-language pathology and audiology were unregulated. Therefore, PERD recommends that regulation by the Board be continued as currently structured.

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*The Board licenses speech-language pathologists (SLP) and audiologists, and issues registrations to speech-language pathology and audiology assistants.*

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#### Speech-Language Pathology and Audiology Are Specialized Professions and Have the Potential to Cause Harm

In speech-language pathology, the SLP evaluates levels of speech, language, or swallowing difficulty. They teach clients how to make sounds, improve their voices, and maintain fluency. Some work with specific age groups, such as children or older adults. Others focus on treatment programs for specific communication or swallowing problems that result from developmental delays or medical causes, such as a stroke or cleft palate.

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*The SLP evaluates levels of speech, language, or swallowing difficulty. Audiologists diagnose conditions such as hearing loss and tinnitus.*

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Audiologists diagnose conditions such as hearing loss and tinnitus. They use a variety of devices to identify the extent and underlying cause of hearing loss. The treatment they apply can vary from cleaning ear canals to working with patients who have vertigo or other balance problems.

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<sup>1</sup> On March 12, 2022, the legislature passed House Bill 4333 which terminated the Board of Hearing-Aid Dealers and Fitters effective June 30, 2023. The bill states that upon termination, the Board of Examiners for Speech-Language Pathology and Audiology shall control and regulate the practice of dealing or fitting hearing aids in West Virginia.

Speech-language pathology and audiology play a role in patients' health and have the potential to cause harm. SLPs and audiologists work with patients of all ages and work in a variety of settings, including hospitals, clinics, and schools. The 2001 and 2012 PERD reviews of the Board concluded that the unregulated practice of speech-language pathology and audiology could put the public at risk for harm. For instance, audiologists perform a procedure called cerumen (earwax) removal. Audiologists use special tools to conduct this procedure, and it can be dangerous if a patient has certain ear conditions, such as effusion in the ear canal or other active ear disease, hematoma in the ear canal, surgical modification of the canal wall, the patient is diabetic, or if the patient has bleeding disorders.

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*Audiologists perform a procedure called cerumen (earwax) removal. Audiologists use special tools to conduct this procedure, and it can be dangerous.*

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For speech-language pathology, SLPs may perform an endoscopic evaluation of swallowing, alone or with a doctor, that involves inserting a small tube with a camera and light into a patient's nose and down the throat. The patient will then eat and drink different things during the test while the speech-language pathologist observes and records results. Risks from this procedure involve discomfort, vomiting, epistaxis (nosebleed), mucosal perforation, allergic reaction, or laryngospasm (involuntary muscular spasms of the vocal cords). SLPs need to be aware and trained to detect these adverse reactions and respond appropriately. Use of topical anesthesia in infants and children is also possible in this procedure. In addition, the equipment used for this procedure must be adequately decontaminated to avoid infection, and there is risk for localized nasal trauma and bleeding.

When provided the opportunity to describe why the Board is necessary to protect the public, the Board's executive director stated that:

*The ultimate purpose for the Board of Speech-Language Pathology and Audiology is for the safety and welfare of the public. Our board is here to ensure that individuals and the public at large are not subject to unreasonable risk created by a lack of independent knowledge. As a government organization, we are here to ensure that individuals that are licensed or registered with the board are following the WV code and Legislative Rules for Chapter 30 Board [sic].*

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*SLPs may perform an endoscopic evaluation of swallowing that involves inserting a small tube with a camera and light into a patient's nose and down the throat.*

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*The harm it would cause if this board was not regulated:*

- *Improper practice would cause serious harm to the public.*
- *Fraudulent Billing*
- *No Continuing Education guidelines*
- *Ethics Violations*

- *Misrepresent Diagnosis information*
- *More complaints*
- *Unlicensed practice.*

*The Board of Examiners for Speech- Language Pathology and Audiology ensure [sic] that our Audiologist, Speech Pathologists and Assistants are regulated.*

*All 50 states and Washington, D.C. regulate the practice of speech-language pathology and audiology through licensure.*

**The Board Licenses and Registers Over 1,250 Individuals**

The Board issues biennial licenses to SLPs, audiologists, and SLP/audiologists dual licensees; as well as annual provisional speech-language pathology and audiology licenses. The Board also issues registrations to speech-language pathology and audiology assistants. Table 1 shows the number of licensees regulated by the Board from fiscal years (FY) 2020 to 2023.

<b>Table 1 Board of Examiners for Speech-Language Pathology and Audiology Number of Licensees, Registrations, and Provisional Licenses FY 2020 through FY 2023</b>				
<b>Type</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Speech-Language Pathologists</b>	1,042	1,140	1,103	1,039
<b>Audiologists</b>	165	178	180	171
<b>Dual: Speech-Language Pathology &amp; Audiology</b>	3	3	4	3
<b>Provisional Speech-Language Pathologists</b>	30	49	48	39
<b>Speech-Language Pathology &amp; Audiology Assistants</b>	8	6	5	8
<b>Telepractice Therapists</b>	-	-	18	12
<b>Totals</b>	<b>1,248</b>	<b>1,376</b>	<b>1,358</b>	<b>1,272</b>
<i>Source: Board of Examiners for Speech-Language Pathology and Audiology.</i>				

All 50 states and Washington, D.C. regulate the practice of speech-language pathology and audiology through licensure. Forty-one (41) states regulate the practice of speech-language pathology and audiology through a centralized agency. West Virginia is one of 10 states that regulate the profession through an independent board. West Virginia Code has defined the educational criteria to be licensed to practice speech-language pathology and audiology in the state. Speech-language pathology licensure applicants must document they have a master’s degree or equivalent in speech-language pathology from an educational

institution approved by the Board, complete supervised clinical practicum experiences from an educational institution or cooperating programs approved by the Board, complete a postgraduate professional experience approved by the Board, pass a jurisprudence examination developed by the Board, and pass the national examination in speech-language pathology. Audiology licensure applicants must possess at least a master's degree or equivalent in audiology from an educational institution approved by the Board, complete supervised clinical practicum experiences from an educational institution or its cooperating programs approved by the Board, complete a postgraduate professional experience, pass a jurisprudence examination developed by the Board, and pass the national examination in audiology.

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*Audiology licensure applicants must possess at least a master's degree or equivalent in audiology from an educational institution approved by the Board.*

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## **Although Complaints Are Not Prevalent, the Nature of the Complaints Indicates the Potential for Harm**

The Board received two complaints from FY 2020 to FY 2023 (see Issue 2 for further discussion). The complaints include a billing dispute between the complainant and licensee, and a licensee alleged to have prematurely diagnosed a patient. Currently, the billing dispute case is ongoing and has not been resolved. In the case of the premature diagnosis, the Board dismissed the case with no further action, but sent a letter to all parties involved, encouraging cooperation in the future.

PERD also reviewed the United States Department of Health and Human Services' Health Resources and Services Administration's Bureau of Health Workforce, Division of Practitioner Data Bank (NPDB). The NPDB is a web-based repository of reports containing information on certain adverse actions and on medical malpractice payments related to health care practitioners, providers, and suppliers from all 50 States. Querying the NPDB for West Virginia-specific data produced no reported malpractice cases for SLPs and audiologists. However, the NPDB lists 7 adverse actions for audiologists and 26 adverse actions for SLPs licensed in West Virginia. Nationwide, PERD found the NPDB receives a relatively small number of disciplinary action reports for SLPs and audiologists, but the reports suggest the potential for harm to the public.

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*Nationwide, PERD found the NPDB receives a relatively small number of disciplinary action reports for SLPs and audiologists, but the reports suggest the potential for harm to the public.*

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Table 2 shows the regulatory actions reported in the adverse action reports for SLPs and audiologists from 2013 through 2023. Adverse action reports come from hospitals and other health care entities reporting adverse clinical privileges actions. Nationally, reported regulatory actions include an annual average of 17 licenses suspended, 7 revoked, and 28 instances for reprimand or censure and 19 probations.

**Table 2**  
**National Practitioner Data Bank Nationwide**  
**Regulatory Action Against Speech-Language**  
**Pathologists and Audiologists**  
**FY 2013 through FY 2023**

Licensure Action Taken	Total Count	Average per Year
	279	28
Reprimand or Censure	188	19
Probation	173	17
Suspension	67	7
Revocation	62	6
Voluntary Surrender Other Licensure Action	617	62

*Source: National Practitioner Data Bank Public Use Data File, October 30, 2023, U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Workforce, Division of Practitioner Data Bank, <https://www.npdb.hrsa.gov/>.*

For those reports that included a basis of action, Table 3 shows some of the most common reasons for the adverse action reports during the period and a yearly average. Most reports are for actions such as practicing with an expired license, a criminal conviction, or failure to maintain/provide records or information. Table 3 also includes the number of reports that PERD most closely associated with direct risk of harm: negligence, patient abuse, incompetence, and misappropriation of patient property or other property. The adverse action reports indicate that harm occurs within the profession.

*Table 3 shows some of the most common reasons for the adverse action reports during the period and a yearly average. Most reports are for actions such as practicing with an expired license, a criminal conviction, or failure to maintain/provide records or information.*

**Table 3**  
**National Practitioner Data Bank**  
**Cause for Adverse Action Reports Nationwide**  
**Speech-Language Pathologists and Audiologists**  
**FY 2013 through FY 2023**

Cause	Total Count	Average Per Year
Practicing With an Expired License	177	18
Criminal Conviction	99	10
Practicing Without a License	71	7
Failure to Maintain/Provide Records	54	5
Disciplinary Action Taken by Licensing Authority	40	4
Negligence	13	1
Patient Abuse	2	0
Incompetence	2	0
Misappropriation of Patient Property or Other Property	1	0

Source: National Practitioner Data Bank Public Use Data File, October 30, 2023, U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Workforce, Division of Practitioner Data Bank, <https://www.npdb.hrsa.gov/>.

## Insurance Coverage Requires Regulation

PERD found that for speech-language pathology and audiology services to be covered by Medicare and Medicaid the provider had to be licensed or certified if the State licenses. For SLPs, the Centers for Medicare & Medicaid Services (CMS) uses broad language that includes licensure or certification. The CMS defines qualified professionals as follows:

*speech-language pathologist...who is licensed or certified by the state to furnish therapy services, and who also may appropriately furnish therapy services under Medicare policies. [emphasis added]*

For audiologists, CMS states that, “...a qualified audiologist is an individual with a master’s or doctoral degree in audiology...[and] Is licensed as an audiologist by the State in which the individual furnishes such services....”

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*PERD found that for speech-language pathology and audiology services to be covered by Medicare and Medicaid the provider had to be licensed or certified if the State licenses.*

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In addition, PERD found that the Public Employees Insurance Agency (PEIA) will reimburse for speech therapy in certain outpatient settings from providers that are properly licensed West Virginia providers. Coverage for a hearing exam, diagnostic testing, and hearing aids are available through the optional benefits plan. And as such, providers would have to be properly licensed.

## Conclusion

It is PERD's opinion that regulation of speech-language pathologists and audiologists by the Board should be continued. Speech-language pathology and audiology are professions that include contact with vulnerable populations. Though not numerous, the complaints received by the Board and reports sent to the NPDB indicate the public could face harm without regulation. The Board serves this regulatory function through education and competency criteria, continuing education enforcement, and responding to complaints.

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*It is the PERD's opinion that regulation of speech-language pathologists and audiologists by the Board should be continued.*

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## Recommendations

1. *The Performance Evaluation and Research Division recommends that the Legislature continue the Board of Examiners for Speech-Language Pathology and Audiology as currently regulated.*



## ISSUE 2

### **The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W. Va. Code; However, Improvement Is Needed**

#### **Issue Summary**

The Board complies with some of the general provisions of West Virginia Code §30-1-1, et seq. The Board is financially self-sufficient, and it has established continuing education requirements. The Board's open meeting notices did not indicate how the public could attend remote meetings in 20 instances, and the Board did not provide proper authorization before entering executive sessions in 12 instances. Additionally, four of the Board's seven members are serving on expired terms and have been serving for more than two consecutive terms. Moreover, two board members have not attended the State Auditor's Seminar on Regulatory Boards during at least one of their terms of office.

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*The Board is financially self-sufficient, and it has established continuing education requirements.*

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#### **The Board Complies with Some General Provisions of Chapter 30**

Chapter 30, Article 1, of the West Virginia Code identifies important provisions for the effective operation of regulatory boards. The Board is compliant with the following W. Va. Code Chapter 30 provisions:

- The chairperson, the executive director or the chief financial officer of the board have annually attended an orientation session conducted by the State Auditor as required under West Virginia Code §30-1-2a(c)(2).
- The Board has adopted an official seal (§30-1-4).
- The Board has held at least one board meeting a year (§30-1-5(a)).
- The Board sends a status report to the party filing the complaint and the named licensee(s) within six months of the complaint being filed and resolves all complaints within one year of the status report (§30-1-5(c)).

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*The Board did not provide proper authorization before entering executive sessions in 12 instances.*

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- The Board provided public access on a website to all completed disciplinary actions in which discipline was ordered (§30-1-5(d)).
- 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 promulgated procedural rules specifying the investigation and resolution procedure of all complaints (§30-1-8(k)).
- The Board 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 W. Va. §30-1-12(c).
- The Board maintains a roster of licensees' names and office addresses, practicing in the state arranged alphabetically by name and by the cities or counties in which their offices are situated (§30-1-13).

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*The Board maintains a roster of licensees' names and office addresses, practicing in the state arranged alphabetically by name and by the cities or counties in which their offices are situated (§30-1-13).*

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The Board has not complied with the following W. Va. Code Chapter 30 requirements:

- Each board member shall attend at least one orientation session during each term of office as required under (§30-1-2a(c)(3)).
- The Board's register of all applicants does not have all the appropriate information specified in W. Va. Code §30-1-12(a) including age, education and other qualifications, place of residence, examination required, license granted or denied, suspensions, etc.<sup>2</sup>

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*The Board's register of all applicants does not have all the appropriate information specified in W. Va. Code §30-1-12(a).*

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The Board does not comply with the following of the Board's enabling statute provisions:

- No member may serve for more than two consecutive terms (§30-32-5(c)).

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<sup>2</sup> During the 2023 legislative session, Senate Bill 240 was passed and signed into law, effective June 9, 2023, that amended W. Va. Code §30-1-12(a) to substitute "mailing address" for "place of residence" in the register.

## The Board Is Financially Self-Sufficient

Table 4 shows that the Board is financially self-sufficient as required by W. Va. Code §30-1-6(c). It is PERD's opinion that cash reserves that are from one to two times a board's annual expenditures are at a prudent level. As can be seen, the Board's end-of-year cash balances fluctuate and have ranged between 112 and 291 percent of its annual expenditures. The disparate range is due to the Board collecting most of its revenues from license renewals which occurs in odd-numbered years. However, the average end-of-year cash balance, as a percent of its annual expenditures, over the six-year period examined is within the prudent range. Annual disbursements include salary and benefits, travel, computer services, and legal services.

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*The Board's end-of-year cash balances fluctuate and have ranged between 112 and 291 percent of its annual expenditures.*

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**Table 4**  
**Board of Examiners for Speech-Language Pathology and Audiology**  
**Budget Information**  
**FY 2018 through FY 2023**

<b>Fiscal Year</b>	<b>Beginning-of-Year Cash Balances</b>	<b>Revenues*</b>	<b>Expenditures</b>	<b>End-of-Year Cash Balances</b>	<b>EOY Cash as a Percent of Annual Expenditures</b>
<b>2018</b>	\$237,408	\$48,310	\$127,495	\$158,523	124%
<b>2019</b>	\$158,523	\$232,485	\$114,444	\$276,564	242%
<b>2020</b>	\$276,564	\$46,958	\$124,059	\$199,463	161%
<b>2021</b>	\$199,463	\$242,080	\$113,018	\$328,750	291%
<b>2022</b>	\$328,750	\$49,853	\$178,571	\$200,032	112%
<b>2023</b>	\$200,032	\$260,354	\$128,662	\$331,723	258%
<b>Avg.</b>	<b>\$233,456</b>	<b>\$146,673</b>	<b>\$131,041</b>	<b>\$249,176</b>	<b>198%</b>

*Source: Our Advanced Solution with Integrated Systems (OASIS) WV-FIN-GL-151 Cash Balance report. PERD calculations of percentages. \*Licensees renew biennially so revenues fluctuate.*

## The Risk of Fraud on the Expenditure and Revenue Sides Are at an Acceptable Level

To assess the risk of fraud on the revenue side, PERD calculated the minimum expected revenue for the Board by multiplying licensee fees by the number of reported licensees. Table 5 provides a comparison of actual and expected revenues for the Board for FY 2020 through 2023. Given that for every year reviewed actual revenues exceeded expected revenue, PERD deems the likelihood of fraud having occurred on the revenue side as relatively low.

**Table 5**  
**Board of Examiners for Speech-Language Pathology**  
**and Audiology**  
**Expected Revenue and Actual Revenue**  
**FY 2020 through FY 2023**

Fiscal Year	Expected Revenue	Actual Revenues*	Difference
2020	\$35,160	\$46,958	\$11,798
2021	\$241,895	\$242,080	\$185
2022	\$40,820	\$49,853	\$9,033
2023	\$230,555	\$260,354	\$29,799
<b>Average</b>	<b>\$137,108</b>	<b>\$149,811</b>	<b>\$12,704</b>

Source: PERD calculations based on OASIS WV-FIN-GL-151 reports and board information. \*Licensees renew biennially so revenues fluctuate.

*For every year reviewed actual revenues exceeded expected revenue, PERD deems the likelihood of fraud having occurred on the revenue side as relatively low.*

To assess the risk of fraud on the expenditure side, PERD calculated the percentage of expected and required expenditures for FY 2020 through FY 2023 (see Table 6). PERD determines that the risk of fraud is relatively low on the expenditure side when a Board's required and expected expenditures are 90 percent or more of total annual expenditures. PERD's evaluation of the Board's expenditures over the four-year period evaluated shows that on average 93 percent of expenses are expected and required.

**Table 6**  
**Board of Examiners for Speech-Language Pathology**  
**and Audiology**  
**Percentage of Expected Required Expenditures**  
**FY 2020 through FY 2023**

Fiscal Year	Percent
2020	90%
2021	99%
2022	94%
2023	89%
<b>Average</b>	<b>93%</b>

Source: PERD calculations based on OASIS WV-FIN-GL-062 Account Status report.

*PERD's evaluation of the Board's expenditures over the four-year period evaluated shows that on average 93 percent of expenses are expected and required.*

As FY 2023 was under 90 percent, PERD conducted a detailed review of the Board’s expenditures from FY 2020 through FY 2023 to further assess the risk of fraud. Upon examining these expenditures, PERD determined that the Board’s expenditures associated with travel and attendance at annual association meetings were the reasons the required and expected expenditures varied in fiscal year 2021, when there were no such costs unlike the other years examined. Without these costs, the Board’s expected and required costs would have been 98 or 100 percent in each year examined. PERD concludes that the travel expenses were legitimate, and that out-of-state travel for national association meetings can assist board members with knowledge that may assist in better operations of the agency.

*PERD concludes that the travel expenses were legitimate, and that out-of-state travel for national association meetings can assist board members with knowledge that may assist in better operations of the agency.*

**The Board Lacks Internal Controls and Should Consider Utilizing the State Treasurer’s Lockbox System**

The Board has one full-time employee, the executive director, who manages the Board’s finances. Therefore, the Board cannot segregate duties for proper internal control. Segregation of duties is important because it safeguards and reduces the risk against improper use or loss of the Board’s resources. PERD found that for FY 2020 through FY 2023 the Board received 88 percent of its total revenues as online payments. As shown in Table 7 the percent varied between 54 percent and 93 percent. As licenses expire December 31 of even years, revenues appear in the Board’s fund during odd fiscal years when license renewals occur, and can be paid online.

**Table 7**  
**Board of Examiners for Speech-Language Pathology and Audiology**  
**Percent Online Revenues are of All Revenues**  
**FY 2020 through FY 2023**

Fiscal Year	All Revenues	Online Revenues	Percent
2020	\$46,958	\$25,320	54%
2021	\$242,305	\$222,485	92%
2022	\$49,853	\$38,040	76%
2023	\$260,354	\$242,834	93%
Total	\$599,470	\$528,679	88%

Source: PERD calculations based on OASIS WV-FIN-GL-062.

*The Board has one full-time employee. Therefore, the Board cannot segregate duties for proper internal control.*

The executive director receives, and records payments not paid online. In addition, the executive director deposits revenues and is responsible for reconciling revenues. 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 adequate segregation of duties for handling cash, the 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
- Disbursements, and
- Reconciling.

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*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.*

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The Board does not utilize the State Treasurer’s Lockbox system, which can minimize the handling of revenue. 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 State Treasurer’s Office for a fee. Use of the lockbox operation helps to mitigate the risk of fraud and is beneficial to boards with a small staff to handle such procedures. As such, PERD recommends the Board should consider utilizing the State Treasurer’s Lockbox system to reduce the risk of fraud in the handling of revenue.

## **The Board’s Initial Licensure Fees Are Higher than All Surrounding States While Its Renewal Fee Is Higher than All but One of the Surrounding States**

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*The Board does not utilize the State Treasurer’s Lockbox system, which can minimize the handling of revenue.*

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West Virginia and surrounding states’ licensure and renewal fees can be seen in Table 8. The fees for initial licensure in West Virginia are \$100 for the application and is \$200 for the first licensure period. West Virginia’s renewal fee is \$175. This is higher than all surrounding states except Maryland. **The Board’s fee structure will be discussed further in Issue 3.**



<b>Table 8</b> <b>Speech-Language Pathologist and Audiologist</b> <b>Licensure Fees</b> <b>West Virginia and Surrounding States</b>				
State	Speech-Language Pathologists and Audiologists			Renewal Cycle
	Application	Initial	Renewal	
Kentucky	\$50	\$150	\$100	Biennial
Maryland	\$150	\$0	\$250	
Ohio	\$200	\$0	\$120	
Pennsylvania	\$0	\$50	\$65	
Virginia	\$135	\$0	*\$75	Annual
Surrounding States Avg.	\$107	\$40	\$137	
West Virginia	\$100	\$200	\$175	Biennial
<i>Source: PERD's analysis of other states speech-language pathology and audiology boards websites and statutes.</i> <i>*For "Surrounding States Avg." calculations, the renewal fees of Virginia were doubled and added to the formula to account for Virginia's annual renewal cycle</i>				

## The Board Resolves Complaints in a Timely Manner

PERD reviewed the two complaints the Board received in FY 2020 through FY 2023. The Board resolved one of two complaints within 18 months of its initial filing. The complaint from 2021 remains open. No disciplinary action was ordered in the closed complaint. Table 9 provides an overview of the complaints and average time to resolve them. The nature of the complaints includes premature dyslexia diagnosis and overbilling.

<b>Table 9</b> <b>Board of Examiners for Speech-Language Pathology and Audiology</b> <b>Complaint Resolution Statistics</b> <b>FY 2020 through FY 2023</b>			
<b>Fiscal Year</b>	<b>Number of Complaints Received</b>	<b>Number of Cases with Disciplinary Action</b>	<b>Avg. Resolution Time in Days</b>
<b>2020</b>	0	-	-
<b>2021</b>	1	open	open
<b>2022</b>	1	0	115
<b>2023</b>	0	-	-
<b>Average</b>	<b>1</b>	<b>0</b>	<b>115</b>
<i>Source: PERD's calculations based on the Board's complaint files.</i>  <i>Average complaint resolution times are calculated based on resolved complaints not total number of complaints.</i>			

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*The Board has established continuing education (CE) requirements for SLPs and audiologists by rule in West Virginia Code of State Rules (CSR) §29-1-14.*

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## **The Board Has Established Continuing Education Requirements**

The Board has established continuing education (CE) requirements for SLPs and audiologists by rule in West Virginia Code of State Rules (CSR) §29-1-14. Table 10 displays the CE requirements in West Virginia and the surrounding states. Speech-language pathologists and audiologists must complete 20 hours of continuing education and competency activities during the 2-year period preceding the application for renewal.

<b>Table 10</b> <b>Speech-Language Pathologist and Audiologist</b> <b>Continuing Education Requirements</b> <b>West Virginia and Surrounding States</b>		
State	Speech- Language Pathologist and Audiologist	Renewal Cycle
Kentucky	30	Biennial
Maryland	30	
Ohio	20	
Pennsylvania	20	
Virginia	10	Annual
Surrounding States Average	24	
West Virginia	20	Biennial
<i>Source: PERD's analysis of other states speech-language and audiology boards websites and statutes.</i>		

*The Board conducted 23 teleconference meetings from fiscal year 2020 to fiscal year 2023. Twenty (20) of the notices the Board filed with the Secretary of State's Office for these teleconference meetings did not provide a call-in number for public attendance.*

## The Board Should Provide Remote Attendance Instructions When It Offers Teleconference Meetings

The Board conducted 23 teleconference meetings from fiscal year 2020 to fiscal year 2023. Twenty (20) of the notices the Board filed with the Secretary of State's Office for these teleconference meetings did not provide a call-in number for public attendance. Three of the notices provided either the Board's telephone number or an email address for the public to contact to receive instruction on how to join the meeting remotely. However, according to Legislative Services no violation has been committed by the Board. Sixteen (16) of these 23 teleconference meetings occurred during the COVID-19 pandemic, in which a state of emergency was declared by the governor on March 16, 2020, and state agencies could not meet in person. During this time, the Ethics Commission posted guidelines on its main webpage that stated, "a governing body's efforts to accommodate additional attendees through providing a call-in number or access to a livestream of the meeting would meet the minimum requirements of the Open Meetings Act." This statement was issued only as guidelines for the state-wide emergency.

In response to the COVID-19 emergency that required widespread use of virtual meetings by state agencies, the Legislature passed House Bill (HB) 3146 during the 2023 legislative session that provided statutory

requirements for virtual meetings held during a declared state of emergency. House Bill 3146 included requirements for notices of virtual meetings such as stating what technology will be used and how members of the public may participate in real time. Although not specifically listed, the notice requirements of HB 3146 “would include Zoom links, Facebook pages names or links, and call-in numbers,” according to Legislative Services.

However, it should be noted that HB 3146 speaks only to virtual meetings held during a declared state of emergency. Legislative Services indicates in its legal opinion that:

*Nothing in the Ethics opinion 99-08, or anything since, lists these same requirements for virtual attendance of meetings during **non-declared emergency** times. Therefore, we should expect that meetings held during states of emergency require more information to satisfy notice requirements and that less information is necessary for compliance with notice requirements for virtual meetings during times where no state of emergency is declared. [emphasis added]*

Although the governor’s state of emergency was lifted on January 1, 2023, there is the likelihood that state agencies will continue to hold virtual meetings during non-emergency conditions. Legislative Services’ legal opinion states that:

*HB 3146 does **only** authorize virtual meetings during declared states of emergency and addresses only those meetings that would take place during a time that it is contraindicated to meet in person due to the emergency declaration. However, in 1999, the West Virginia Ethics Commission 99-08, the Committee found that the Open Governmental Proceedings Act permitted video and telephone conferencing, as well as conferencing “by other electronic means.” The Commission further stated, “a telephone conference must comply with the other requirements of the Act.” [emphasis included]*

Therefore, while HB 3146 only pertains to virtual meetings during declared emergencies, virtual meetings are still permitted during non-emergencies.

Legislative Services concludes that with the passage of HB 3146, virtual meetings held during states of emergency will “require more information to satisfy notice requirements and that less information is necessary for compliance with notice requirements for virtual meetings during times where no state of emergency is declared.” **Therefore, Legislative Services advises that the Legislature consider amending**

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*The Legislature passed House Bill (HB) 3146 during the 2023 legislative session that provided statutory requirements for virtual meetings held during a declared state of emergency.*

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*While HB 3146 only pertains to virtual meetings during declared emergencies, virtual meetings are still permitted during non-emergencies.*

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**law to impose the same notice standards that apply to virtual meetings held during a declared state of emergency to virtual meetings held during non-emergencies.** The reasoning behind the recommendation is that:

1. There are times that courts must look to other parts of the code to borrow a definition to interpret a different section of code or rules and could apply §6-9C-1, et seq. to notice requirements for Open Meetings under other circumstances;
2. It is a negligible amount of effort and no added cost to adhere to the higher standard required during a state of emergency; and
3. Consistency in notice could forestall questions and complaints about what the standard is for notice, especially if notice is given according to meetings during regular time but a state of emergency is declared between initial notice being provided the date and time of the meeting.

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*Legislative Services advises that the Legislature consider amending law to impose the same notice standards that apply to virtual meetings held during a declared state of emergency to virtual meetings held during non-emergencies.*

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## **The Board Is Not Identifying Proper Authorization to Hold Executive Sessions**

The Open Meetings Act allows governing bodies to hold an executive session and exclude the public only when a closed session is required to deal with one of the particular matters specified in W. Va. Code §6-9A-4. The Open Meetings Act requires each governing body to “identify the authorization under this section” for holding an executive session. The Board’s meeting minutes indicate it entered executive session 15 times in its meetings from FY 2020 through 2023. Its meeting minutes cited an Open Meetings Act authorization three times, twice to discuss complaints and one licensee self-report. The Ethics Commission has concluded that the Legislature intended to allow persons attending a meeting to be told the reason(s) for excluding the public to meet in executive session. The Ethics Commission has advised that it is not necessary to specifically reference the Code section as this may not inform the public who may not be familiar with such a reference. Instead, the Ethics Commission has advised that the required “authorization” for going into executive session could be provided by stating the general subject matter covered by a particular exemption in the Open Meetings Act, such as “to issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting.” **Therefore, the Board**

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*The Board’s meeting minutes indicate it entered executive session 15 times in its meetings from FY 2020 through 2023. Its meeting minutes cited an Open Meetings Act authorization three times.*

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should state the Open Meetings Act authorization before entering executive sessions during Board meetings and its meeting minutes should reflect that it did so.

### **The Board Should Ensure that Board Members Attend the Required State Auditor’s Training Sessions for Regulatory Boards**

West Virginia Code §30-1-2a(c)(3) states that each board member shall attend the State Auditor’s Seminar for Regulatory Boards a least once during each term of office. Two board members did not attend a seminar during a term of office. According to a legal opinion from Legislative Services, a board member who continues to serve after an original term expired must attend the required seminar at least once as though he or she is serving a new appointed term. Therefore, **the Board should ensure that all its members attend at least one orientation session for each term they are in office.**

*The Board should state the Open Meetings Act authorization before entering executive sessions during Board meetings and its meeting minutes should reflect that it did so.*

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### **The Board Should Request the Governor to Appoint Replacements**

Four of the Board’s seven members are serving after their statutorily permitted second consecutive terms expired. Two members have been serving since 2000. Three members were appointed in 2023 when the Board asked the governor to replace one board member who had resigned. Of the other two members, one has been serving since 2010 and the other since 2013. The Board provided no other documentation that it has contacted the Governor’s Office regarding replacement appointments. However, the Board indicated it would strive to work more closely with the Governor’s Office on board appointments to ensure board member terms are current. Therefore, **PERD finds that the Board should communicate with the Governor’s Office to cover the expired terms of the board members currently serving on expired terms.**

*The Board should ensure that all its members attend at least one orientation session for each term they are in office.*

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### **The Board’s Register Does Not Maintain a Complete Register of Applicants as Required by Code**

The Board does not maintain a complete register of applicants required by W. Va. Code §30-1-12(a), which 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. . . .*

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*The Board does not maintain a complete register of applicants required by W. Va. Code §30-1-12(a).*

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The register of applicants provided to PERD by the Board lists the licensee's name and license number, initial application date, and whether an examination was required. This is not in compliance with Code due to the lack of:

- all applicant's names,
- applicant/licensee's age,
- educational qualifications,
- place of residence,
- whether the applicant was rejected or accepted,
- all years the license was renewed, and
- a list of any suspensions or revocations.

**Therefore, the Board should maintain a complete register of applicants as required by law.**

### **The Board's Enabling Statute Does Not Require Informed Entities Such as Liability Insurance Organizations or Healthcare Facilities to Report Potential Violations to It**

The general provisions for all regulatory boards (W. Va. §30-1-5(d)) require professional licensing boards to timely report violations of individual practice acts to each other. The law also requires licensees to timely report to their own board any known or observed violations of their practice act or board rules by another licensee of the same regulatory board. However, the Board's enabling statute does not require anyone to report potential practice act or rules violations. In comparison, the West Virginia Board of Medicine's enabling statute requires reporting by entities in positions to identify potential violations, including hospitals, peer licensees, liability insurance organizations, including the state

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*The general provisions for all regulatory boards (W. Va. §30-1-5(d)) require professional licensing boards to timely report violations of individual practice acts to each other.*

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Board of Risk and Insurance Management, the courts, state medical associations, and managed care organizations operating in West Virginia. Additionally, the Board of Medicine's enabling statute provides it with the authority to assess a civil penalty against a mandated reporter found to have violated the reporting requirement.

State healthcare professional licensing boards are better able to fulfill their purpose to protect public health, safety, and welfare when they have prompt and valid information from reliable sources to inform their disciplinary process. Some information pertinent to public health and safety, includes, but is not limited to, professional misconduct, sexual misconduct with patients or surrogates and controlled substance diversion. Without statutory requirements, healthcare organizations and professionals may not report violations despite possessing credible information about problem practitioners. West Virginia Code §30-1-5(d) requires that law-enforcement agencies and courts timely report to the appropriate board any violation of individual practice acts by any individual. It is unknown how many cases related to major violations that other entities in positions to identify potential violations may choose not to report. The Board is unable to take action to protect public safety unless it has access to such information. **Therefore, the Legislature should consider amending W. Va. Code 30-1-5 to require violations be reported by additional entities as previously stated to the healthcare licensing boards listed in Appendix I.** Furthermore, without enforcement authority over the reporting requirements, required entities may choose not to report. **Therefore, the Legislature should also consider including civil penalties for all mandated reporters for failure to report.**

More mandated reporters could enhance regulatory boards' effectiveness in protecting the public. However, it is important that boards clearly communicate the criteria for reporting violations to avoid receiving complaints that do not warrant investigation because reporting requirements are vague. **Therefore, if the Legislature amends West Virginia Code 30-1-5 to require reporting of individual practice violations from additional entities, the Board should give general guidance on the types of issues that should be reported.**

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*The Board's enabling statute does not require anyone to report potential practice act or rules violations.*

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*The Legislature should consider amending W. Va. Code 30-1-5 to require violations be reported by additional entities as previously stated to the healthcare licensing boards.*

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## Conclusion

Although the Board of Examiners for Speech-Language Pathology and Audiology complies with several of the general provisions of Chapter 30, Article 1, of the West Virginia Code, there are several areas in which the Board need to address. This does not imply that the Board does not operate well. However, certain areas can be improved upon that will help the Board better protect the public. Therefore, PERD makes the following recommendations.

## Recommendations

2. *The Board should consider utilizing the State Treasurer's Lockbox system to reduce the risk of fraud.*
3. *The Board should provide the public with remote attendance instructions for its teleconference meetings.*
4. *The Legislature should consider amending law to impose the same notice standards that apply to virtual meetings held during a declared state of emergency to virtual meetings held during non-emergencies.*
5. *The Board should ensure that all its members attend at least one orientation session for each term they are in office.*
6. *The Board should identify proper authorization to hold executive sessions as required by West Virginia Code §6-9A-4.*
7. *The Board should communicate with the Governor's Office to cover the expired terms of the four board members currently serving on expired terms.*
8. *The Board should maintain a complete register of applicants as required by law.*
9. *The Legislature should consider amending West Virginia Code 30-1-5 to require reporting of individual practice violations from additional entities such as hospitals, health care organizations, and liability insurance organizations to the healthcare licensing boards listed in Appendix I.*
10. *The Legislature should also consider amending W. Va. Code 30-1-5 to include civil penalties for failure to report by mandated reporters.*

11. *If the Legislature amends West Virginia Code 30-1-5 to require reporting of individual practice violations from additional entities, the Board should give general guidance on the types of issues that should be reported.*

# ISSUE 3

## The Board’s Fees Do Not Generate Excessive Revenue When Compared to the Board’s Normal Expenses

### Issue Summary

Pursuant to West Virginia Code §30-1-10(b)(2), when the state treasurer notifies the legislative auditor of a transfer of an excess amount from a regulatory board’s special fund to the State General Revenue Fund, the legislative auditor is required to conduct a review of the board’s fee structure to determine if the board’s fees generate excessive revenue, when compared to the board’s normal expenses. The State Treasurer’s Office notified the Office of the Legislative Auditor that an excess transfer was made from the Board’s special fund to the State General Revenue Fund. In reviewing the Board’s fee structure, it was found that the Board’s fees do not generate excessive revenue when compared to its normal expenses.

*The State Treasurer’s Office notified the Office of the Legislative Auditor that an excess transfer was made from the Board’s special fund to the State General Revenue Fund.*

### Required Analysis of Board’s Fee Structure

In November 2022, the State Treasurer’s Office notified the legislative auditor that the Board’s fund balance exceeded twice its annual budget in FY 2021, prompting a fund transfer from the Board’s fund. This transfer is prompted when a board’s fund balance exceeds twice its annual budget or \$10,000, whichever is the greater amount. Table 11 shows the amount transferred.

Table 11	
Board of Examiners for Speech-Language Pathology and Audiology	
Excess Fund Transfers to the State General Revenue Fund	
FY 2020 through FY 2023	
FY	Fund Transfer Amount
2021	\$18,726
Source: State Treasurer’s Office.	

*West Virginia Code §30-1-10(b)(2) requires the legislative auditor to determine if the amount of a board’s fees generate excessive revenue when compared to the board’s normal expenses.*

West Virginia Code §30-1-10(b)(2) requires the legislative auditor to determine if the amount of a board's fees generate excessive revenue when compared to the board's normal expenses. If the legislative auditor finds that excessive revenue is generated, then the legislative auditor is required to report to the Joint Standing Committee on Government Organization those findings and recommend how the board's fees can be adjusted to generate only what it reasonably needs to operate.

It should be noted that W. Va. Code §30-1-10(b)(2) requires the legislative auditor to review the fee structure of any board subject to a fund transfer within a reasonable time after the state treasurer notifies the legislative auditor. The State Treasurer's Office was supposed to notify the legislative auditor of any transfer beginning in FY 2019; however, it did not notify the legislative auditor until November 2022. This delayed the legislative auditor's review. The State Treasurer's Office, however, acknowledged the oversight and committed to properly notifying the legislative auditor going forward.

## **Following an Added Fee, the Board's Revenues Have Begun to Increase While Its Expenses Decreased**

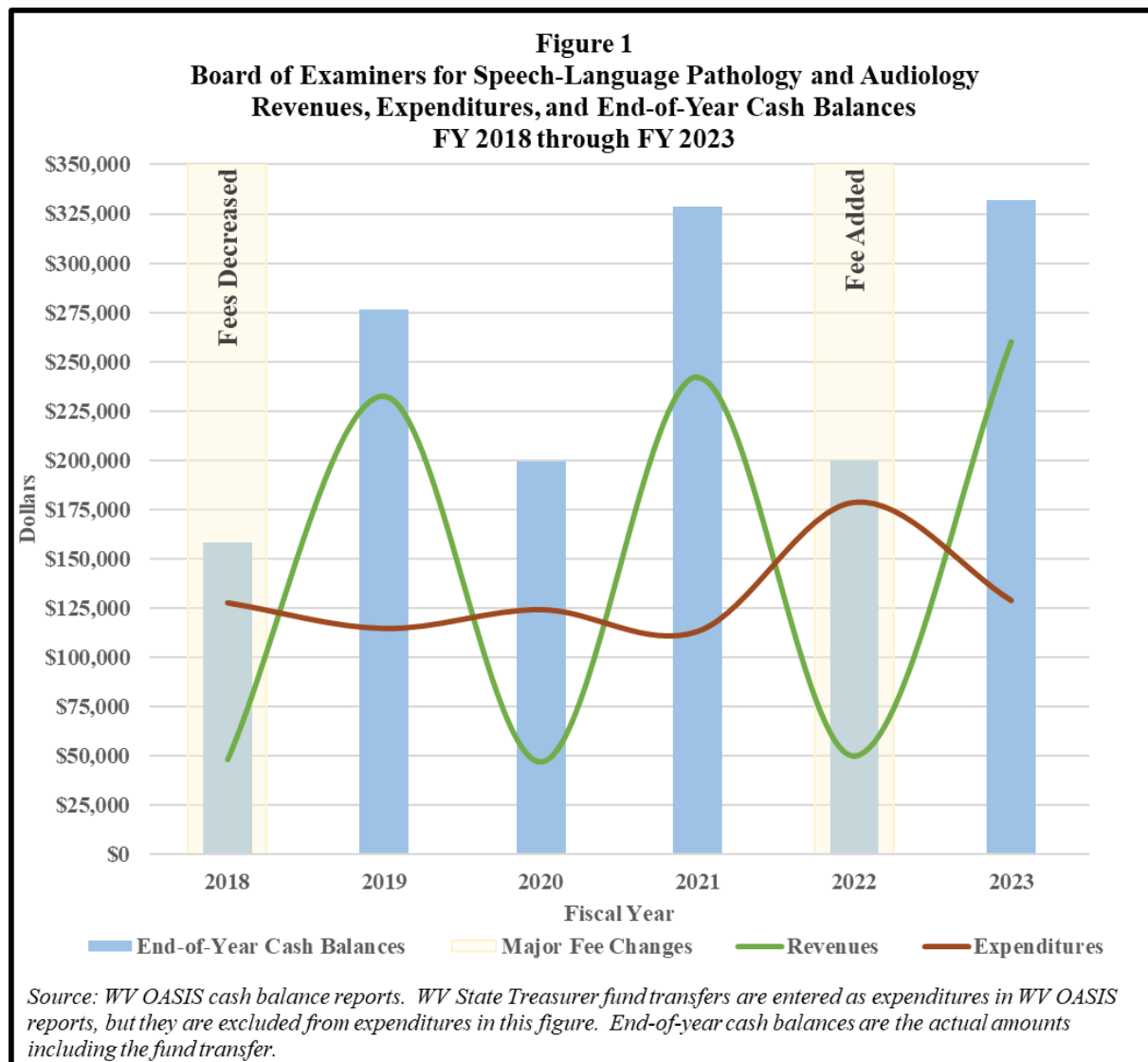
Figure 1 below illustrates that the Board's revenues and end-of-year cash balances fluctuate from odd-numbered years to even-numbered years. This is because the Board's licensees renew biennially in odd-numbered years. During the time from FY 2020 through FY 2023, the total number of licenses and registrations remained mostly consistent and did not contribute significantly to the Board's changes in revenues. In FY 2018, the Board decreased some initial license fees by \$25 to \$137, which did not produce significant changes in the Board's revenue. In FY 2022, a \$175 fee for interstate telepractice became effective, which also did not produce a noticeable increase in revenue. Overall, from FY 2018 through FY 2023, the Board's average end-of-year cash balance as a percentage of its annual expenditures equals 198%. PERD considers cash reserves in the amount of one to two times a board's annual expenditures to be a prudent level. Thus, PERD finds the Board is not currently collecting excessive revenue, and its fees are not excessive when compared with normal expenses.

While the Board's expenditures were mostly consistent in FY 2018 through FY 2021, they increased by 58% in FY 2022 largely because of an increase in the Board's payroll costs and a resumption in travel following the COVID-19 pandemic. During FY 2022, the Board hired a new executive director. To assist in their training, the Board kept the previous executive director on the payroll. This resulted in increased expenditures for staff benefits and payroll for FY 2022. While travel continued in FY 2023, the Board's payroll expenditures decreased in fiscal year 2023 following reduced payroll costs when the Board again had one employee.

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*While the Board's expenditures were mostly consistent in FY 2018 through FY 2021, they increased by 58% in FY 2022 largely because of an increase in the Board's payroll costs and a resumption in travel following the COVID-19 pandemic.*

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## Conclusion

PERD finds that the Board's fees are currently not generating excessive revenue compared with its normal expenses. Therefore, there are no recommendations to consider for adjusting the Board's fee structure.



# ISSUE 4

## The Board’s Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency

### Issue Summary

In order to actively engage with a state agency online, citizens must first be able to access and comprehend the information on government websites. Every website should include some elements, such as a search tool, contact information including physical and email addresses, telephone numbers, and the names of administrative officials. Other elements such as social media links, graphics, and audio/video features may not be necessary or practical for some state agencies. Table 12 shows the Board overall integrates 34 percent of the checklist items in its website. This is a composite measure of transparency and user-friendly features. PERD finds that the Board needs to make substantial improvement in the user-friendliness areas of the website, and more improvement in transparency.

*Every website should include some elements, such as a search tool, contact information including physical and email addresses, telephone numbers, and the names of administrative officials.*

Table 12 Board of Examiners for Speech-Language Pathology and Audiology Website Evaluation Score			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	Board 34%		
Source: PERD’s review of the Board of Examiners for Speech-Language Pathology and Audiology website as of March 6, 2023.			

*Table 12 shows the Board overall integrates 34 percent of the checklist items in its website.*

## The Board Needs to Consider Adding More Features to Its Website to Significantly Improve Its User-Friendliness and to a Lesser Degree More Features Would Improve Its Transparency

It has become common and expected that governments convey to the public what they are doing through website technology. 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. Several organizations have developed assessment criteria to evaluate federal and state government websites for transparency and user-friendliness. The Office of the Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment checklist to evaluate West Virginia's state agency websites (Appendix II). The assessment checklist lists several website elements including a search tool, public records, budget data, mission statement, an organizational chart, Freedom of Information request, agency history, and website update status. An agency can score a total of 50 points on the checklist, 18 in user-friendliness and 32 in transparency. As illustrated in Table 13, the Board's website scored a total of 17 points out of 50. This total comprises 3 points, or 17 percent, for user-friendliness and 14 points, or 44 percent, of the possible points for transparency. This means the website needs substantial improvement in user-friendliness and more improvement in transparency. **The Board should consider adding some elements that could be beneficial to the public.**

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*An agency can score a total of 50 points on the checklist, 18 in user-friendliness and 32 in transparency.*

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**Table 13**

**Board of Examiners for Speech-Language Pathology  
and Audiology  
Website Evaluation Score**

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	3	17%
Transparency	32	14	44%
<b>Total</b>	<b>50</b>	<b>17</b>	<b>34%</b>

*Source: PERD's review of the Board of Examiners for Speech-Language Pathology and Audiology website as of March 6, 2023.*

## **The Board's Website Is Somewhat Difficult to Navigate and Needs Additional User-Friendly Features**

The Board's website is somewhat difficult to navigate because there is no search tool, there is no option to resize the text, and there is no mobile functionality. There is also no frequently-asked-questions (FAQ) section or feedback options for users to voluntarily submit feedback about the website. However, the website does have a navigation system in the form of a site map that is placed on the left side of every webpage on the website. The website is also at the recommended reading level of 7<sup>th</sup> grade, according to the Flesch Kincaid reading test.

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*The Board's website scored a total of 17 points out of 50. This total comprises 3 points, or 17 percent, for user-friendliness and 14 points, or 44 percent, of the possible points for transparency.*

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### **User-Friendly Considerations**

Although some items may not be practical for this Board, the following are attributes that would improve user-friendliness:

- **Search Tool** – the website should contain a search box, preferably on every page.
- **Help Link** – There should be a link that allows users to access a FAQ section.
- **Foreign Language Accessibility** – A link to translate all webpages into languages other than English.
- **Site Functionality** – The website should use sans serif fonts, the website should include buttons to adjust the font size, and resizing of text should not distort site graphics or text.
- **Mobile Functionality** – The agency’s website should be available in a mobile version and/or the agency has created mobile applications (apps).
- **Navigation** – Every page should be linked to the agency’s homepage and should have a navigation bar at the top of every page.
- **FAQ Section** – A page that lists the agency’s most frequent asked questions and responses.
- **Feedback Options** – A page where users can voluntarily submit feedback about the website or particular section of the website.
- **Online Survey/Poll** – A short survey that pops up and requests users to evaluate the website.
- **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.

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*The Board’s website contains important transparency features including its email, physical address, telephone number, names and contact information for administrators, and public records.*

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### **The Board Should Consider 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 contains important transparency features including its email, physical address, telephone number, names and contact information for administrators, and public records such as statutes, rules, and meeting minutes. However,

the Board should consider implementing several checklist items listed below.

### **Transparency Considerations**

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

- **Administrator(s) Biography** – A biography explaining the administrator(s) professional qualifications and experience.
- **Privacy Policy** – A clear explanation of the agency/State's online privacy policy (the Board's website has a clickable "Privacy Policy" link, but clicking it returns a 404 error).
- **Budget** – Budget data that are available at the check book level, ideally in a searchable database.
- **FOIA Information** – Information on how to submit a Freedom of Information Act (FOIA) request, ideally with an online submission form.
- **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.
- **Agency Organizational Chart** – A narrative describing the agency organization, preferably in a pictorial representation such as a hierarchy/organizational chart.
- **Website Updates** – The website should have a website update status on screen and ideally for every page.

---

*The Board should consider providing additional elements to the website to improve the Board's transparency.*

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### **Conclusion**

PERD finds that substantial improvements are needed to the Board's website in user-friendliness and more improvement is needed in transparency. The website can benefit from incorporating several common features. The Board has pertinent public information on its website including its contact information, rules, state code, board members, and a complaint form. However, providing website users with additional elements and capabilities, as suggested in the report, would enhance user-friendliness and transparency.

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*PERD finds that substantial improvements are needed to the Board's website in user-friendliness and more improvement is needed in transparency.*

---

## Recommendation

12. *The Board should consider adding other user-friendliness and transparency elements to its website as recommended in this review.*



## Appendix A Transmittal Letter

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

1900 Kanawha Blvd. East  
Building 1, Room W-314  
Charleston, WV 25305-0610  
(304) 347-4890



John Sylvia  
Director

August 8, 2024

Pam Coughlin, Executive Director  
Board of Examiners for Speech-Language Pathology and Audiology  
99 Edmiston Way  
Box 11, Suite 214  
Buckhannon, WV 26201

Dear Director Coughlin:

This is to transmit a draft copy of the Regulatory Board Review of the Board of Examiners for Speech-Language Pathology and Audiology. This report is tentatively scheduled to be presented during the August 25-27, 2024, interim meeting of 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 answer any questions committee members may have during or after the meeting.

In addition, we will need your written response by noon on Wednesday, August 14, 2024, 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, August 22, 2024, to make arrangements.

We request that your personnel not disclose the report to anyone unaffiliated with your agency. However, PERD advises that you inform any non-state government entity of the content of this report if that entity is unfavorably described, and request that it not disclose the content of the report to anyone unaffiliated with its organization. Thank you for your cooperation.

Sincerely,

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

John Sylvia

Enclosure



## Appendix B

### Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the Board of Examiners for Speech-Language Pathology and Audiology (Board) as 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, as established in West Virginia Code §30-32-1 et seq., is to protect the public through its license process, and to be the regulatory and disciplinary body for speech-language pathologists and audiologists throughout the state.

#### Objectives

The objectives of this review are to determine if the Board should be continued, consolidated or terminated, and if conditions warrant a change in the degree of regulations. In addition, this review is intended to assess the Board's compliance with the general provisions of Chapter 30, Article 1 of the *West Virginia Code*, the Board's enabling statute §30-32-1 et seq., and other applicable rules and laws such as the Open Governmental Proceedings (W. Va. Code §6-9A-1 et seq.) and purchasing requirements. The third objective was to determine if the Board's fees generate excessive revenue when compared to the Board's normal expenses. A fourth objective was to assess the Board's website for user-friendliness and transparency.

#### Scope

The evaluation included a review of the Board's internal controls, policies and procedures, meeting minutes, complaint files from FY 2021 through FY 2023, complaint-resolution process, disciplinary procedures and actions, revenues and expenditures for the period of FY 2020 through FY 2023, continuing education requirements and verification, the Board's compliance with the general statutory provisions (W. Va. Code §30-1-1 et seq.) 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.

PERD staff visited the Board's office in Buckhannon and met with its staff. Testimonial evidence gathered for this review through interviews with the Board's staff to gain a better understanding of the Board's internal controls, policies, and procedures. All testimonial evidence was confirmed by written statements and in some cases by corroborating evidence.

To determine if the Board complies with the general provisions of W. Va. Code §30-1-1 et seq., its enabling statute (W. Va. Code §30-32-1 et seq.), the Board's rules, and other applicable laws, PERD collected and analyzed the Board's complaint files, meeting minutes, annual reports, budget information, procedures for investigating and resolving complaints, and continuing education verification procedures. PERD also obtained information from the State Auditor's Office, Secretary of State's Office, the State Treasurer's Office, the Ethics Commission, and the Department of Administration's Purchasing Division. This information was assessed against statutory requirements in §30-1-1 et seq. and §6-9A-1 et seq. of the West Virginia Code as

well as the Board's enabling statute, §30-32-1 et seq., to determine the Board's compliance with such laws. Some information was also used as supporting evidence to determine the sufficiency and appropriateness of the overall evidence.

To assess potential harm to the public from the profession, PERD collected and analyzed data from the American Speech-Language-Hearing Association (ASHA), the United States Department of Health & Human Services' Health Resources and Services Administration's National Practitioners Data Bank (NPDB), and other states to determine the need for the Board. From the NPDB, the team retrieved data on adverse action reports and malpractice reports, reported by hospitals, licensing authorities, other health care entities, and insurance providers across the nation, pertaining to speech-language pathology and audiology practitioners.

PERD compared the Board's actual revenues to expected revenues in order to assess the risk of fraud, and 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 FY 2020 through FY 2023. The number of licensees and actual revenues were relatively consistent during the scope of the review. Therefore, our evaluation of expected and actual revenues allowed us to conclude that the risk of fraud on the revenue side was at a reasonable level and would not affect the audit objectives, and actual revenues were sufficient and appropriate.

PERD also tested the Board's expenditures for FY 2020 through FY 2023 to assess the risk of fraud on the expenditure side. The test involved determining if required and expected expenditures were at least 90 percent of total expenditures. Required and expected expenditures include salaries and benefits, per diem payments, travel reimbursement, board-member compensation, payments for Attorney General services, insurance, office rent, and utilities. PERD determined that during the scope of the review, required and expected expenses were between 89 and 99 percent of total expenditures. These percentages gave reasonable assurance that the risk of fraud on the expenditure side was not significant enough to affect the audit objectives.

PERD reviewed the Board's fee structure including all amendments to its fees occurring since the last PERD review. This included examining the reason(s) that initiated the need for the fee amendments. PERD assessed the end-of-year cash balances compared to expenditures at the time of the fee changes, and examined all fees to determine when they were increased, decreased, stayed the same, were added, or deleted and by how much. Specific fees were examined by calculating the changes in revenue generated over the scope of the review, identifying the fees that were the major sources of revenue growth or decline and calculating if revenues have a trend that is flat, decreasing, or increasing including the average annual growth in revenues. PERD then examined the trends in total expenditures and end-of-year cash balances to determine if each had a trend that was flat, decreasing, or increasing. In this analysis of expenditures, we excluded the transfers made to the State General Fund as we did not consider them to be normal expenditures. However, in the analysis of end-of-year cash balances, we included the transfers as they were part of generated revenue. PERD then compared through a line graph the trends in revenue, expenditures and end-of-year cash balances.

In order to evaluate state agency websites, PERD conducted a literature review of government website studies, 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. PERD 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. PERD 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 of the technology may not be practical or useful for some state agencies. Therefore, PERD compared the Board's website to the established criteria 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.

The Office of the Legislative Auditor reviews the statewide single audit and the Division of Highways financial audit annually with regards to any issues related to the State's financial system known as the West Virginia Our Advanced Solution with Integrated Systems (OASIS). The Office of the Legislative Auditor requests and reviews on a quarterly basis any external or internal audit of OASIS. In addition, through its numerous audits, the Office of the Legislative Auditor continuously tests the OASIS financial information. Also, at the start of each audit, PERD asks audited agencies if they have encountered any issues of accuracy with OASIS data. Based on these actions, along with the audit tests conducted on audited agencies, it is our professional judgement that the information in OASIS is reasonably accurate for auditing purposes under the 2018 Government Auditing Standards (Yellowbook). However, in no manner should this statement be construed as a statement that 100 percent of the information in OASIS is accurate.

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

### Agency Response

#### Speech-Language Pathology and Audiology

##### Board Members

Vickie Pullins, M.A., CCC-SLP, President  
Amber Settles, M.Ed, SLP-CCC  
Michael J. Zagarella, Au.D., CCC-A  
R. Michael Zagarella, Au.D., F-AAA  
Heather Waselchak, M.A., SLP-CCC  
Amber Settles, M.Ed, SLP-CCC  
Amanda Bonner, Hearing Aid Specialist  
Ruth Rowan, Citizen Member  
  
Pamela Coughlin, Executive Director

August 13, 2024

John Sylvia, Director  
Harry Kovel, Research Analyst  
Ms. Jill Mooney, Research Analyst  
West Virginia Legislature Performance  
Evaluation and Research Division  
1900 Kanawha Blvd. East John Sylvia  
Building 1, Room W-314 Director  
Charleston, WV 25305-0610

Dear Mr. John Sylvia,

The Board would like to take this opportunity to address and respond to the items in the draft copy of the Legislature Review, received the afternoon of August 8, 2024.

##### **Issue 1: The Board of Examiners for Speech-Language Pathology and Audiology Is Needed to Protect the Public**

- We agree the Board of Speech-Pathology and Audiology is needed to protect the public. We are here to ensure that licensees and registrants follow the WV Code and Rules for Chapter 30 Boards.
- We agree if the licensees are not regulated it would cause improper practice, fraudulent billing, no continuing education, ethics violations, misrepresent diagnosis information, more complaints and unlicensed practice.

##### **Issue 2: The Board of Examiners for Speech-Language Pathology and Audiology Complies with Some of the General Provisions of Chapter 30 of W. Va. Code; However, Improvement is Needed**

- We understand having a lockbox will manage the handling of revenue with increased transparency. However, it will create a problem with timely turnaround of licenses and registrations particularly during renewal time. Most of our transactions are done online. The

*99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201*

*Email: [wvheslpa@wv.gov](mailto:wvheslpa@wv.gov)*

*Web Site: [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com)*

*Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460*

*~Pamela Coughlin– Executive Director~*

checks we receive in the mail are deposited within 24 hours, and we keep a register of all deposits.

- The Board will post board meeting dates, agenda, zoom link on our website to provide the public with remote attendance instructions for our virtual Board meetings.
- Our Board will make sure each member attends one orientation session during their term of office as required under WV Code 30-1-2a(c)(3).
- The Board will follow WV Code 6-9A-4 on Executive sessions.
- Our Board will continue to communicate with the Governor's office on member terms.
- We are currently in the process of adding the appropriate information to our register of licensees and registrations required under WV Code 30-1-12(a).
- The Board currently reports license and registration violations to National Practitioner Data Bank (NPDB), and we put the violations on our website.
- We agree our Board is financially self-sufficient.
- We agree our fees are higher than other states. However, those states have more licensees.

### **Issue 3: The Board's Fees Do Not Generate Excessive Revenue When Compared to the Board's Normal Expenses**

- The Board agrees the license fees we have in place are not generating excessive revenue.

### **Issue 4: The Board's Website Needs Substantial Improvement in User-Friendliness and More Improvement in Transparency**

- The Board agrees our website needs to be updated. We are currently working with our website graphic designer, Jason Philabaum, to add more features to our site.

Thank you for the opportunity to respond to the review. We are confident that implementing the changes recommended for compliance with State Code, will improve the transparency and the overall function of the WV Board of Speech-Language Pathology and Audiology.

Respectfully Submitted,

*Pamela Coughlin*

Pamela Coughlin  
Executive Director

99 Edmiston Way, Box 11 – Suite 214, Buckhannon, WV 26201

Email: [wvbeslpa@wv.gov](mailto:wvbeslpa@wv.gov)

Web Site: [www.wvspeechandaudiology.com](http://www.wvspeechandaudiology.com)

Phone: 304-473-4289 Fax: 304-473-4291 In-state toll free number: 877-462-5460

~Pamela Coughlin– Executive Director~

## Appendix I

### Chapter 30 Healthcare Licensing Boards

#### Chapter 30 Healthcare Licensing Boards

1. Board of Medicine (article 3)
2. Board of Dental Examiners (article 4)
3. Board of Pharmacy (article 5)
4. Board of Funeral Service Examiners (article 6)
5. Board of Examiners for Registered Professional Nurses (article 7)
6. Board of Examiners for Licensed Practical Nurses (article 7A)
7. Board of Optometry (article 8)
8. Board of Veterinary Medicine (article 10)
9. Board of Osteopathic Medicine (article 14)
10. Board of Chiropractic (article 16)
11. Board of Physical Therapy (article 20)
12. Board of Examiners of Psychologists (article 21)
13. Medical Imaging and Radiation Therapy Technology Board of Examiners (article 23)
14. Board of Occupational Therapy (article 28)
15. Board of Social Work (article 30)
16. Board of Examiners in Counseling (article 31)
17. Board of Examiners in Speech-Language Pathology and Audiology (article 32)
18. Board of Respiratory Care (article 34)
19. Board of Dietitians (article 35)
20. Acupuncture Board (article 36)
21. Massage Therapy Licensure Board (article 37)



## Appendix II

### Website Criteria Checklist and Points System

Board of Examiners for Speech-Language Pathology and Audiology 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	3
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	0 points
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 point
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 6 <sup>th</sup> -7 <sup>th</sup> 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	0 point
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 point
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	0 point

Board of Examiners for Speech-Language Pathology and Audiology Website Criteria Checklist and Points System			
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	1 point
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0 point
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	0 points
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
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 points
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 points
<b>Transparency</b>	<b>Description</b>	<b>Total Points Possible</b>	<b>Total Agency Points</b>
<b>Criteria</b>	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.	<b>32</b>	<b>14</b>
		<b>Individual Points Possible</b>	<b>Individual Agency Points</b>
Email	General website contact.	1 point	1 point
Physical Address	General address of stage agency.	1 point	1 point
Telephone Number	Correct telephone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	1 point



<b>Board of Examiners for Speech-Language Pathology and Audiology Website Criteria Checklist and Points System</b>			
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	0 point
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	1 point
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 point
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
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 points

### Board of Examiners for Speech-Language Pathology and Audiology Website Criteria Checklist and Points System

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"> <li>• Statutes</li> <li>• Rules and/or regulations</li> <li>• Contracts</li> <li>• Permits/licensees</li> <li>• Audits</li> <li>• Violations/disciplinary actions</li> <li>• Meeting Minutes</li> <li>• Grants</li> </ul>	2 points	2 points
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 point
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	0 points
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	0 points



WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

## PERFORMANCE EVALUATION & RESEARCH DIVISION

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