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REGULATORY BOARD REVIEW

BOARD OF SOCIAL WORK

AUDIT OVERVIEW

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

The West Virginia Board of Social Work's Website Needs More Improvement to Enhance User-Friendliness and Transparency



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

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EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a Regulatory Board Review of the West Virginia State Board of Social Work (Board) pursuant to West Virginia Code §4-10-10(b)(1). Objectives of this audit were to assess the Board’s compliance with the provisions of Chapter 30 and other applicable laws, and evaluate the Board’s website for user-friendliness and transparency. The issues of this report are highlighted below.

Frequently Used Acronyms in This Report:

PERD – Performance Evaluation and Research Division.

ASWB – Association of Social Work Boards

DHHR – Department of Health and Human Resources

LSW – Licensed Social Workers

LGSW – Licensed Graduate Social Workers

LCSW – Licensed Clinical Social Workers

LICW – Licensed Independent Clinical Social Workers

CPE – Continuing Professional Education

Report Highlights:

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

- The Board is financially self-sufficient, accessible to the public, has established continuing education requirements, and maintains due process rights for licensees.
- On seven occasions, the Board failed to adhere to *W. Va. Code §30-1-5(c)* and close complaints within 18 months of the initial filing. On 13 occasions, the Board failed to send a status report to the complainant within 6 months of the complaint being filed. Therefore, the Board should comply with statutory language and submit status report updates and close complaints within the appropriate time period.

- The Board does not have adequate segregation of duties due to having only one part-time and two full-time staff members. However, the Board has established internal controls to reduce the risk of fraud.
- To further reduce the risk of fraud, the Board should consider utilizing the West Virginia State Treasurer’s Office Lockbox System.
- Most members of the Board have attended the West Virginia Annual Seminar for State Licensing Boards at least once during their terms, however, the chairperson has not attended. Therefore, the chairperson should comply with *W. Va. Code §30-1-2a(c)(2)* and attend the West Virginia Annual Seminar for State Licensing Boards annually.
- The Board has not had full membership in place since FY 2008 and current members are serving terms that have expired. Therefore, the Board should annually request new appointments from the Governor’s Office to fill the vacant and expired positions on the Board.

Issue 2: The West Virginia Board of Social Work’s Website Needs More Improvement to Enhance User-Friendliness and Transparency.

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

PERD’s Response to the Agencies’ Written Response

PERD received the Board’s response to the draft copy of the regulatory board review on May 7, 2018. The Board’s response can be found in Appendix D. The Board agrees with recommendations one, four, and five and states that it will comply. Per recommendation two, while the Board recognizes that the oversight occurred, it had voted to dismiss the case in question on February 23, 2018. Per recommendation three, while the Board recognizes the benefit of the West Virginia State Treasurer’s Office Lockbox System, it has concerns about the timing of check and licensure processing, which could cause delays for individual licensees. However, it is PERD’s opinion the Board should consider the Lockbox System to minimize the handling of revenue by its staff. Finally, with respect to recommendation six, the Board states that while its website is a work in progress, its priority level is low due to competing priorities. The Board is considering this recommendation and has already scheduled a meeting with its web designer.

Recommendations

1. *The Board should comply with W. Va. Code §30-1-5(c) and close cases within the 18- month guideline and submit status reports to the complainant and the respondent within 6 months after the complaint is initially filed.*
2. *The Board should comply with W. Va. Code §30-1-5(c) and officially close a file that has been open since December 18, 2014 yet verbally deemed by the Board as no probable cause found for a violation. An official closure letter should be completed and mailed to all parties involved.*
3. *The Board should consider utilizing the West Virginia State Treasurer’s Office lockbox to process licensure fees and annual license application and renewal and further reduce risk.*
4. *The Board’s chairperson should comply with W. Va. Code §30-1-2a(c)(2) and attend the West Virginia Annual Seminar for State Licensing Boards annually.*
5. *The Board should annually request new appointments from the Governor’s Office to fill vacant and expired positions on the Board.*
6. *The Legislative Auditor recommends that the Board improve the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

ISSUE1

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

Issue Summary

The Board of Social Work (Board) is financially self-sufficient, accessible to the public, has established continuing education (CE) requirements, and maintains due process rights for licensees. However, in 13 instances, the Board did not send status reports to complainants and respondents. Furthermore, due to a relatively small number of staff, the Board does not have adequate internal control. However, the Board has reduced the risk of fraud by assigning each employee with more than one control activity. The Board still receives payment via paper documents, which must be handled and processed by the Board. Therefore, the Board should minimize the handling of revenue by utilizing the West Virginia State Treasurer's Office lockbox system. PERD also found that during the scope of the audit, the chairperson has not attended the annual seminar for state licensing boards as required by law (*W. Va. §30-1-2a(c) (2)*). Moreover, the Board should annually request new appointments from the Governor's Office to fill the vacant and expired positions on the Board.

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

Licensure of Social Workers in West Virginia.

Currently all 50 states have a licensure board to regulate the practice of social work. According to the Board's FY 2017 Biennial Report, the number of total active licensees was 4,052. According to *W. Va. Code §30-30-9* there are four levels of licensure, which are described in Table 1. Each of the four levels require, at a minimum, a bachelor's degree and passage of the Association of Social Work Boards (ASWB) exam. The exam's categories correlate to the applicant's education level and post-graduate experience. Also, each level of licensure has a distinct scope of practice that prohibits the practice of social work in another category unless legislative parameters are met and documented.

Table 1
Board of Social Work Levels of Licensure

Title	Education	Supervision Required
Level A-Licensed Social Worker	BSW*	N/A
Level B- Licensed Graduate Social Worker	MSW	N/A
Level C- Licensed Certified Social Worker	MSW	N/A
Level D- Licensed Independent Clinical Social Worker	MSW	Yes**

Source: FY 2017 Biennial Report

**Individuals with related and unrelated degrees as specified in legislative rule may obtain licensure as a LSW by complying with all the terms of a four-year provisional licensure period.*

***Two years/100 hours.*

In addition to the above mentioned four levels of licensure, the Board issues social work permits and provisional licenses. Social Work temporary permits are issued to new graduates of bachelors or masters level social work programs. Individuals in their last semester of coursework may also make an application for a temporary permit. The permit is valid for six months and allows the individual to seek employment and practice while he/she prepares for the bachelors or masters ASWB exam.

A board-issued provisional license is an alternative pathway for individuals desiring to practice social work who qualify through alternative educational training. They would not be required to have degrees in social work but rather within a field related to social work. The Board would grant a provisional license certificate only after it is determined an applicant's eligibility and received written evidence of qualified supervision and employment in a critical social work workforce shortage position, geographical area or setting requiring a social work license. Provisional licenses are issued for a two-year period, and renewed for another two if applicants demonstrate adherence to *W. Va. Code §30-30-16*. Provisional licensees can convert their license to a Licensed Social Worker if, during the mandatory documented four-year continuous period of supervised employment, they complete and pass four core classes of social work totaling 12 hours, provide documentation of at least 20 hours every 2 years of continuing social work education and successfully pass the ASWB Bachelor's exam. Due to a legislative amendment to code in 2015, if provisional licensees do not successfully pass the ASWB exam at the end of the four years, they are eligible to reapply and continue as provisional licensees. Therefore, the provisional licensee would start the four-year cycle over again, and this cycle is unlimited in the number of times the licensee can repeat the process.

Also of note, during the 2015 regular legislative session, the West Virginia Department of Health and Human Resources (DHHR) presented legislation (Senate Bill 559) to exempt its employees from social work

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licensure on the argument that social work licensure was a barrier to the hiring process, as the pool of applicants in related degrees was insufficient to meet hiring needs for critical positions within DHHR. Senate Bill 559 passed on March 9, 2015 granting the DHHR expanded authority to hire individuals beyond those with a related degree in social work. Individuals with bachelor's degrees in an unrelated field, but offered employment in a critical workforce shortage, geographical area or setting requiring a social work license, are eligible for a provisional license to practice only within DHHR. Individuals granted provisional licenses in this category are required to complete educational training provided by DHHR. DHHR is to annually certify to the Board that such individuals have complied fully with the training requirements. As with provisional licenses granted to those with a related field of study, DHHR provisional licensees are required to earn 20 hours of continuing social work education every 2 years and have their license renewed every 2 years, with the cycle culminating in four. At the end of the four-year cycle, the DHHR provisional licensee may also sit for the ASWB social work exam which can then lead to becoming a Licensed Social Worker if the licensee has completed the social work training and documented completion of the required 20 hours every 2 years of continuing education. The first cycle of DHHR provisional licensees will conclude their four-year cycle by June 2019. Pursuant to *W. Va. Code §30-30-16(d)*, on or before July 1, 2020 the Legislative Auditor will review the application process of the provisional license to practice as a social worker and the application process by which a provisional licensee may become a licensed social worker.

Senate Bill 559 passed on March 9, 2015 granting the DHHR expanded authority to hire individuals beyond those with a related degree in social work. Individuals with bachelor's degrees in an unrelated field, but offered employment in a critical workforce shortage, geographical area or setting requiring a social work license, are eligible for a provisional license to practice only within DHHR.

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

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

- The Board has adopted an official seal (§30-1-4).
- The Board meets at least once annually (§30-1-5(a)).
- The Board's complaints are investigated and resolved with due process (§30-1-8).
- The Board has promulgated rules specifying the investigation and resolution procedure of all complaints (§30-1-8(k)).
- The Board is financially self-sufficient in carrying out its responsibilities (§30-1-6(c)).
- The Board has established continuing education requirements (§30-1-7a).

- The Board has a register of all applicants with appropriate information specified in code, such as the date of the application, name, age, education and other qualifications, place of residence, examination required, whether the license was granted or denied, any suspensions, etc. (§30-1-12(a)).
- The Board has submitted an annual report to the Governor and Legislature describing transactions for the preceding two years (§30-1-12(b)).
- The Board has complied with public access requirements as specified by (§30-1-12(c)).
- A roster has been prepared and maintained of all licensees that includes names, and office addresses (§30-1-13).

The Board is not in compliance with the following provisions:

- The Board shall investigate and resolve complaints which it receives, and shall, within six months of the complaint being filed, send a status report to the party filing the complaint by certified mail with a signed return receipt and within one year of the status report's return receipt date issue a final ruling unless the party filing the complaint and the board agree in writing to extend the time for the final ruling (§30-1-5(c)).
- The Board's chairperson and executive director are to annually attend the West Virginia Annual Seminar for State Licensing Boards (§30-1-2a(c)(2)).

The Board maintains an end-of-year cash balance that is between one and two years of expenditures.

The Board Is Financially Self Sufficient.

The Board maintains an end-of-year cash balance that is between one and two years of expenditures (see Table 2). *W. Va. Code §30-1-6(c)* requires boards to be financially self-sufficient. It is the Legislative Auditor's opinion that cash reserves in the amount of one to two times a board's annual expenditures are an acceptable level.

Fiscal Year	Beginning Cash Balance	Revenue	Disbursements	Ending Cash Balance
2015	\$182,022	\$217,777	\$161,587	\$238,212
2016	\$238,212	\$215,142	\$183,648	\$269,706
2017	\$269,706	\$230,276	\$192,658	\$307,324
Average	\$229,980	\$221,065	\$179,298	\$271,747
<i>Source: West Virginia OASIS</i>				

The Board's annual revenue comes from individual social workers' fees for application, licensure, renewal, delinquent payment, upgrade in higher level of licensure, and to re-certify as a certified provider of continuing education. Annual disbursements include staff salaries and benefits, utilities and travel costs.

West Virginia and surrounding states' licensure and renewal fees can be seen in Table 3. West Virginia's fees are generally in line with those of the surrounding states. West Virginia's initial licensure and renewal fees are assessed to Licensed Social Workers (LSW), Licensed Graduate Social Workers (LGSW), Licensed Clinical Social Workers (LCSW), Licensed Independent Clinical Social Workers (LICW).

State	Initial Licensure Fee*	Renewal Fee*	Renewal Cycle
Kentucky	\$75 - \$200	\$75 - \$200	Triennial
Maryland	\$75	\$100 - \$275	Biennial
Ohio	\$60 - \$100	\$60 - \$100	Biennial
Pennsylvania	\$25	\$95	Biennial
Virginia	\$115 - \$165	\$25 - \$90	Annual
West Virginia	\$50 - \$115	\$85	Biennial
<i>Source: State licensure boards' websites, W.Va. Code of State Rules §25-3-2.</i>			
<i>* For fees with ranges, the fee depends on the type of license.</i>			

In Kentucky, initial licensure and renewal are comprised of \$75 for licensed social workers, \$125 for certified social workers, and \$200 for licensed clinical social workers. In Maryland, renewal fees are made up of \$100 for bachelor level licensure, \$200 for graduate level, and \$275 for certified level. The range of initial and renewal licensure fees in Ohio consist of \$60 for social work assistants, \$80 for licensed social workers,

and \$100 for licensed independent social workers. In Virginia, initial licensure fees are \$115 for licensed social workers and \$165 for licensed clinical social workers while renewal fees are \$25 for associates, \$65 for licensed social workers, and \$90 for licensed clinical social workers. Pennsylvania assesses a single initial and renewal licensure fee. West Virginia charges \$50 for temporary permits, \$100 for the aforementioned LSW, LGSW, LCSW, and LICSW licenses; and \$115 for provisional licensure.

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

The Legislative Auditor reviewed disciplinary data and complaints investigated by the Board for FY 2015 – 2017. Per *West Virginia Code of State Rules (CSR) §25-6-4.2*, complaints against licensees can be filed with the Board by any individual, in writing or through an online form. Table 4 provides an overview of the complaints received and average time to resolve the complaints.

According to W. Va. Code §30-1-5(c), each Chapter 30 board is required to close a complaint within 18 months of the initial filing.

Fiscal Year	Number of Complaints Received	Number of Cases with Disciplinary Actions	Average Resolution Time in Days
2015	7	2	107
2016	25	5	147
2017	22	1	115

Sources: West Virginia Board of Social Work Annual Reports. Average resolution time is calculated based on those complaints which have been resolved. Therefore, the averages are not based on the total number of complaints.

According to *W. Va. Code §30-1-5(c)*, each Chapter 30 board is required to close a complaint within 18 months of the initial filing. Furthermore, the Board is required to send status reports to the complainant and the respondent within six months after the complaint was initially filed if the case has not been resolved prior to six months. Though most complaints have been closed within the 18-month guideline, there are 7 complaints that remain open. **Therefore, the Board should comply with *W. Va. Code §30-1-5(c)* and close a complaint file within 18 months of the initial filing.**

Though most complaints have been closed within the 18-month guideline, there are 7 complaints that remain open.

During the scope of the audit, the Board had 20 cases in which status reports were to be sent to the complainant 6 months after the complaint was initially filed. The Board adhered to the statutory requirement on 7 of the 20 cases. Of the remaining 13 cases, 6 were not sent at all, while 7 were sent outside of the 6-month timeframe. **The Board should comply with *W. Va. Code §30-1-5(c)* and submit status reports to the party filing the complaint and respondent within six months after the complaint is initially filed.**

The Legislative Auditor also noted one case, opened December 18, 2014, that according to the Board's FY 2016 Annual Report no probable cause of a violation was found by the Board. However, the case file does not have an official closure letter maintained within the office to verify the date of closure. In fact, according to the Executive Director, there is no recollection that the case has been "...closed officially." The case was initially reviewed by the Wood County DHHR, since the individual was employed by DHHR. According to the Executive Director, the internal investigation completed by the Wood County DHHR was "...not integral to the Disciplinary Committee's belief that there was not probable cause..." While the Board has deemed the case closed, it is still technically open since there is no closure documentation within the file and the office.

According to *W. Va. Code §30-1-5(c)*, every board has a duty to investigate and resolve complaints which it receives within 18 months, unless the party filing the complaint and the Board agree in writing to extend the time for the final ruling. This is not the case regarding the above-mentioned complaint file, instead, the Board found no probable cause of a violation committed, however, the documentation of this, according to the Executive Director, has "...slipped through the cracks." **Therefore, to comply with *W. Va. Code §30-1-5(c)* the Board should officially close the file with a closure letter, and submit a closure letter to the party filing the complaint and respondent.**

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The Board has established continuing education requirements for its licensees.

The Board Has Established Continuing Education Requirements.

The Board has established continuing education requirements for its licensees. *West Virginia CSR §25-5-3.1* states that all individual licensees are required to have 40 hours of continuing professional education (CPE) units during each two-year period. *West Virginia CSR §25-1-3.3.8(d)* states that individuals with a provisional license are required to have 20 hours of CPE during each two-year period. Table 5

provides the continuing education requirements in West Virginia and the surrounding states. In Kentucky, the range of 15 – 30 is representative of the requirements for licensed social workers and certified/licensed clinical social workers, respectively. In Maryland, Licensed Bachelor level workers are required to have 30 hours, while all other licensees require 40 hours on a biennial basis. In Virginia, licensed social workers are required to obtain 15 CE hours and licensed clinical social workers are to have 30 CE hours on a biennial basis. West Virginia requires LSW, LGSW, LCSW, and LICS licensees to have 40 CE hours biennially, while provisional license holders are to have 20 CE hours over the same period.

West Virginia requires LSW, LGSW, LCSW, and LICS licensees to have 40 CE hours biennially, while provisional license holders are to have 20 CE hours over the same period.

Table 5
Continuing Education Requirements for Social Workers
In Surrounding States

State	CE Hours*	Renewal Period
Kentucky	15 - 30	Triennial
Maryland	30 - 40	Biennial
Ohio	30	Biennial
Pennsylvania	30	Biennial
Virginia	15 - 30	Biennial
West Virginia	20 - 40	Biennial

Source: Each state's licensing board website and regulations.

**For hours with ranges, the number of hours depends on the type of license.*

LSW, LGSW, LCSW and LICS licensees may meet the biennially 40 required hours of continuing education by utilizing two types of courses: online or face-to-face (Category I) and independent study (Category II). As related to Category I, the Board allows individuals to take up to 10 hours of both approved online and face-to-face courses. For Category II hours, these individual activities do not require prior approval. Course content must be related to social work or improving your practice and may include the following:

- attendance at workshops that are not provided by an approved CE provider;
- reading or writing of papers, journals, articles, or books with relevant social work objectives and content;
- preparation time when serving as a presenter at a social work program;
- internet research into specific areas of social work methods and practice, issues, etc.;

- online courses in excess of the approved ten hours; and
- viewing videos of prevalent and problematic social, health, family issues.

Provisional licensees may earn up to 10 of the 20 hours of the biennial required hours through board-approved online education hours. The remaining 10 hours may come from face-to-face study.

Credit hours are awarded by the CE Committee based on the detail of the training agenda offered as part of the process. Annually, licensees are to submit their CE records for that past year and educational providers are required to supply certificates and their CE records to the Committee as well. Copies of the documentation shall be maintained in each licensee's CE audit file. The CE Committee reviews licensees' CE records annually. The Board reported that audits are triggered by any of the following instances:

1. the event lasts more than one day,
2. the individual does not submit any provider certificates when reporting continuing education with the renewal packet,
3. the CE record is not filled out correctly, or
4. the licensee sends in a non-approved board form to report CE.

If any of the above-mentioned triggers warrants an audit, the CE committee will request the information needed from the licensee and provider to rectify the situation. Therefore, the number of audits may differ from year to year based on the CE Committee's findings from each file. During the scope of the audit, there was never any disciplinary action (late fees or prohibited practice) taken by the Board for lack of continuing education submitted by a licensee.

The Board has one part-time and two full-time employees who are responsible for handling revenue. The Board accepts cash, checks, and money orders; however, no revenue is collected from online licensure renewal.

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

The Board has one part-time and two full-time employees who are responsible for handling revenue. The Board accepts cash, checks, and money orders; however, no revenue is collected from online licensure renewal. Proper internal control would have adequate segregation of duties in place that prevent one person from performing two or more control activities associated with purchasing and receiving revenue, such as authorizing transactions, receiving merchandise, receiving and depositing revenue, recording transactions, and maintaining custody of assets.

As an example of appropriate segregation of duties for handling

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

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

While the Board has an insufficient number of employees to maintain adequate segregation of duties, the Board has established certain cash handling procedures to reduce the risk of fraud. The executive director opens the mail and logs into the system the names of individuals, types of transactions, and the dates. Then checks or money orders are logged in for each transaction and stamped “for deposit only.” A calculator tape, which totals the individual transactions, is forwarded to the administrative assistant, who is responsible for making the deposit. Monies are then received and posted on a deposit detail Excel spreadsheet by the secretary detailing

- payee – company name or licensee name;
- type of payment;
- amount of payment;
- check or money order number; and
- reason for payment; such as: license, verification, CE, mailing list, etc.

Upon the depositing of monies, the detail is printed and used for reconciliation against the deposit slip. The administrative assistant is required to deposit the monies in a sealed envelope within one business day of receiving the revenue. The deposit is taken to the Department of Administration’s Division of Finance, who deposits the money and enters the transaction into the OASIS system. Finally, the executive director is responsible for reconciling the deposits with the OASIS Revenue Posting by Department report on no less than on a monthly basis.

The Board does not utilize the State Treasurer’s lockbox system, though the executive director indicated that she would like to move towards incorporating that in the future. The State Treasurer’s Office provides a lockbox operation for a fee whereby remittances can be picked up from a post office box, opened and sorted, imaged, deposited, and the information forwarded to the Board by the Treasurer’s Office. Use of

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the lockbox operation helps to mitigate the risk of fraud and is beneficial to boards with little or no staff to handle such procedures. **Therefore, the Legislative Auditor recommends the Board consider utilizing the State Treasurer’s lockbox to further reduce risk.**

The Board has authorized the executive director to make routine purchases necessary to run the office. The executive director, therefore, serves as procurement officer and attends the annual 10 hours of training, as required by the Purchasing Division. The Board must authorize any expenditure more than \$500 and West Virginia state purchasing rules are followed. The West Virginia State Purchasing Card (P-Card) is used to pay for routine bills, office supplies, as well as other expenses. All reconciliations are performed as part of each board meeting, at which time board approval of expenses are requested.

In December 2014, the West Virginia State Auditor’s Office released a P-Card audit of the Board covering the period of FY 2013 through FY 2014. In this report, the State Auditor suggested the Board review each transaction and consider appointing a member to sign and date P-Card transaction reports at each meeting. Biennial reports from FY 2015 through FY 2017 demonstrate board members vote on the issue of accepting the P-Card statements and receipts, as presented by the executive director. The Board should be commended for its use of internal controls with respect to the handling of expenditures, given its staff makeup of two full-time employees.

In order to assess the risk of fraud and gain a reasonable assurance that fraud has not occurred, PERD examined the Board’s revenue and expenditures. For revenue, PERD calculated the minimum expected amount by multiplying the biennial renewal fees by half of the number of individuals actively licensed for FY 2015 – 2017 and found that actual revenue exceeded expected revenue. There would be concern if expected revenues were significantly higher than actual revenues and would require additional inquiry by PERD. Table 6 provides a comparison of actual and expected revenues for the Board.

The Board must authorize any expenditure more than \$500 and West Virginia state purchasing rules are followed.

Biennial reports from FY 2015 through FY 2017 demonstrate board members vote on the issue of accepting the P-Card statements and receipts, as presented by the executive director.

**Table 6
Board of Social Work
Expected and Actual Revenues
FY 2015-2017**

Fiscal Year	Number of Active Licensees	Biennial Renewal Fee	Expected Revenues	Actual Revenues
2015	3,467	\$85	\$147,348	\$217,778
2016	3,554	\$85	\$151,045	\$215,142
2017	3,532	\$85	\$150,110	\$230,176

Source: PERD calculations based on each FY Board Annual Report which documents the Board’s active licensees.

PERD also calculated the percentage of low-risk expenditures (see Table 7). PERD evaluated the Board's expenditures for FY 2015 – 2017 and determined that on average 91 percent of the Board's expenses consisted of expected and required expenditures to vendors. The Legislative Auditor's opinion is that when the Board's required expenditures are 90 percent or more of the Board's total annual expenditures, the likelihood of fraud having occurred on the expenditure side is relatively low. In the case of the Board of Social Work, the 87 percent in FY 2015 can be explained by an excess of \$14,000 expended to the executive director as part of a contract to manage on an interim basis. In FY 2017, over \$11,000 was spent on attorney costs. For those reasons, the Legislative Auditor finds no need for concern.

PERD evaluated the Board's expenditures for FY 2015 – 2017 and determined that on average 91 percent of the Board's expenses consisted of expected and required expenditures to vendors.

Table 7
Board of Social Work
Percentage of Expected and Required Expenditures
FY 2015 - 2017

Fiscal Year	Percent of Expected & Required Expenditures
2015	87
2016	96
2017	89

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

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

The Board is to consist of seven members. However, with one vacancy, the Board of Social Work is currently comprised of six members. According to *W. Va. Code §30-1-2a(c)(3)*, board members are to attend at least one West Virginia Annual Seminar for State Licensing Boards during their terms. Also, according to *W. Va. Code §30-1-2a(c)(2)*, the Board's chairperson and executive director are to annually attend the seminar. The executive director is in compliance, having attended every year of the scope of the audit. Furthermore, five members have complied by attending the seminar during their current terms. However, the chairperson, has not attended this annual orientation during the scope of the audit. **Therefore, the Legislative Auditor recommends that the Board's chairperson comply with *W. Va. Code §30-1-2a(c)(2)* and attend the West Virginia Annual Seminar for State Licensing Boards annually.**

The Board Should Request New Appointments For Board Members

According to *W. Va. Code §30-30-4*, the Board is to consist of one LICSW, two LCSW, one LGSW, two LSW, and one citizen members for a total of seven members appointed by the governor, with the advice and consent of the Senate. Each board member is appointed for a term of five years. The Board has not had seven members since FY 2008. Presently, there are six members serving the Board, all of which are serving terms that have expired. The Board has not received any appointments to fill the vacant position or the expired terms. When asked if the Board has requested new appointments, the executive director reported, “*I know the WV National Association of Social Workers has lobbied a few times beginning with Governor Manchin and Tomblin for new appointees to the Board, and has suggested specific individuals, but this has not been successful up to now apparently. I am not sure what efforts they have made with Governor Justice.*” **Therefore, the Board should annually request new appointments from the Governor’s Office to fill the vacant and expired positions on the Board.**

The Board has not had seven members since FY 2008. Presently, there are six members serving the Board, all of which are serving terms that have expired. The Board has not received any appointments to fill the vacant position or the expired terms.

Conclusion

The Board complies with most of the general provisions of Chapter 30. However, the Board should adhere to *W. Va. Code §30-1-5(c)* and close cases within the 18-month guideline and send official status reports to the party filing the complaint and the respondent within six months after the complaint is initially filed. The Board is also responsible for closing a complaint that has not been officially closed and open since December 2014, as well as, send closure letters to all parties. Additionally, the West Virginia State Treasurer’s Office lockbox should be utilized by the Board to process licensure fees and annual application and renewals. Lastly, the Board’s chairperson members should comply with *W. Va. Code §30-1-2a(c)(2)* and attend the West Virginia Annual Seminar for State Licensing Boards annually and the Board should annually request new appointments from the Governor’s Office to fill the vacant and expired positions on the Board.

Recommendations

1. *The Board should comply with W. Va. Code §30-1-5(c) and close cases within the 18-month guideline and submit status reports to the complainant and the respondent within 6 months after the complaint is initially filed.*

-
2. *The Board should comply with W. Va. Code §30-1-5(c) and officially close a file that has been open since December 18, 2014 yet verbally deemed by the Board as no probable cause found for a violation. An official closure letter should be completed and mailed to all parties involved.*
 3. *The Board should consider utilizing the West Virginia State Treasurer's Office lockbox to process licensure fees and annual license application and renewal and further reduce risk.*
 4. *The Board's chairperson should comply with W. Va. Code §30-1-2a(c)(2) and attend the West Virginia Annual Seminar for State Licensing Boards annually.*
 5. *The Board should annually request new appointments from the Governor's Office to fill vacant and expired positions on the Board.*
-

ISSUE2

The West Virginia Board of Social Work’s Website Needs More Improvement to Enhance User-Friendliness and Transparency.

Issue Summary

The Office of the Legislative Auditor conducted a literature review on assessments of governmental websites and developed an assessment tool to evaluate West Virginia’s state agency websites (see Appendix C). The assessment tool lists several website elements. Some elements should be included in every website, while other elements such as social media links, graphics, and audio/video features may not be necessary or practical for some state agencies. Table 8 indicates the Board integrates 50 percent of the checklist items in its website. This measure indicates that the Board needs to make more improvement in the user-friendliness and transparency of its website.

The Board integrates 50 percent of the checklist items in its website. This measure indicates that the Board needs to make more improvement in the user-friendliness and transparency of its website.

Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	50%		
<i>Source: The Legislative Auditor’s review of the Board of Social Work website as of December 14, 2017.</i>			

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

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

The Legislative Auditor reviewed the Board’s website for both user-friendliness and transparency and found that the website requires improvement in these areas (see Table 9). **The Board should make improvements to its website to provide a better online experience for the public.**

Table 9
Website Evaluation Score

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	8	44%
Transparency	32	17	53%
Total	50	25	50%

Source: The Legislative Auditor's review of the Board's website as of December 14, 2017

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

The Board's website is easy to navigate as there is a link to every page on the top of the website; however, the website lacks a site map, a frequently-asked-questions (FAQ) section, and a foreign language accessibility tool. According to the Flesch-Kincaid Reading Test, the average readability of the text is on a college reading level, which is much higher than the recommended 8th grade level for readability.

User-Friendly Considerations

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

- **Foreign Language Accessibility** - A link to translate all webpages into languages other than English.
- **Site Map** - A list of pages contained in a website that can be accessed by web crawlers and users.
- **FAQ Section** - A page that lists the agency's most frequently asked questions and responses.
- **Online Survey/Poll** - A short survey that pops up and requests users to evaluate the website.
- **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.
- **RSS Feeds** - This allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.

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

The Website Has Good Transparency Features but Some Improvements Can Be Made.

A website that is transparent should promote accountability and provide information for citizens about how well the Board is performing, as well as encouraging public participation. The Board's website has 53 percent of the core elements that are necessary for a general understanding of the Board's mission and performance. The Board's website contains important transparency features such as email contact information, its telephone number, and public records such as statutes, rules, and meeting minutes.

Transparency Considerations

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

- **Administrator(s) Biography** – A biography explaining the administrator(s) professional qualifications and experience.
- **Calendar of Events** - Information on events, meetings, etc., ideally imbedded using a calendar program.
- **Audio/Video Features** - Allows users to access and download relevant audio and video content.
- **FOIA Information** - Information on how to submit a FOIA request, ideally with an online submission form.
- **Performance Measures/Outcome** - A page linked to the homepage explaining the agency's performance measures and outcomes.
- **Agency History** - The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.
- **Website Updates** - The website should have a website update status on screen and ideally for every page.
- **Job Postings/Links to Personnel Division Website** - A section on the homepage for open job postings and a link to the application page.

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

Conclusion

The Legislative Auditor finds that improvements are needed to the Board's website in the areas of user-friendliness and transparency. The website can benefit from incorporating several common features. The Board has pertinent public information on its website including its mission statement, rules and regulations, and a complaint form. The Board's contact information is also provided, as are downloadable publications such as license application forms. However, providing website users with additional elements and capabilities, as suggested in the report, would improve user-friendliness and transparency.

Recommendation

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

Appendix A Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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



John Sylvia
Director

April 17, 2018

Vickie James, Executive Director
West Virginia Board of Social Work
1124 Smith Street, Suite B 200
Charleston, WV 25301-1744

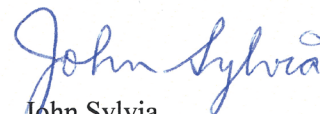
Dear Director James:

This is to transmit a draft copy of the regulatory board review of the Board of Social Work. This report is tentatively scheduled to be presented during the May 20 – 22 interim meetings of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by April 25th, 2018. In addition, we need your written response by noon on Monday, May 7th, 2018, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 304-340-3192 by Thursday, May 17th, 2018, to make arrangements.

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

Sincerely,


John Sylvia

Enclosure

————— *Joint Committee on Government and Finance* —————

Appendix B

Objective, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the West Virginia Board of Social Work (Board) as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code (WVC)*, as amended. The purpose of the Board, as established in *West Virginia Code* §30-30, is to protect the public and be the regulatory and disciplinary body for registered professional social workers throughout the state.

Objectives

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

Scope

The regulatory board review included an assessment of the Board's financial internal controls; policy and procedures regarding internal controls and complaints; meeting minutes; complaint files from fiscal years 2015 through 2017; complaint-resolution process; disciplinary procedures and actions; revenues and expenditures for the period of fiscal years 2015 through 2017; continuing education requirements and verification; the Board's compliance with the general statutory provisions (*WVC* §30-1-*et al.*) for regulatory boards and other applicable laws; and key features of the Board's website.

Methodology

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

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

The Legislative Auditor also tested the Board's expenditures for fiscal years 2015 through 2017 to assess risks of fraud on the expenditure side. The test involved determining if low-risk expenditures were at least 90 percent of total expenditures. Some low-risk expenditures include various payroll expenses, board member compensation, and office rent and utilities.

Additionally, the Legislative Auditor compared the Board's actual revenue to expected revenue in order to assess the risks 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 fiscal years 2015 through 2017.

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

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

Appendix C

Website Criteria Checklist and Points System

West Virginia State Board of Social Work			
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	8
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	1
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0
Content Readability	The website should be written on a 6 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	1
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	0
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
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

West Virginia State Board of Social Work			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	0
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	17
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	1
Physical Address	General address of stage agency.	1 point	1
Phone Number	Correct phone number of state agency.	1 point	1
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	1
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1

West Virginia State Board of Social Work			
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
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	2
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	1
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	0
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2
Agency Organizational Chart	Anarrativedescribingtheagencyorganization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	1
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0
Performance measures/outcomes	A page linked to the homepage explaining the agency's performance measures and outcomes.	1 point	0

West Virginia State Board of Social Work			
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
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	0
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

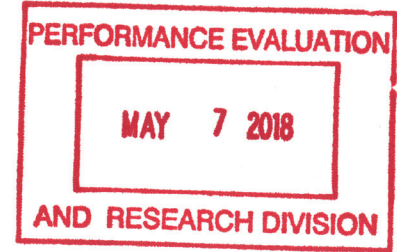
Appendix D Agency Response

WEST VIRGINIA BOARD OF SOCIAL WORK

P.O. Box 5459 Charleston, WV 25361 Phone: (304) 400-4980 Fax: (304) 400-4976
www.wvsocialworkboard.org



May 5, 2018



John Sylvia, Director
Performance, Evaluation and Research Divisions
WV Legislature
Building 1, Room W-314
Charleston, WV 25305-1610

Re: 2017 Legislative Audit for Board of Social Work

Board Members

Rita M. Brown, LSW
Chair
Kanawha

Patricia O'Reilly, Ph.D.
Vice Chair
Public Member— Kanawha

Lucy C. Eates, LSW
Secretary
Marion

JoDee Gottlieb, LCSW
Cabell

Barbara K. Heasley, LICSW
Randolph

Christine Maniskas, LCSW
Cabell

Office Staff

Vickie James, LCSW
Executive Director

Dear Mr. Sylvia:

Thank you for the draft copy of the audit report to be submitted to the Joint Committee on Government Operation and the Joint Committee on Government Organization during the Interim Meetings in May.

With response to the recommendations provided by the Performance Evaluation Division, our comments are as follows:

Recommendation 1. The Board should comply with W. Va. Code §30-1-5(c) and close cases within the 18-month guideline and submit status reports to the complainant and the respondent within 6 months after the complaint is initially filed

The Board agrees and will comply with this recommendation.

We have initiated some in house controls to ensure that cases are resolved within that time period. Additionally, we have added an additional investigator to process cases referred for investigation more expeditiously.

Recommendation 2. The Board should comply with W. Va. Code §30-1-5(c) and officially close a file that has been open since December 18, 2014 yet verbally deemed by the Board as no probable cause found for a violation. An official closure letter should be completed and mailed to all parties involved.

Since the time of the review, the Board was apprised of this oversight and voted to dismiss the case on February 23, 2018.

Recommendation 3. The Board should consider utilizing the West Virginia State Treasurer's Office lockbox to process licensure fees and annual license application and renewal and further reduce risk.

Correspondence John Sylvia
May 5, 2018
Page 2

The Board will follow up on with the Treasurer's office on the utility and applicability of this option. Because renewals are ongoing throughout the year, we are concerned that mail directed to the State Treasurers office and forwarded to the Board can cause a delay in licensure for many individuals who do not send their applications or renewals in a timely manner, particularly for individuals who have problems with their applications or continuing education and must be notified for the need for remediation. We will also work on other avenues to pursue online renewal and application as well.

Recommendation 4. The Board's chairperson should comply with W. Va. Code §30-1-2a(c)(2) and attend the West Virginia Annual Seminar for State Licensing Boards annually.

The Board agrees and will comply with this recommendation

Recommendation 5. The Board should annually request new appointments from the Governor's Office to fill vacant and expired positions on the Board.

The Board agrees and has already been in contact with the Governor's office.

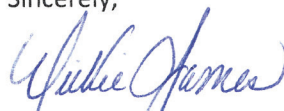
Recommendation 6. The Legislative Auditor recommends that the Board improve the user-friendliness and transparency of its website by incorporating more of the website elements identified.

The Board's web site has been a work in progress, but one that sometimes got put on the back burner due to competing priorities. We appreciate the recommendations from the audit and have an appointment scheduled on May 16 with our web designer to discuss these recommendations, with a goal of implementing changes to be more user friendly and transparent.

The staff conducting our audit, Brandon Burton and Daniel Kanner were very professional and helpful during this process. The Board's previous director of 23 years, Judy Williams retired in 2014 so this audit and the resultant recommendations were very timely in helping staff understand more fully the requirements and law governing Chapter 30 licensing Boards.

Thank you for the opportunity to respond to the recommendations, many of which we have already begun implementing. If you or the Joint Committees require any additional information, please do not hesitate to contact me.

Sincerely,



Vickie James, ACSW, LCSW
Executive Director



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

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

telephone: 1-304-347-4890 | www.legis.state.wv.us/Joint/PERD/perd.cfm | fax: 1-304-347-4939