



June 2014
PE 14-01-555

REGULATORY BOARD REVIEW BOARD OF EXAMINERS FOR LICENSED PRACTICAL NURSES

AUDIT OVERVIEW

The West Virginia State Board of Examiners for Licensed Practical Nurses Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code

The Website for the West Virginia State Board of Examiners for Licensed Practical Nurses Needs Improvements to Enhance User-Friendliness and Transparency



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EXECUTIVE SUMMARY

The Legislative Auditor conducted a regulatory board review of the West Virginia State Board of Examiners for Licensed Practical Nurses authorized pursuant to *West Virginia Code* §4-10-10 (7). Objectives of this audit were to assess the compliance with provisions of Chapter 30 and other applicable laws, and evaluate the website for user-friendliness and transparency. The report contains the following issues:

Report Highlights:

Issue 1: The West Virginia State Board of Examiners for Licensed Practical Nurses Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code.

- The Board is financially self-sufficient by maintaining an end-of-year cash balance that is in excess of one year of expenditures.
- The Board generally resolves complaints in a timely manner yet improvements need to be made in the complaint process such as submitting a status report to the complainant as required by Code and submitting a formal agreement letter to the party filing the complaint to extend the complaint once it goes beyond 18 months without closure.
- The Board has established continuing education for its licensees. Each licensed practical nurse is required to complete a minimum of 24 hours of continuing education during the biennial renewal period.

Issue 2: The Website for the West Virginia State Board of Examiners for Licensed Practical Nurses Needs Improvements to Enhance User-Friendliness and Transparency.

- The Board's website is easy to navigate but could use additional user-friendly features such as a search tool on every page that acts as an index of the entire website.
- The Board's website has good transparency features but modest improvements can be made such as budget data and performance measures, goals and outcomes.

PERD's Evaluation of the Agency's Written Response

The Board's written response (see Appendix D) indicates that it is in agreement with each of the findings from the review.

Recommendations

1. *The Legislative Auditor recommends that the Board should adhere to West Virginia Code §30-1-5 (c) and submit a formal written agreement letter to the party filing the complaint to extend the complaint file once it has gone beyond 18 months without closure.*
2. *The Legislative Auditor recommends that the Board should send out status reports to complainants as required by West Virginia Code §30-1-5(c).*
3. *The Legislative Auditor recommends that the Board should, to the best of its ability, segregate the duties of staff involved in the collection of revenue and expenditure process.*
4. *The Legislative Auditor recommends that the Board should continue to request to the Governor's Office new appointments for the board member positions that are vacant and expired.*
5. *The Legislative Auditor recommends that the Board's current and holdover members adhere to code and attend at least one legislative seminar during their term of office.*
6. *The Legislative Auditor recommends that the Board enhance the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

ISSUE1

The West Virginia State Board of Examiners for Licensed Practical Nurses Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code.

Issue Summary

The Board is financially self-sufficient, accessible to the public, has continuing education credits, and maintains due-process rights for licensees. However, the Board does not follow *West Virginia Code §30-1-5(c)* and send status reports to the party filing the complaint when the complaint goes beyond six months. The Board should also begin to make formal written agreements with the complainant to extend the complaint file beyond the code-mandated time frame of 18 months when applicable. The Board could also improve its internal controls by further segregating the duties of the staff. Finally, the Board should continue to request new appointments for board members and ensure members receive the orientation session conducted by the West Virginia State Auditor during their term served.

The Board is financially self-sufficient, accessible to the public, has continuing education credits, and maintains due-process rights for licensees.

The Board Is Financially Self-Sufficient

The Board maintains an end-of-year cash balance that is in excess of one year of expenditures (see Table 1). Financial self-sufficiency of regulatory boards is required by *West Virginia Code §30-1-6(c)*. It is the Legislative Auditor's opinion that cash reserves in the amount of one to two times a board's annual expenditures to be a prudent level.

Table 1
West Virginia Board of Licensed Practical Nurses
Budgetary Cash Balance
Fiscal Years 2011-2013*

Fiscal Year	Beginning of the Year Cash Balance	Revenue	Disbursement	End of Year Cash Balance
2011	\$808,880	\$431,000	\$433,820	\$806,060
2012	\$813,380	\$396,904	\$436,442	\$773,842
2013	\$774,710	\$411,982	\$453,976	\$732,716

**All totals are rounded to the nearest dollar.*

Source: The West Virginia Digest of Revenue Sources, Office of the Legislative Auditor.

According to the Board’s FY 2013 Annual Report, there are 7,467 active licensees with 6,240 practicing in West Virginia. The Board’s annual revenues consist of fees including the initial licensure exam, re-examination, endorsement into West Virginia, reinstatement of licensure, biennial renewal fees, and an application fee for a new Licensed Practical Nursing (LPN) school. The majority of the Board’s annual disbursements are for staff salaries, retirement, rent and office supplies.

There are 7,467 active licensees with 6,240 practicing in West Virginia.

The Board Generally Resolves Complaints Yet Improvements Need to Be Made in the Complaint Process

The Legislative Auditor received disciplinary data and complaints investigated by the Board during FY 2011-2013. Complaints can be initiated by the public, the Board, or other licensing boards, and complaints can be received in writing or by telephone. The majority of complaints are initiated by the Board against licensees who have worked on a lapsed license or failed a continuing education audit.

Table 2 (see below) is an overview of complaints received, reviewed and resolved since FY 2011. The Legislative Auditor audited the disciplinary data within Table 2 by testing a random sample of 30 complaint cases, and found the information to be reasonably accurate. The Board’s average resolution time for closing cases since FY 2011 is 123 days. As of February 26, 2014, the Board had 31 complaint cases that are still open and unresolved. While a file may be open and unresolved, the Board will suspend the licensee from further employment, if the investigation uncovers any action committed by the licensees is a harm to the public. According to the Board, *“If evidence indicates that there has been a pattern of problems with the nurse’s performance and that harm occurred or that the nurse has intentionally harmed a patient they are not permitted to continue working.”*

The Board’s average resolution time for closing cases since FY 2011 is 123 days. As of February 26, 2014, the Board had 30 complaint cases that are still open and unresolved.

Table 2 Complaint Decision Statistics FY 2011-2013				
Fiscal Year	Number of Complaints Received	Number of Resolved Cases With Disciplinary Actions	Complaints That Are Open and Unresolved	Average Resolution Time in Days
2011	104	59	6	135
2012	126	78	9	136
2013	126	74	16	99
Total	356	211	31	123

Source: The West Virginia Board of Licensing Practical Nursing Complaint Data as of 2-26-14 (audited).

According to *West Virginia Code §30-1-5(c)*, it is the duty of every Chapter 30 board to attempt to close a complaint within 18 months of the complaint being filed with the board, unless the party filing the complaint and the board agree in writing to extend the time for the final ruling. As of February 26, 2014, the Board had 20 complaint cases that have not been resolved within the Code-mandated 18-month timeframe. Eleven (11) of the 20 complaint cases were filed by the Board. When asked if the Board had processed a formal agreement in writing to extend the time for the final ruling with the nine complainants, the Board reported that “No formal agreements were made in writing to extend the time frame for the final ruling. There was communication between the Board and the licensee during the time frame.” **The Legislative Auditor recommends that the Board adhere to *West Virginia Code §30-1-5(c)* and submit a formal written agreement letter to the party filing the complaint to extend the complaint once the complaint file goes beyond 18 months without closure.**

As of February 26, 2014, the Board had 20 complaint cases that have not been resolved within the Code-mandated 18-month timeframe.

Also, according to *West Virginia Code §30-1-5(c)*, the Board is required to submit status reports to the complainant within six months after the complaint was filed, if the case has not been resolved. Originally, when asked if the Board has submitted status reports to complainants it reported that, “We do not have a specific document which reflects a status report at any specific time frame but are willing and intend to develop and implement one.” However, on March 21, 2014, the Board reported that it had developed a status update form to send to complainants when cases have been pending six months or longer. The Board is currently in the process of reviewing the files and sending it out as applicable. **Therefore, the Legislative Auditor recommends that the Board send status reports to complainants as required by *West Virginia Code §30-1-5(c)*.**

The Board has established continuing education requirements for its licensees. Each licensed practical nurse is required to complete a minimum of 24 hours of continuing education during the biennial renewal period.

The Board Has Established Continuing Education Requirements

The Board has established continuing education requirements for its licensees. Each licensed practical nurse is required to complete a minimum of 24 hours of continuing education during the biennial renewal period. According to *West Virginia CSR §10-6-3.1.a.1*, “On or before June 30, in each even numbered year, each licensed practical nurse shall file a report certifying that he or she has met the minimum practical nursing requirements, at the time the licensee files the application for renewal of his or her license.” Table 3 displays the continuing education requirements for West Virginia and the surrounding states.

**Table 3
Neighboring States’ Continuing Education Requirements
For Licensed Practical Nurses**

State	CE Hours	Renewal Period
Kentucky	14 Hours	Annual
Maryland	1,000 Hours*	Biennial
Ohio	24 Hours	Biennial
Pennsylvania	None	None
Virginia	15 Hours and 640 Hours Active Practice	Biennial
West Virginia	24 Hours	Biennial

Source: The respective boards of licensed practical nurses

**The Maryland Board of Nursing requires RNs and LPNs to have 1,000 hours of nursing practice within every five years of practice. This may be in either teaching, editing or working.*

The Board selects 30 licensees randomly each month to audit their continuing education activities. The Board sends letters directing them to respond within 30 days and to provide copies of continuing education certificates verifying that they obtained the required 24 hours of continuing education. Failure to honor the requested information results in a referral to the Board staff for possible disciplinary action. According to *West Virginia CSR §10-6-3.2e*, if the licensee fails to submit the audit information requested, the Board shall “...not renew a license before the audit is completed.” The Board is currently in the process of implementing a new licensing management system software tool that will allow licensees to upload their continuing education activities into their own personal profile. According to the Board, the licensing management system, will allow the Board to audit more than 30 individuals monthly, and will be operational “...hopefully by this Fall.”

The Board selects 30 licensees randomly each month to audit their continuing education activities. The Board sends letters directing them to respond within 30 days and to provide copies of continuing education certificates verifying that they obtained the required 24 hours of continuing education.

Although There Are Some Deficiencies in the Board’s Internal Controls, There Is No Evidence of Inappropriate Use of Resources.

The Board’s staff of four full-time employees is made up of an executive director, associate executive director, administrative services assistant and a data entry coordinator. The Board appears to have enough staff to allow for adequate segregation of duties. Segregation of duties is an important internal control that guards against inappropriate use of board resources. For adequate segregation of duties, management should ensure control activities such as authorizing transactions, receiving merchandise, receiving revenue, recording transactions, and maintaining custody of assets are assigned to different employees.

The Board’s staff of four full-time employees is made up of an executive director, associate executive director, administrative services assistant and a data entry coordinator.

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

- collecting,
- depositing,
- disbursement, and
- reconciling.

The Board is not meeting the State Treasurer’s policy for establishing proper segregation of duties in regards to cash collecting, depositing, spending and reconciling. Currently, the Board utilizes the administrative services assistant to open mail. Once opened, all applications for processing are given to the data entry coordinator. Revenue received by the Board in the form of money orders or personal checks are accepted, recorded and deposited into the bank by the data entry coordinator. Payments made online into the Board’s account with the West Virginia State Treasurer’s Office are recorded and reconciled with the number of applications received every day by the data entry coordinator. The Board reported that if the data entry coordinator is absent, all three other employees may accept, record and deposit personal checks into the bank, as well as, record and reconcile the money deposited online. Finally, each month’s revenues are reviewed by the executive director for accuracy and comparison to the monthly report from the West Virginia State Auditor’s Office.

The Board is not meeting the State Treasurer’s policy for establishing proper segregation of duties in regards to cash collecting, depositing, spending and reconciling.

In regards to the Board’s procedure for disbursements, as with revenue collection, the Board places one employee in a position to do a variety of duties. According to the Board’s executive director, the administrative services assistant “...receives and pays the bills for the Board. The vast majority are paid by Pcard, and she is also the Pcard Coordinator for the agency. She follows all required Pcard procedures.” According to the Board’s Pcard procedures, a purchasing log shall be maintained by the cardholder and within three working days of receipt of an individual statement the cardholder shall reconcile the receipt to the purchase card log. The Board also reported, as with revenue collections, expenditures are safeguarded monthly by the Executive Director. The Board reported, “Expenditures are also verified by me monthly as a part of my review of the Auditor’s Run and comparison of the Board’s records with the records from the Auditor’s Office.”

As currently designed, one Board employee is involved in all of the steps of both the revenue collection and expenditure process. Best practices dictate that no one staff person should have the sole responsibility for more than one step in the process. **The Legislative Auditor recommends that the Board should, to the best of its ability, segregate the duties of staff involved in the collection of revenue and expenditure process.**

Licensees may pay renewal fees electronically through the West Virginia State Treasurer’s online systems or mail checks to the Board. Since FY 2011, more than 60 percent of all revenues are received electronically using the State Treasurer’s online system, reducing the risk of loss and fraud.

Currently, renewal fees and initial applications for endorsement can be processed online. According to the Board, *“We are in the process of implementing a new licensure system which will also permit examination applicants to apply online. This will hopefully be in place by late 2014.”* The implementation of processing more online transactions in the future will further reduce the risk of loss, and increase staff time available for other duties.

PERD has procedures in place to obtain reasonable assurance that fraud has not occurred when a board’s internal controls suggest a high risk of fraud. One procedure is to determine expected revenue and compare it with actual revenue. The Legislative Auditor calculated the minimum expected revenue for the Board by multiplying the annual renewal fees by the number of individuals actively licensed by the Board for FY 2011-2013. The expected revenue for FY 2011-2013 is much lower than the actual revenue. There would be concern if expected revenue was significantly higher than actual revenue and would require additional inquiry by PERD (see Table 4). The additional revenue during FY 2011-2013 consists of late fees and fines.

As currently designed, one Board employee is involved in all of the steps of both the revenue collection and expenditure process. Best practices dictate that no one staff person should have the sole responsibility for more than one step in the process.

The implementation of processing more online transactions in the future will further reduce the risk of loss, and increase staff time available for other duties.

**Table 4
Expected and Actual Renewal Revenue**

Fiscal Year	Number of Active Licensees	Annual Renewal	Expected Revenue	Actual Revenue
2011	7,470	\$50	\$373,500	\$431,000
2012	7,433	\$50	\$371,650	\$396,904
2013	7,467	\$50	\$373,350	\$411,982

Source: The West Virginia Digest of Revenue Sources, Office of the Legislative Auditor.

Another procedure is to calculate the percentage of low-risk expenditures. PERD evaluated the Board's 2013 required expenditures and found over 90 percent of the Board's expenses consisted of expected expenditures such as staff salaries and increment payments, employee benefit payments, office rent and office utility payments. It is the Legislative Auditor's opinion that when the Board's required expenditures are 90 percent or more of the Board's total annual expenditures, the likelihood of fraud having occurred on the expenditure side is low.

When the Board's required expenditures are 90 percent or more of the Board's total annual expenditures, the likelihood of fraud having occurred on the expenditure side is low.

The Board Should Continue to Request New Appointments and Ensure Members Receive the Required Orientation Sessions

According to *West Virginia Code §30-7A-5*, the Board is to be comprised of seven members, which are to include two licensed practical nurses, two registered professional nurses, one doctor of medicine, one hospital administrator and one vocational educator. The terms of the seven members ranges from one to five years. However, according to *West Virginia Code §30-1-4a*, "...the governor shall appoint at least one lay person to represent the interests of the public on every health professional licensing board which is referred to in this chapter. If the total number of members on any of these boards after the appointment of one lay person is an even number, one additional lay person shall be appointed." Therefore, according to code, there should be two lay persons appointed to the Board, which would increase the member total to nine. The Board has not had nine members since 2006.

Currently, there are only seven members serving on the Board, leaving two positions vacant. Of the seven members currently serving on the Board, six have terms that have expired. These members continue to serve on the Board.

Currently, there are only seven members serving on the Board, leaving two positions vacant. Of the seven members currently serving on the Board, six have terms that have expired. These members continue to serve on the Board. The Board reported that it has not received any new appointments to the vacant and expired positions "...despite repeated requests over the years to the Governor's Office." **In order to adhere to the mandated time frames of appointed board members, the Board should continue to request to the Governor's Office new appointments for the positions that are vacant and expired.**

According to *West Virginia Code §30-1-2a*, the West Virginia State Auditor shall provide "...at least one seminar each year for state licensing boards to inform the boards of duties and requirements imposed by state law and rules." House Bill 4002, effective June 4, 2012, requires each board member "...to attend at least one seminar provided under this section during each term of office." Currently the Board has one member who has not attended the required seminar and whose term does

not expire until June 30, 2014. However, as previously mentioned, the Board has six members whose terms have expired yet are continuing to serve because no successors have been appointed to replace them. PERD requested a legal opinion regarding whether or not these individuals are required to take a seminar after their term has expired. According to Legislative Services, a member who continues to serve after their term has expired is also required to take the seminar provided “...during each period of years served which are equal to, or would constitute, a “term” that is statutorily set out for that board member, irrespective of whether the board member was reappointed to the position or is serving in a “holdover” capacity for that period of years.” **Therefore, it is the Legislative Auditor’s recommendation, that the Board’s current and holdover members adhere to code and attend at least one legislative seminar during their term of office.**

Conclusion

The West Virginia State Board of Examiners of Licensed Practical Nurses is compliant with most of the general provisions of Chapter 30 of the *West Virginia Code*. The Legislative Auditor does have some concern about the segregation of duties related to financial controls. Currently, one staff person is responsible for collecting, depositing and reconciling revenues. As reported, when absent, the other three employees can conduct these services if needed. The Board’s process for paying for items also utilizes one employee for collecting, disbursement and reconciling. This system is not ideal and creates financial risk for the Board that could be avoided. Therefore, segregating duties would allow for staff to be involved in multiple steps in the process and would strengthen the Board’s financial controls. The Board should also continue to utilize the West Virginia State Treasurer’s online payment system and increase its amount of services that can be paid online which would further improve internal controls. Currently, the Board has six Board members whose terms have expired. Therefore, the Board should continue to request new appointments for those members, and adhere to code and attend at least one legislative seminar provided by the West Virginia State Auditor, during their term of office.

The West Virginia State Board of Examiners of Licensed Practical Nurses is compliant with most of the general provisions of Chapter 30 of the West Virginia Code.

Recommendations

1. *The Legislative Auditor recommends that the Board should adhere to West Virginia Code §30-1-5 (c) and submit a formal written agreement letter to the party filing the complaint to extend the complaint file once it has gone beyond 18 months without closure.*
2. *The Legislative Auditor recommends that the Board should send out status reports to complainants as required by West Virginia Code §30-1-5(c).*
3. *The Legislative Auditor recommends that the Board should, to the best of its ability, segregate the duties of staff involved in the collection of revenue and expenditure process.*
4. *The Legislative Auditor recommends that the Board should continue to request to the Governor's Office new appointments for the board member positions that are vacant and expired.*
5. *The Legislative Auditor recommends that the Board's current and holdover members adhere to code and attend at least one legislative seminar during their term of office.*

ISSUE 2

The Website for the West Virginia State Board of Examiners for Licensed Practical Nurses Needs Improvements to Enhance User-Friendliness and Transparency.

Issue Summary

The Office of the Legislative Auditor conducted a literature review on assessments of governmental websites and developed an assessment tool to evaluate West Virginia's state agency websites (see Appendix C). The assessment tool lists several website elements. Some elements should be included in every website, while other elements such as social media links, graphics and audio/video features may not be necessary or practical for some state agencies. Table 5 indicates the Board integrates 42 percent of the checklist items in its website. The measure shows that the Board needs to make more improvements in user-friendliness and transparency of its website.

The Board integrates 42 percent of the checklist items in its website. The measure shows that the Board needs to make more improvements in user-friendliness and transparency of its website.

Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	42%		

Source: The Legislative Auditor's review of the West Virginia Board of Examiners for Licensed Practical Nurses website as of February 20, 2014.

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

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

A user-friendly website is understandable and easy to navigate from page to page. Government websites should also provide transparency of an agency's operation to promote accountability and trust.

The Legislative Auditor reviewed the Board's website for both user-friendliness and transparency. As illustrated below in Table 6, the website requires improvement to increase its user-friendliness and transparency. **The Board should consider making website improvements to provide a better online experience for the public and for its licensees.**

Table 6
Website Evaluation Score

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	5	28%
Transparency	32	16	50%
Total	50	21	42%

Source: The Legislative Auditor's review of the Board's website as of February 20, 2014.

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

The Board's website is easy to navigate as there is an area to click on links to find forms, however, the page lacks a search tool on every page that acts as an index of the entire website. According to the Flesch-Kincaid Reading Test, the overall readability of the text is on a college reading level, making it difficult to comprehend for the average citizen.

User-Friendly Considerations

The following are a few attributes that could lead to a more user-friendly website:

- **Content Readability-** Improve the reading level of the website text content.
- **Search Tool-** A search box, preferably on every page.
- **Site Map-** A list of pages contained in a website that can be accessed by web crawlers and users.
- **Help Link-** A link that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")
- **Foreign Language Accessibility-** A link to translate all web pages into languages other than English.
- **Site Functionality-** The website should use sans serif fonts, include buttons to adjust the font size, and resizing of text should not distort site graphics or text.
- **FAQ Section-** A page that lists the Board's most frequent asked questions and responses.

The Board's website is easy to navigate as there is an area to click on links to find forms, however, the page lacks a search tool on every page that acts as an index of the entire website.

- **RSS Feed**- RSS stands for “Really Simple Syndication” and allows for subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.

The Website Has Good Transparency Features But Modest Improvements Can Be Made

A website that is transparent should promote accountability and provide information for citizens about what the agency is doing, as well as, encouraging public participation. The Board’s website has 50 percent of the core elements that are necessary for a general understanding of the Board’s mission and performance. The Board’s website contains important transparent features such as email contact information, the location of the agency and the agency’s phone number.

The Board’s website has 50 percent of the core elements that are necessary for a general understanding of the Board’s mission and performance.

Transparency Considerations

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

- **Administrator’s biography**- A biography explaining the administrator’s professional qualifications and experience.
- **Budget**- Budget data are available at the checkbook level and ideally in a searchable database.
- **FOIA information**- Information on how to submit a FOIA request, ideally with an online submission form.
- **Performance measures, goals and outcomes**- A page linked to the homepage explaining the agency’s performance, goals, measures and outcomes.
- **Agency history**- A page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.

The Legislative Auditor finds that improvements are needed in the areas of user-friendliness and transparency to the Board’s website.

Conclusion

The Legislative Auditor finds that improvements are needed in the areas of user-friendliness and transparency to the Board's website. The website can benefit from incorporating several common features. The Board has pertinent public information on its website including its mission statement, rules and regulations, a roster of its licensees, and registration requirements for applicants. The Board's organization page has staff member's email and telephone number, while its discipline page has a complaint form. However, providing website users with additional elements and capabilities, as suggested in the report, would greatly improve user-friendliness and transparency .

Recommendation

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

Appendix A Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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May 23, 2014

Lynette L. Anderson, MSN, JD, RN, Executive Director
West Virginia Board of Examiners For Licensed Practical Nurses
101 Dee Drive, Suite 100
Charleston, WV 25311-1688

Dear Ms. Anderson:

This is to transmit a draft copy of the Performance Review of the West Virginia Board of Examiners For Licensed Practical Nurses. This report is scheduled to be presented during the June 16-18, 2014 interim meeting of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by Wednesday, May 28, 2014. We need your written response by noon on Thursday, June 5, 2014 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, June 12, 2014 to make arrangements.

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

Sincerely,

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

John Sylvia

Joint Committee on Government and Finance

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 West Virginia Board of Examiners for Licensed Practical Nurses 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 of Licensed Practical Nurses, as established in *West Virginia Code* §30-7A, is to protect the public through its governing body, and be the regulatory and disciplinary body for the licensed practical nurses throughout the state.

Objective

The objective of this review is 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 (WVC §30-7A), and other applicable rules and laws such as the Open Governmental Proceedings (WVC §6-9A) and purchasing requirements. Finally, it is the objective of the Legislative Auditor 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, revenues and expenditures, complaint files for fiscal years 2011-2013, complaint resolution process, disciplinary procedures and actions, expected and actual revenue for fiscal years 2011-2013, meeting minutes for fiscal years 2011-2013, continuing education requirements, the Board's compliance with the general statutory provisions for regulatory boards and other applicable laws, and a review of the Board's website as of February 20, 2014.

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.

Testimonial evidence gathered for this review through interviews or discussions with the Board's staff was confirmed by written statements. PERD collected and analyzed the Board's meeting minutes, complaint data, budgetary information, annual reports, procedures for investigating and resolving complaints, continuing education, procedures for collecting revenue and disbursing expenditures, and the Board positions that are vacant and expired. Information was gathered from Ohio, Virginia, Pennsylvania, Kentucky, and Maryland's Board of Licensed Practical Nursing regarding their continuing education requirements.

The Legislative Auditor also tested the Board's expenditures for fiscal years 2011-2013 to assess risks of fraud on the expending side. The test involved determining if verifiable expenditures were at least 90 percent of total expenditures. Verifiable expenditures include: salaries, travel reimbursement, board-member compensation, insurance, office rent and utilities, printing and binding costs, rental fees, and telecommunication costs. The Legislative Auditor determined that during the scope of the review, verifiable expenses were 90% percent of total expenditures. These percentages gave reasonable assurance that the risk of fraud on the expenditure side was relatively low.

The Legislative Auditor compared the Board's actual revenues to expected revenues in order to assess the risk of fraud on the revenue side 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 fiscal years 2011-2013. The Legislative Auditor found that the expected revenue was lower than the actual revenue. 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.

In order to evaluate state agency websites, the Legislative Auditor conducted a literature review of government website, 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 regards to e-government. The Legislative Auditor identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. The Legislative Auditor also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because of some of the technology may not be practical or useful for some state agencies. Therefore, the Legislative Auditor compared the Board's website to the established for user-friendliness and transparency so that the Board's can determine if it is progressing in step with e-government movement and if improvements to its website should be made.

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

Appendix C

Website Criteria Checklist and Points System

West Virginia Board of Examiners for Licensed Practical Nurses			
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	6
		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 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	0 points
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	1 point
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0 points

West Virginia Board of Examiners for Licensed Practical Nurses			
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1 point
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
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	16
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	1 point
Physical Address	General address of stage agency.	1 point	1 point
Phone Number	Correct phone 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	0 points
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	1 point

West Virginia Board of Examiners for Licensed Practical Nurses			
Public Records	<p>The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> • Statutes • Rules and/or regulations • Contracts • Permits/licenses • Audits • Violations/disciplinary actions • Meeting Minutes • Grants 	2 points	2 points
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 points
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
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	2 points
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
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
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

West Virginia Board of Examiners for Licensed Practical Nurses			
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

Appendix D Agency Response

WEST VIRGINIA STATE BOARD OF EXAMINERS FOR
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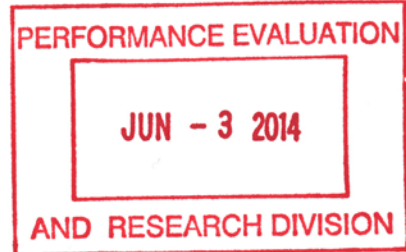
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June 2, 2014

Mr. John Sylvia
WV Legislature PERD
Building 1 Room W-314
1900 Kanawha Blvd., E.
Charleston, WV 25305



Dear Mr. Sylvia:

The Board is in receipt of the draft copy of the Performance Review dated May 23, 2014. We appreciate the opportunity to work with Brandon Burton from your office over the past few months and look forward to the presentation of the information to the Joint Committee on Government Organizations.

The Board agrees with each of the findings of the Performance Review and does not dispute the information in the draft report. We agree that there are functions in which we can improve and are in the process of taking steps towards doing so. Specifically as mentioned in the report we are working with the National Council of State Boards of Nursing to implement a new regulatory office management system which will enhance not only the effectiveness of the Board in terms of licensure processes and tracking of disciplinary cases but will also improve the Board's customer service to licensees and others. This overhaul will also involve changes to the Board's website and recommendations in the draft report will be utilized in that process.

In addition, we look forward to the implementation of wvOASIS and the benefits that it will provide in terms of financial management for our agency, and will be working towards an improved segregation of duties specific to financial activities as recommended in the report. Although we have requested that new Board Members be appointed by the Governor repeatedly over the years we will do so again and will ensure that all Members have the opportunity to attend the Auditor's Office Required Training Seminar which takes place each year.

We remain available to respond to any additional questions or provide any additional information that your office may need. Thank you again for this opportunity.

Very truly yours,

Lanette L. Anderson, MSN, JD, RN
Executive Director

LLA/a



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