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REGULATORY BOARD REVIEW

MASSAGE THERAPY LICENSURE BOARD

AUDIT OVERVIEW

The Legislative Auditor Determines, as in Prior Reports, That the Massage Therapy Licensure Board Is Not Needed to Protect the Public Because the Risk of Harm From the Profession Is Relatively Low

The West Virginia Massage Therapy Licensure Board Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code

The Massage Therapy Licensure Board's Website Needs More 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 Massage Therapy Licensure Board pursuant to *West Virginia Code §4-10-10(7)*. Objectives of this audit were to assess the need for the Board, 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:

Frequently Used Acronyms of this Report:

NCBTMB: National Certification Board for Therapeutic Massage and Bodywork
FSMTB: Federation of State Massage Therapy Board

Report Highlights:

Issue 1: The Legislative Auditor Determines, as in Prior Reports, That the Massage Therapy Licensure Board Is Not Needed to Protect the Public Because the Risk of Harm From the Profession Is Relatively Low.

- The public does not significantly benefit from the State's regulation of massage therapists; therefore, licensure is not needed to protect the public.
- If the Legislature determines to have some form of regulation of this profession, it should consider a lower form of regulation such as registration.
- If the Legislature decides to continue the Massage Therapy Board in its present-state, the Legislature should consider placing the Board under an umbrella board for health-related professions.

Issue 2: The West Virginia Massage Therapy Licensure Board Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code.

- The Board is financially self-sufficient and maintains and end-of-year cash balance that is in excess of one year of expenditures.
- The Board attempts to resolve complaints in a timely manner and has established continuing education requirements.
- The Board should request new appointments for board members, maintain the register and roster as required and submit an annual report to the Governor.

Issue 3: The Massage Therapy Licensure Board's Website Needs More Improvements to Enhance User-Friendliness and Transparency.

- The Board's website is simple to navigate, but could use some user-friendly features such as foreign language accessibility, site functionality, feedback options and mobile functionality.

- The Board's website could benefit from additional transparency features such as a board budget, performance measures, agency history and a calendar of events.

PERD's Response of the Agency's Written Response

The Board is in agreement with the report's positive findings such as the Board being financially self-sufficient and being in complience with most provisions of Chapter 30 of the West Virginia Code. The Board is also in agreement with some of the report's recommendations such as ensuring that board members receive the required orientation sessions, maintaining data for the register and roster of all applicants as required by *West Virginia Code §30-1-13 and §30-1-12(a),* and that the board should submit an annual report to the Governor as required by *West Virginia Code §30-1-12(b).* The Board also reported appreciation for issue three and the recommendations that will enhance the web-site to be more user friendly.

The Board respectfully disagrees with the audit finding that the regulation of massage therapists is not necessary to protect the public. The Board reported that the Legislative Auditor understated the potential harm to the public. The Board reported that the elimination of the Board would send a message that the State is not concerned about sexual misconduct and prostitution. The Board also reported that eliminating licensure would eliminate an effective recourse of action for victims of sexual improprieties as well as any deviation from professional standards. The Board cited examples in which without the Board protecting the public and shutting down a business, the individuals could still continue to practice illicit sexual activities.

After review of the Board's complaint cases and legal actions regarding massage therapists and the practice of massage therapy from calendar year 2003 to August 2014, it is The Legislative Auditor's opinion that when analyzing the health, safety, and welfare of the public from massage therapists, the issues of sexual harassment and prostitution both arise. However, these instances of harm are a remote hazard to the public. Therefore, the Legislative Auditor believes there is no compelling evidence for continued licensure of this profession due to the relatively low risk of harm to the public and in the event where harm may occur, the public is sufficiently protected through existing common law and civil remedies.

The Board reported that while the licensure fees are considerably higher than the fees of the surrounding states, the Legislative Auditor failed to take into account the direct correlation between the total number of licensees in a state and the requirement that the fee structure be adequate for the Board to be self-sufficient. The Board also pointed out that it must also pay for expenses related to a complaint case and that the Legislative Auditor misrepresents the fee structure as an "*undue expense"* because these fees are required to assist the Board to become self-sufficient. The Legislative Auditor understands that fee structure enables boards to become self-sufficient, yet he is merely pointing out it is higher than most of the surrounding states and the expense is "*undue"* because it could be lessened by either terminating the Board or establishing a lower form of regulation.

The Board disagreed with a lower form of regulation such as registration as a viable alternative. The Board reported that all of the professions referenced within the audit are not health professions and that those pose a relatively low harm to the public. However, it is the Legislative Auditor's opinion that while there have been complaints annually and since 2003 there have been two cases of legal action against massage therapists, these issues are remote. Therefore, it is the Legislative Auditor's opinion that if the Legislature desires to have some form of regulation, then the Legislature should consider a lower form of regulation such as registration through the Secretary of State.

The Board reported that state licensure must be maintained so all therapists can continue to bill for services as they so choose. However, as reported, according to the PEIA Director, individuals who are nationally credentialed within the state can bill for services. Therefore, even without licensure those individuals who are NCBTMB certified would still be able to bill for those services.

Recommendations

1. *The Legislature should consider terminating the Board of Massage Therapy.*

2. *If the Legislature desires to have some form of regulation, then the Legislature should consider a lower form of regulation such as registration through the Secretary of State.*

3. *The Legislature should consider establishing an umbrella board for health-related professions, and if the Massage Therapy Board is to be kept in its current state, it should be placed within such an umbrella board.*

4. *The Legislative Auditor recommends the Board reduce the potential for fraud by utilizing the State Treasurer's lockbox system.*

5. *The Legislative Auditor recommends that the Board should request to the Governor's Office new appointments for board member positions that are expired.*

6. *The Legislative Auditor recommends that the Board's current holdover members adhere to code and attend at least one legislative seminar during their term of office.*

7. *The Legislative Auditor recommends the Board adhere to West Virginia Code §30-1-13 and §30-1-12(a) in order to keep the roster and register of all applicants as required.*

8. *The Legislative Auditor recommends the Board adhere to West Virginia Code §30-1-12(b) and submit an annual report to the governor each year.*

9. *The Legislative Auditor recommends that the West Virginia Massage Therapy Licensure Board should consider enhancing the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

ISSUE1

The Legislative Auditor Determines, as in Prior Reports, That the Massage Therapy Licensure Board Is Not Needed to Protect the Public Because the Risk of Harm From the Profession Is Relatively Low.

Issue Summary

The Performance Evaluation and Research Division (PERD) reviewed the Massage Therapy Licensure Board in 2000 and 2003. In both instances the Legislative Auditor concluded that the Board was not needed for public protection. The Legislative Auditor arrives at the same conclusion in this evaluation. As before, there is no compelling evidence for continued licensure of this profession due to the relatively low risk of harm to the public. The Board also provides an undue expense to the licensees. The Legislative Auditor determines that if the State terminated the Board and relied solely on massage therapists being registered, there would be no change in the level of required initial competency for this profession. Also, most complaints made against therapists involve unlicensed practice or unprofessional activity. In the event where harm may occur, the public is sufficiently protected through existing common law and civil remedies. Therefore, the Legislative Auditor recommends the Legislature consider terminating the West Virginia Massage Therapy Licensure Board. However, if the Legislature determines that some form of regulation is needed, it should consider a lower form of regulation such as registration, or if the Board of Massage Therapy is maintained inits current state, the Legislature shoudl consider placing it under an umbrella board of health-related professions.

The Performance Evaluation and Research Division (PERD) reviewed the Massage Therapy Licensure Board in 2000 and 2003. In both instances the Legislative Auditor concluded that the Board was not needed for public protection. The Legislative Auditor arrives at the same conclusion in this evaluation.

The Massage Therapy Licensure Board Was Created To Protect the Public

The West Virginia Massage Therapy Licensure Board was created by the Legislature in 1997. The purpose of the Board, as stated in *West Virginia Code §30-37-1*, is "*To protect the health, safety and welfare of the public and to ensure standards of competency, it is necessary to require licensure of those engaged in the practice of massage therapy*." The Board consists of five members; three massage therapists, a lay member and either an osteopathic physician or a chiropractor. The duties of the Board include; the creation of rules, levying fees, enforcement of licensure, establishing continuing education requirements, and to investigate and resolve complaints. The office employs one full-time employee of the Board, which is the executive director, and one part-time employee.

The duties of the Board include; the creation of rules, levying fees, enforcement of licensure, establishing continuing education requirements, and to investigate and resolve complaints.

State Licensure Requires Successful Completion of Massage Education and a National Examination

According to *West Virginia Code §30-37-2(c),* Massage Therapy means "*A health care service which is a scientific and skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone, circulation, promoting health and physical well-being.*" According *West Virginia CSR §194-1-3* applicants for state licensure must provide the Board $350 for the license and application fee. An applicant must document successful completion of a program of massage education at a school approved by the West Virginia Council for Community and Technical College of Education or by a state agency in another state which meets qualifications for the National Certification Exam administered through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The applicant's school must require a high school diploma or equivalent and at least 500 hours of supervised academic training. The applicant must also provide documentation of successful completion of the NCBTMB examination or other board approved examination.

An applicant must document successful completion of a program of massage education at a school approved by the West Virginia Council for Community and Technical College of Education or by a state agency in another state which meets qualifications for the National Certification Exam administered through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

West Virginia state licensure expires two years from the end of the month it was issued. According to *West Virginia CSR 194-1-3.2*, licensees applying for renewal shall complete the application form and provide the Board with the *"...documentation of completion of twenty five (25) continuing education units within the preceding two (2) year licensing period that adhere to the NCBTMB guidelines."* The licensee is also required to pay a $200 biennial renewal fee.

During fiscal year (FY) 2014, there were 1,165 licensed massage therapists in West Virginia (see Table 1). Of these, 959 resided in West Virginia and 206 resided in another states.

Table 1
Number of Licensees
FY 2010-2014

Fiscal Year	Total Number of Licensees	In-State Licensees	Out of State Licensees
2010	1,175	1,001	174
2011	1,197	999	198
2012	1,144	942	202
2013	1,163	940	223
2014	1,165	959	206

Source: The West Virginia Massage Therapy Licensure Board Annual Reports.

Regulation of Massage Therapy in Other States

West Virginia is one of 41 states that license massage therapy professionals while 3 states (California, Indiana, and Virginia) utilize state certification, and 6 states (Alaska, Kansas, Minnesota, Oklahoma, Vermont, and Wyoming) do not regulate the profession. Table 2 illustrates the regulatory requirements and oversight agencies for massage therapy professionals in West Virginia and the five surrounding states.

Table 2
State Regulation of Massage Therapists
West Virginia & Surrounding States

State	Regulatory Body	Credential	*National Exam	Renewal
Kentucky	Board of Licensure for Massage Therapy	License	Required	Biennial
Maryland	The Board of Chiropractic & Massage Therapy Examiners	License	Required	Biennial
Ohio	State Medical Board of Ohio	License	Required	Biennial
Pennsylvania	State Board of Massage Therapy	License	Required	Biennial
Virginia	Virginia Board of Nursing	Certification	Required	Biennial
West Virginia	West Virginia Massage Therapy Licensure Board	License	Required	Biennial

Source: National Certification Board for Therapeutic Massage & Bodywork (NCBTMB.org), Federation of State Massage Therapy Boards and State statutes and regulations.
**National Exam can be either the NCBTMB or the MBLEx.*

West Virginia and each of the surrounding states utilize either the NCBTMB or the Federation of State Message Therapy Board's (FSMTB) Massage and Bodywork Licensing Exam (MBLEx) as the required licensure exam. West Virginia and each of the surrounding states licensees renew on a biennial time frame.

West Virginia's Licensure Fees Are Considerably Higher Than the Fees of Surrounding States.

In accordance with *West Virginia Code §30-1-6*, the Board has the power to establish licensure and renewal fees by legislative rule**.** Also, *West Virginia Code §29A-3-15a,* permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith the Legislative Rule-Making

Committee. On June 17, 2011 the Board filed an emergency rule with the Secretary of State and with the Rule-Making Committee. The Board's justification for emergency rules to increase the schedule of fees was "*...due to a significant increase in expenses related to a recent investigation and disposition of complaints as well as legal fees. This has created an urgent need for additional funds.* The Board's emergency rule was approved by the Secretary of State on July 22, 2011.

Table 3
Massage Therapist Licensure Fees
for West Virginia & Surrounding States

State	Initial License Fee	Renewal Fee
Kentucky	$125	$100
Maryland	$200	$250
Ohio	$150	$50
Pennsylvania	$65	$75
Virginia	$140	$95
West Virginia	**$300**	**$200**

Sources: The respective boards of massage therapy.

As a result of the emergency fee increases, West Virginia has the highest initial licensure fee of all of the surrounding states (see Table 3). Also, West Virginia's renewal fee is significantly higher than all of the surrounding states except Maryland. Prior to the decision by the Secretary of State to approve the fee increase some licensees expressed their displeasure during the public comment period. The Legislative Auditor reviewed 11 letters sent to the Board in response to the proposed fee increase. The statements identified the increase as "*excessive,*" "*not fair,*" and "*enormous.*"

As a result of the emergency fee increases, West Virginia has the highest initial licensure fee of all of the surrounding states (see Table 3). Also, West Virginia's renewal fee is significantly higher than all of the surrounding states except Maryland.

Massage Therapy Presents a Low Risk of Harm to the Public

In determining if there is a need for the Massage Therapy Licensure Board, a primary consideration is if the unregulated practice of the profession clearly harms or endangers the health, safety or welfare of the public. Supporting documentation indicates that there is no easily recognizable harm to the pubic if massage therapy were not regulated. From FY 2010-2014, the state averaged a little over four complaints per year (see Table 4). Of the 21 complaints from years 2010-2014, 7 were accusations of practicing without a license and 2 complaints ended with revoking or voluntarily surrendering a license. The Board received only one complaint in FY 2014. In comparison, PERD's 2003 report

reviewed 34 months of complaint data and reported the Board received 22 complaints during the time frame.

Table 4
Complaints to the Massage Therapy Licensure Board

Fiscal Year	Total Number of Complaints	Practicing Without a License	Other Complaints	Revocation
2010	10	3	7	1
2011	4	1	3	1
2012	4	2	2	0
2013	2	0	2	0
2014	1*	1	0	0
Total	**21**	**7**	**14**	**2**

Sources: West Virginia Massage Therapy Board annual reports and complaint files.
** The licensee alleged sexual impropriety, failure to follow required draping procedures, and employment of unlicensed individuals. The licensee voluntarily surrendered her license and signed a consent decree for the latter two allegations. The sexual impropriety charge was not included in the decree.*

A legal search conducted by Legislative Services of public databases for legal actions regarding massage therapists and the practice of massage therapy from calendar year 2003 to August 2014 found two cases (see Appendix D). The first case from 2008 involved a licensed massage therapist who was charged with five criminal offenses involving a fraudulent application for financial aid eligibility for her cosmetology and massage therapy training business. The second case from 2013 involved a licensed massage therapist who was charged with unprofessional conduct by the Massage Therapy Board. The licensee was found guilty of several violations of the board rules based on evidence of inappropriately touching of sexual organs without authorization of clinical need. The Supreme Court upheld the disciplinary action by the Board against the licensee. When analyzing the health, safety, and welfare of the public from massage therapists, the issues of sexual harassment and prostitution both arise. However, these instances of harm are a remote hazard to the public.

A legal search conducted by Legislative Services of public databases for legal actions regarding massage therapists and the practice of massage therapy from calendar year 2003 to August 2014 found two cases.

The Legislative Auditor has identified only one instance of alleged prostitution in West Virginia that was orchestrated under the cover of "*massage therapy*" and that took place during FY 2014. The business owner in this complaint was licensed by the Board and voluntarily relinquished this license in response to the complaint. According to the complaint, individuals at the massage therapy establishment were allegedly offering and performing sex acts on clients. The prostitution allegation was ultimately not included in the consent decree when the license was surrendered. According to the Board's executive director:

The sexual impropriety was not included since it is a misdemeanor. The City of Charleston had recently downgraded the charges for sexual solicitation. The Board and our attorney agreed that the Charleston Police Dept. would determine if any charges were to be brought against her.

In this instance and others which involve unprofessional conduct, law enforcement can deal with allegations against the business owner or licensee without any involvement from the Board. The inability to provide documented cases of harm was a major element in Vermont's 2010 sunset review for licensure of the profession. Vermont's Office of Professional Regulation recommended to the legislature that licensure was not appropriate for massage therapists. Vermont's Office of Professional Regulation reported that in the remote instance when harm may occur, "*...the public is sufficiently protected through existing common law and civil remedies.*" Utilizing Vermont as an example, had the Board applied through the West Virginia Sunrise process, it is likely the recommendation would have been not to establish a separate licensing board for the same reasons. **It is the Legislative Auditor's opinion that the public does not significantly benefit from the State's regulation of massage therapists; therefore, licensure is not needed to protect the public.**

It is the Legislative Auditor's opinion that the Legislature should consider terminating the Board. However, if the Legislature determines to have some form of regulation on this profession, it should consider a lower form of regulation such as registration.

A Lower Form of Regulation Such as Registration Is a Viable Alternative.

It is the Legislative Auditor's opinion that the Legislature should consider terminating the Board. However, if the Legislature determines to have some form of regulation on this profession, it should consider a lower form of regulation such as registration. Registration is a form of regulation that is used to inform the public of a practitioner's competency. Registration would require an initial registration fee and if desired an annual or biennial renewal fee. The West Virginia Secretary of State is responsible for administering several types of individuals to be registered to work within the state to work. Currently the Secretary of State administers registration for individuals who perform marriages, scrap metal dealers, purchasers of future payments, athletic agents, and credit service organizations. It is the Legislative Auditor's opinion that while licensure of massage therapy is not needed due to the low incidence of harm, registration could be of benefit to both the public and therapists.

On October 3, 2014, the NCBTMB and the FSTMB signed a collaborative agreement, which states, as of February 1, 2015, the NCBTMB will no longer offer its licensure exam to the public. Therefore,

the FSTMB's exam will be country's entry level licensure examination used by state boards. The FSMTB's 100 question multiple choice examination measures the individual's knowledge of anatomy, kinesiology, massage techniques, laws and regulations, and guidelines for professional practice. The Secretary of State's office can review applications and utilize the national exam as the basis for granting a registration. Applicants who are currently licensed will be granted a certificate of registration. The list of registrants can be housed at the Secretary of State's office and on its website. Each therapist can be sent a certificate which would be required to be housed at their place of employment. Therapists will be required to pay an initial registration fee that will be significantly lower than the current $350 licensure application fee. Currently, the registration fees for the above listed groups range from $15-$50. It is the Legislative Auditor's opinion that registration will reduce an undue expense for the licensee while informing the public of the competency of the therapist. **Therefore, it is the Legislative Auditor's opinion that if the Legislature determines to have some form of regulation, then the Legislature should consider registration through the Secretary of State for those wishing to practice in the state.**

It is the Legislative Auditor's opinion that registration will reduce an undue expense for the licensee while informing the public of the competency of the therapist.

Licensure Fees Can Be Reduced With the Use of Multi-Professional Boards

The Legislative Auditor has in the past recommended the establishment of an umbrella board for regulatory professions and is renewing that recommendation beginning with this current regulatory review. One advantage of an umbrella board would be lower licensing fees due to a larger number of combined licensees. A study will be conducted by the Legislative Auditor on the viability and benefits of an umbrella board for health-related professions and the results of the analysis will be presented to the Legislature in the near future. **If the Legislature decides to continue the Massage Therapy Board in its present state, the Legislature should consider placing the Board under an umbrella board for health-related professions**.

Insurance Coverage for Massage Therapy Would Not Be Affected If the Board Were Terminated

If the Massage Therapy Licensure Board were to be terminated, there would be no consequence with respect to medical insurance coverage from the Public Employees Insurance Agency (PEIA) or the state Medicaid and Medicare programs. According to the PEIA Director "*PEIA supports and encourages a national certification for massage therapists as credentials for coverage of benefits*." Additionally, the

If the Massage Therapy Licensure Board were to be terminated, there would be no consequence with respect to medical insurance coverage from the Public Employees Insurance Agency (PEIA) or the state Medicaid and Medicare programs.

Director states, "*Since PEIA benefits must be provided by a credentialed healthcare provider, PEIA would not cover massage therapy services if there was no license, certification, registration, etc. of this type of healthcare provider.*" Therefore, those individuals who are NCBTMB certified within the state can still bill PEIA for services. PEIA reported paying over $550,000 during Fiscal Year 2013 for massage therapy services.

The termination of the Board also will not affect the state Medicaid program, because it does not enroll massage therapists as providers. In addition, according to the West Virginia District Medicare Manager, "*Massage Therapists are non-physician practitioners and are not certified by Medicare to provide massage therapy to Medicare beneficiaries. Massage therapy is a covered service when ordered by a physician and rendered under direct supervision of a licensed physical therapist*." Therefore, if the Legislature were to amend West Virginia Code to terminate the Massage Therapy Board yet require registration, it would have no consequence with PEIA, Medicaid, or Medicare current reimbursement policies for these services.

The termination of the Board also will not affect the state Medicaid program, because it does not enroll massage therapists as providers.

Additionally, other private insurance companies often do not reimburse for massage therapy, although some do have member discount plans, whereby certain practitioners will provide massage therapy services to insured individuals at a discounted price. According to the Associated Bodywork and Massage Professionals, about 90 percent of massage therapy services are paid out-of-pocket.

Conclusion

The existence of this Board also adds an unnecessary cost to the licensees. In fact it appears the cost exceeds the benefit. Therefore, the Legislative Auditor concludes that the Legislature should consider terminating the board.

There have been no substantial changes in the Massage Therapy profession since the PERD reports in 2000 and 2003. The Massage Therapy Licensure Board has received an average of four complaints per year since FY 2010. The majority of cases involve unlicensed practice or unethical conduct. In the instances of potential harm which involve unprofessional conduct, law enforcement can deal with allegations against the business owner or licensee without any involvement from the Board. The existence of this Board also adds an unnecessary cost to the licensees. In fact it appears the cost exceeds the benefit. Therefore, the Legislative Auditor concludes that the Legislature should consider terminating the board. However, if the Legislature determines that some form of regulation is needed, it should consider a lower form of regulation such as registration. Furthermore, the Legislative Auditor is renewing a recommendation made in the past that the Legislature consider establishing an umbrella board for health-related professions. An umbrella board

could have the benefit of containing costs and avoiding significant fee increases. If the Board of Massage Therapy is maintained in its current state, the Legislature should consider placing it under an umbrella board of health-related professions.

Recommendations

1. *The Legislature should consider terminating the Board of Massage Therapy.*

2. *If the Legislature desires to have some form of regulation, then the Legislature should consider a lower form of regulation such as registration through the Secretary of State.*

3. *The Legislature should consider establishing an umbrella board for health-related professions, and if the Massage Therapy Board is to be kept in its current state, it should be placed within such an umbrella board.*

ISSUE 2

The West Virginia Massage Therapy Licensure Board 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 a due-process for licensees. The Board has one full-time and one part-time employee. Consequently, the Board's financial internal controls are deficient, particularly in the area of segregation of duties. The Board does not use the statewide lockbox system, in which licensees may mail fees directly to a post office box accessible only by the State Treasurer. The lockbox system lowers the potential for fraud in smaller regulatory boards that do not have segregation of duties. Therefore, the Legislative Auditor recommends the Board reduce the potential for fraud by utilizing the State Treasurer's lockbox system. The Board should request new appointments for board members and ensure members receive the orientation session conducted by the West Virginia State Auditor during their time served. The Board should maintain the roster and register as required by code. Finally, the Board should submit the annual report to the Governor and Legislature as required by code.

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

The Board Is Financially Self-Sufficient

Financial self-sufficiency of regulatory boards is required by *West Virginia Code §30-1-6(c)*. The Board's annual revenues consist of fees including the application and initial license fee, biennial renewal fee, duplicate or replacement fee, and reapplication fee. The Board currently maintains an end-of-year cash balance that is in excess of one year of expenditures, which the Legislative Auditor determines is a prudent level of cash balances for regulatory boards (see Table 5). However, the Board's cash reserves were well below its annual expenditures in fiscal year 2011. The increase in expenditures during FY 2011 was due to over $17,000 spent by the Board in legal expenses.

The Board's annual revenues consist of fees including the application and initial license fee, biennial renewal fee, duplicate or replacement fee, and reapplication fee. The Board currently maintains an end-of-year cash balance that is in excess of one year of expenditures, which the Legislative Auditor determines is a prudent level of cash balances for regulatory boards.

Table 5 Massage Therapy Licensure Board Revenues and Expenditures 2010-2014*				
Fiscal Year	**Beginning of Year Cash Balance**	**Revenues**	**Expenditures**	**End-of-Year Cash Balance**
2010	$128,460	$98,532	$112,279	$114,713
2011	$125,877	$84,360	$139,597	$70,640
2012	$ 84,087	$143,665	$124,452	$103,300
2013	$104,119	$133,488	$105,155	$132,452
2014	$132,452	$138,505	$115,801	$155,156

**All totals are rounded to the nearest dollar.*
Source: WV Digest of Revenue Sources, Office of the Legislative Auditor.

As previously reported, on June 17, 2011, the Board filed an emergency legislative rule change increasing the schedule of fees to help offset the significant increase in expenses during FY 2011. The Secretary of State approved the Board's fee increase on July 22, 2011. On August 1, 2011, the Board officially increased its licensure fees from $200 to $300, license application fees from $25 to $50 and renewal fees from $125 to $200. As noted in Table 5, since FY 2012, the increase in the Board's schedule of fees has led to a rise in cash balances to a more appropriate level.

The Board Attempts to Resolve Complaints in a Timely Manner

The Legislative Auditor reviewed disciplinary data and complaints of the seven cases investigated by the Board during FY 2012-2014. Complaints can be initiated by the public, the Board, or other licensing boards. Complaints can be received in person, in writing or by the telephone. Table 6 below is an overview of complaints received and reviewed since FY 2012.

Table 6 Complaint Statistics Fiscal Year 2012-2014				
Fiscal Year	**Number of Complaints Filed**	**Number of Closed Complaints Closed Within 18 Months**	**Number of Closed Complaints Exceeded 18 Months**	**Average Months To Case Closure**
2012	4	1	3	16
2013	2	2	0	7
2014	1	1	0	10
Source: The West Virginia Massage Therapy Licensure Board.				

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 a final ruling. All three of the complaints that exceeded 18 months were initiated by the Board; therefore, no letters of extension were needed to be completed by the Board. 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. Five of the complaints reviewed were not resolved within six months. Of the five complaints, four were initiated by the Board. The Board did issue a status letter to both parties with regards to the only complaint not initiated by the Board within the appropriate time frame. Therefore, the Board is in compliance with *West Virginia Code §30-1-5(c).*

The Massage Therapy Licensure Board has established continuing education requirements under West Virginia CSR §194-1-3, which require licensees to provide documentation of 25 hours continuing education units within the preceding 2 year licensing period that adhere to the NCBTMB guidelines.

The Board Has Established Continuing Education Requirements

According to *West Virginia Code §30-1-7a, "Each board referred to in this chapter shall establish continuing education requirements as a prerequisite to license renewal. Each board shall develop continuing education criteria appropriate to its discipline, which shall include, but not be limited to, course content, course approval, hours required and reporting periods."* The Massage Therapy Licensure Board has established continuing education requirements under *West Virginia CSR §194-1-3*, which require licensees to provide documentation of 25 hours continuing education units within the preceding 2 year licensing period that adhere to the NCBTMB guidelines. Therefore, the Board is in compliance with *West Virginia Code §30-1-7a*.

The Board's Financial Management Lacks Internal Controls

The Board's staff is made up of one full-time employee who serves as the executive director and one part-time administrative assistant. The Board's financial management lacks internal controls. This is largely due to the deficiency in the area of 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 when applicable.

The Board's staff is made up of one full-time employee who serves as the executive director and one part-time administrative assistant.

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.

According to the executive director, "*This office employs one full-time staff and one part-time staff. The part-time staff is only in the office 2 to 3 days a week, as needed. When both staff are present in the office, there is a separation of duties and responsibilities regarding handling and processing revenue."* While the office may have two individuals working some of the time both are not working all of the time. Therefore, the Board is unable to have proper segregation of duties in regards to cash collecting, depositing, spending and reconciling.

While the office may have two individuals working some of the time both are not working all of the time. Therefore, the Board is unable to have proper segregation of duties in regards to cash collecting, depositing, spending and reconciling.

According to the Board, the methods of payment accepted are personal checks, money orders and online credit card payments. Revenue is received directly by the Board in the form of money orders or personal checks. Upon receipt of revenue, the Board's part-time employee makes a copy of the check or money order and attaches it to the licensee paperwork and other supporting documentation. The revenue is then placed in a money bag by the part-time employee and locked securely in a drawer pending preparation of the deposit. The deposit is prepared and entered into the West Virginia Financial Information Systems (FIMS) by

the executive director, which is currently West Virginia's Our Advanced Solutions with Integrated Systems (OASIS). The deposit is then hand delivered by the executive director to the West Virginia State Treasurer's Office on the day entered or the next business day. Renewals may be paid by the licensees online, utilizing the State Treasurer's Office E-pay database. The Board's executive director checks the database several days a week to determine who has renewed online. Deposits are checked by the executive director for completion in the WVOASIS system, a monthly report is generated and at the end of every fiscal year, the annual revenue is calculated in the WVOASIS financial system. The amounts are reviewed by the executive director and used in preparation of the annual appropriation requests, expenditure schedules and any financial reporting.

As currently designed, one full-time and one part-time board employee is involved in all of the steps of both the revenue collection and expenditure process. Best practices dictate that one staff person should not have the sole responsibility for more than one step in the process.

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, upon receipt of an invoice by the Board's part-time employee, it is opened, date stamped, then placed in a folder pending preparation of payment processing. The documentation is entered by the executive director into the WVOASIS Financial System. The invoice and supporting documentation are then scanned by the executive director and sent to the Auditor's office for approval and payment. Once the payment has been processed, it is filed in a folder for the appropriate vendor. If the Auditor's Office rejected any document for any reason, a correction would be made by the Board's executive director and resubmitted for payment. Monthly reports are generated from WVOASIS in order to track payments. At the end of every fiscal year, annual payments are reviewed by the executive director and used in preparation for the annual appropriation requests, expenditure schedules and any financial reporting.

As currently designed, one full-time and one part-time board employee is involved in all of the steps of both the revenue collection and expenditure process. Best practices dictate that one staff person should not have the sole responsibility for more than one step in the process. However, due to the Board's executive director being the only full-time employee, it is unable to avoid this situation. The limited number of staff invariably means the internal controls are deficient and the risk of fraud to be high. In order to detect fraud or obtain a reasonable assurance that fraud has not occurred, procedures were performed by PERD.

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 biennial renewal fees by half of the number of individuals actively licensed by the Board for

FY 2010-2014. The expected revenue for FY 2010-2014 is 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 7). The additional revenue during FY 2010-2014 is attributed to late fees, fines and possibly more than half of the number of active licensees paying their biennial renewal fees.

Table 7
Massage Therapy Licensure Board
Revenues and Expenditures 2010-2014

Year	Number of Active Licensees	Biennial Renewal	Expected Revue	Actual Revenues
2010	1,175	$125	$73,438	$98,532
2011	1,197	$125	$74,813	$84,360
2012	1,144	$200	$114,400	$143,665
2013	1,163	$200	$116,300	$133,488
2014	1,165	$200	$116,500	$138,505

Source: WV Digest of Revenue Sources, Office of the Legislative Auditor.

Another risk-assessment procedure is to calculate the percentage of low-risk expenditures. PERD evaluated the Board's 2013 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, board member travel reimbursement to board meetings, staff travel reimbursement to board meetings, 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.

During FY 2013, $16,000 in revenue was attributed to online payment for license renewals. Therefore, over $100,000 in revenue was processed by the executive director, and in some instances, the Board's part-time employee.

Despite these findings, the Board is still at risk for fraud and should consider adopting additional steps to further reduce the potential for fraud. During FY 2013, $16,000 in revenue was attributed to online payment for license renewals. Therefore, over $100,000 in revenue was processed by the executive director, and in some instances, the Board's part-time employee. According to the Board, revenue received are hand delivered to the West Virginia State Treasurer's Office on the day entered or the next business day, however, "*The Board does not utilize the State Treasurer's Lock Box System.*" The State Treasurer's lock box system is one in which licensees may mail fees directly to a post office box accessible only by the State Treasurer. The lockbox system lowers the potential for fraud in smaller regulatory boards that cannot properly segregate duties. **Therefore, the Legislative Auditor recommends the**

Board reduce the potential for fraud by utilizing the State Treasurer's lockbox system.

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

According to *West Virginia Code §30-37-3,* the Board is to be comprised of five members who are appointed by the Governor with advice and consent of the Senate. Three members shall be massage therapists, one member shall be a chiropractor or osteopathic physician and one member shall be represented by the public. The longest a member shall serve is two years. Each member is to serve until a successor is appointed. All five members are currently serving on expired terms, two since 2004 and three since 2005. **In order to adhere to the mandated time frames of appointed board members, the Board should request to the Governor's Office new appointments for the positions that are vacant and expired.**

Currently, the Board's members all have terms that have expired yet are continuing to serve because no successors have been appointed to replace them.

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 laws 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's members all have terms that 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, members who continue to serve after their terms have expired are also required to take the seminar "*...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."* Since 2010, only one of the five holdover members has attended the annual legislative seminar. **Therefore, it is the Legislative Auditor's recommendation that the Board's holdover members adhere to code and attend at least one legislative seminar during their term of office.**

Since 2010, only one of the five holdover members has attended the annual legislative seminar.

The Roster and Register of Applicants Not Maintained as Required

According to *West Virginia Code §30-1-13, "The secretary of every board shall prepare and maintain a complete roster of the names*

and office addresses of all persons licensed, registered, and practicing in this state….” The Board’s 2014 roster has all of the required information except office addresses. The Board instead has home addresses.

According to *West Virginia Code §30-1-12(a), “The secretary of every board shall keep a record of its proceedings and a register of all applicants for licensure or registration, show for each the date of his or her application, his or her name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a certificate of license or registration was granted, this date of this action, the license or registration number, and any suspension or revocation thereof.”* The 2014 register does not have the date of the application, the individual’s age, educational and other qualifications whether the applicant was rejected, and if they were ever suspended or had their license terminated. **Therefore the Legislative Auditor recommends the Board adhere to *West Virginia Code §30-1-13* and *§30-1-12(a)* in order to keep the roster and register of all applicants as required.**

The West Virginia Massage Therapy Licensure Board complies with most of the general provisions of Chapter 30.

The Board Did Not Submit the 2013 Annual Report to the Governor

According to *West Virginia Code §30-1-12(b), “On or before the first day of January of each year in which the Legislature meets in regular session, the board shall submit to the governor and to the Legislature a report of its transactions for the preceding two years…”*. According to the executive director, the 2013 report was not completed but that it would be included with the 2014 report. **Therefore, the Legislative Auditor recommends the Board adhere to *West Virginia Code §30-1-12(b)* and submit an annual report to the governor each year.**

Conclusion

The West Virginia Massage Therapy Licensure Board complies with most of the general provisions of Chapter 30. However, there are some areas that the Board could improve on. The Board has a continuing education requirement but it relies on the licensee to adhere to guidelines from the NCBTMB. State code indicates the Board shall include not only the course content but course approval for the licensees. Therefore, the Board should seek to amend its legislative rules to clearly indicate the nature of the courses licensees need to renew. The Board’s small staff has an effect on its financial internal controls as one employee has the responsibility of a variety of duties, such as the processing a large percentage of the Board’s revenue. This system is not ideal and creates a

financial risk that could be avoided. Therefore, the Board should attempt to reduce the overall risk by utilizing the State Treasurer's lockbox system. Currently, the Board has five members whose terms have expired. Therefore, the Board should 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 Board should also adhere to code and keep the roster and register of all applicants as required, as well as, submitting an annual report to the governor each year.

Recommendations

4. *The Legislative Auditor recommends the Board reduce the potential for fraud by utilizing the State Treasurer's lockbox system.*

5. *The Legislative Auditor recommends that the Board should request to the Governor's Office new appointments for board member positions that are expired.*

6. *The Legislative Auditor recommends that the Board's current holdover members adhere to code and attend at least one legislative seminar during their term of office.*

7. *The Legislative Auditor recommends the Board adhere to West Virginia Code §30-1-13 and §30-1-12(a) in order to keep the roster and register of all applicants as required.*

8. *The Legislative Auditor recommends the Board adhere to West Virginia Code §30-1-12(b) and submit an annual report to the governor each year.*

ISSUE 3

The Massage Therapy Licensure Board's Website Needs More 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 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 medial links, graphics and audio/video features may not be necessary or practical for some agencies. Table 8 indicates the Board integrates 26 percent of the checklist items in its website. The measure indicates that the Board needs to make more improvements in user-friendliness and transparency of its website.

The Board integrates 26 percent of the checklist items in its website. The measure indicates that the Board needs to make more improvements in user-friendliness and transparency of its website.

Table 8
Massage Therapy Licensure Board
Website Evaluation Score

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

Source: The Legislative Auditor's review of the Massage Therapy Licensure Board's website.

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 easy to navigate from page to page. Government websites should also provide transparency of an agency's operation to promote accountability and trust. Government websites should also be transparent and provide the public with confidence and trust in the Board. Transparency promotes accountability and provides information for citizens about the Board's activities.

The Legislative Auditor reviewed the Board's website for both user-friendliness and transparency. Table 9 shows the website's score as being 13 out of a possible 50 points. Thus, more improvements are needed to address areas that are lacking. The Board should consider

making website improvements to provide a better online experience for the public and for its licensees.

Table 9
Massage Therapy Licensure Board
Website Evaluation Score

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	3	16%
Transparent	32	10	31%
Total	**50**	**13**	**26%**

Source: The Legislative Auditor's calculations based on a criteria checklist of common website features.

Changes to the Board's Website Are Needed to Improve User-friendliness

The Board's website is simple to navigate, but every page is not linked to its homepage; also, the page lacks a search tool that acts as an index of the entire website. According to Flesch-Kincaid test the website is written at an 11th grade, making it difficult for some citizens to comprehend. The website should be written at a 6th-7th grade reading level. A majority of the information on the site is related to state statutes, information from the National Certification Board for Therapeutic Massage and Bodywork, massage industry terminology, and has no visual aids.

The Board's website is simple to navigate, but every page is not linked to its homepage; also, the page lacks a search tool that acts as an index of the entire website.

User-Friendly Considerations

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

- **Foreign Language Accessibility** - A link to translate all web pages into one or more languages other than English.

- **Site Functionality** - The website should use sans serif fonts, the website should include buttons to adjust the font size, and resizing of text should not distort site graphics.

- **Feedback Options** - A page where users can voluntarily submit feedback about the website or particular section of the website.

- **Search Tool and Help Link**- These provide page uses with easy access to wanted information.

- **Mobile Functionality-** The Board's website is available in mobile version, and/or the agency has created mobile applications.

- **Navigation-** Every page should be linked to the agency's homepage and should have a navigation bar at the top of every page.

- **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.

- **Online Survey Poll**- A short survey that pops up and requests users to evaluate the website.

- **RSS Feed**- 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.

A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, and a search tool of licensed Massage Therapist. The Board's website has only 31 percent of the common website transparency.

Changes to the Board's Website Are Needed to Improve Transparency

A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, and a search tool of licensed Massage Therapist. The Board's website has only 31 percent of the common website transparency.

The following are a few attributes that could be beneficial to the Massage Therapy Licensure Board in increasing its transparency:

- **Board Budget**- A link to the annual budget.

- **Performance Measures**- A link from the homepage explaining the agency's performance measures.

- **Agency History**- The agency's website should include a page explaining how the agency was created, what the Board does, and how its mission changed over time.

- **Mapped Location of Board Office**- The Board's contact page should include an embedded map that shows the Board's location.

- **Administrator(s) Biography**- A biography explaining the administrator(s) professional qualifications and experience.

- **Calendar of Events**- Provide the public and licensees with pertinent information about when and where board events are taking place.

Conclusion

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

The Legislative Auditor finds that improvements are needed in the areas of user-friendliness and transparency to the Board's website. The website could benefit from incorporating several common website features. Currently the Board's performance measures and budget information are not listed within the website. Providing users with this information would enhance transparency. It is the Legislative Auditor's opinion that to continue to strive for open government and transparency, the board should consider implementing a link to the board budget, performance measures, board history, mapped location to the office, administrator biographies, calendar of events, mission statement and website updates.

Recommendation

9. *The Legislative Auditor recommends that the West Virginia Massage Therapy Licensure Board should consider enhancing the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

Appendix A
Transmittal Letter

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

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

John Sylvia
Director

November 25, 2014

Linda Lyter, Executive Director
West Virginia Massage Therapy Licensure Board
179 Summers Street, Suite 711
Charleston, WV 25301

Dear Ms. Lyter:

This is to transmit a draft copy of the Performance Review of the West Virginia Massage Therapy Licensure Board. This report is scheduled to be presented during the December 15-17, 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, December 3, 2014. We need your written response by noon on Thursday, December 4, 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, December 11, 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,

John Sylvia

John Sylvia

Enclosure

Joint Committee on Government and Finance

Appendix B
Objective, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the West Virginia Massage Therapy Licensure Board as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code,* as amended. The purpose of the West Virginia Massage Therapy Licensure Board, as established in *West Virginia Code* §30-37, is to protect the public through its license process, and to be the regulatory and disciplinary body for licensed massage therapists throughout the state.

Objectives

The objectives of this review are to determine if the West Virginia Massage Therapy Licensure Board should be continued, consolidated or terminated, and if conditions warrant a change in the degree of regulations. In addition, this review is intended to assess the Board's compliance with the general provisions of Chapter 30, Article 1 of the *West Virginia Code,* the Board's enabling statute §30-37, 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, policy and procedures, meeting minutes, complaint files from fiscal years 2010-2014, complaint-resolution process, disciplinary procedures and actions, and revenues and expenditures for the period of fiscal years 2010-2014.

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.

PERD staff visited the Board's office in Charleston and met with its staff. Testimonial evidence gathered for this review through interviews with the Board's staff or other agencies was confirmed by written statements and in some cases by corroborating evidence.

PERD collected and analyzed the Board's complaint files, meeting minutes, annual reports, budget information, procedures for investigating and resolving complaints, and continuing education. PERD also obtained information from the Kentucky, Maryland, Ohio, Virginia and Pennsylvania's Board of Massage Therapy regarding their licensure and continuing education requirement. This information was assessed against statutory requirements in §30-1 and §6-9A of the West Virginia Code as well as the Board's enabling statute §30-37 to determine the Board's compliance with such laws. Some information was also used as supporting evidence to determine the sufficiency and appropriateness of the overall evidence.

The Legislative Auditor compared the Board's actual revenues to expected revenues 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 2010-2014**.** 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 risks of fraud on the revenue side were at reasonable levels and would not affect the audit objectives, and actual revenues were sufficient and appropriate.

The Legislative Auditor also tested the Board's expenditures for fiscal year 2013 to assess risks of fraud on the expenditure side. The test involved determining if verifiable expenditures were at least 90 percent of total expenditures. Verifiable expenditures include: salaries and benefits, travel reimbursement, office rent, utilities and several other spending categories. 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 risks of fraud on the expenditure side were not significant enough to affect the audit objectives.

In order to evaluate state agency websites, the Legislative Auditor conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites in order to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states in 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 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 criteria for user-friendliness and transparency so that the West Virginia Massage Therapy Licensure 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

Massage Therapy Licensure Board			
User-Friendly	**Description**	**Total Points Possible**	**Total Agency Points**
Criteria	The ease of navigation from page to page along with the usefulness of the website.	**18**	**3**
		Individual Points Possible	**Individual Agency Points**
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	0 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I…", "Questions?" or "Need assistance?")	2 points	2 points
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 6th-7th 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	0 points
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	0 points
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	0 points
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	1 point
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	0 points
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points

Massage Therapy Licensure Board			
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**	**10**
		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	1 point
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	0 points
Public Records	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: • Statutes • Rules and/or regulations • Contracts • Permits/licensees • 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

Massage Therapy Licensure Board			
Mission statement	The agency's mission statement should be located on the homepage.	1 point	0 points
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	0 points
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	0 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	0 points
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	1 point
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	2 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
Legislative Services' Legal Opionion

To: Thomas Belli
From: Doren Burrell
Subject: State and Federal Cases involving Practice of Massage Therapy
Date: August 19, 2014

You have requested a legal search of public databases for legal actions regarding massage therapists and the practice of massage therapy. My searches have revealed the following two cases involving massage therapists:

Vass v. W. Va. Massage Therapy Licensure Bd., West Virginia Supreme Court of Appeals of West Virginia, No. 12-0456, June 10, 2013.

> In this case, a licensed massage therapist, Dewayne Vass, was charged with unprofessional conduct by the Massage Therapy Licensure Board and was found guilty of several violations of the Board rules, based upon evidence that he touched the breasts and sexual organs of one of his clients and inserted his fingers into the woman's vagina, without authorization or clinical need. The Supreme Court upheld the disciplinary action against this licensee, finding that the complainant's testimony was "compelling, materially consistent, and was supported by the testimony of other clients, but petitioner's testimony and his witnesses' testimony has material inconsistencies that raise questions regarding the truthfulness of the claim."

United States v. Bland, 268 Fed. Appx. 221, 2008 U.S. App. LEXIS 5018 (4th Cir. W. Va. 2008).

> In this case, Barbara Bland, a licensed massage therapist was charged with five criminal offenses involving a fraudulent application for financial aid eligibility for her cosmetology and massage therapy training business. These events were alleged to have occurred in 2004 and her business was located in Fairmont, WV. She eventually pled guilty to one count of financial aid fraud, but then disputed whether her conduct constituted a felony because she was not successful in obtaining the aid she allegedly sought. The Court of Appeals for the Fourth Circuit upheld her conviction, finding that she had entered a valid plea to a felony offense and there was a sufficient factual basis to support the plea.

Thomas Belli
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August 19, 2014

These are the only cases that I was able to find involving charges against West Virginia massage therapists for some form of misconduct in their practice. Please note that the available legal databases do not index or report lawsuits that are filed in the trial courts in this state. For this reason, it is quite possible that there would be malpractice suits and other legal allegations of misconduct, civil or criminal, that do not appear in the legal databases that I have reviewed.

If you have any questions regarding this information, please do not hesitate to call me.

Sincerely,

Doren Burrell

Appendix E
Agency Response

PERFORMANCE EVALUATION
DEC 11 2014
AND RESEARCH DIVISION

West Virginia Massage Therapy Licensure Board Legislative Audit Response

The Legislative Auditor Determined, as in Prior Reports, that the Massage Therapy Licensure Board is Not Necessary to Protect the Public

The Board respectfully disagrees with the audit finding that the regulation of massage therapists is not necessary to protect the public. Since the WV Legislative Audits conducted in 2000 and January of 2003, there have been significant changes in the regulation of the massage profession across the nation.

All of the states surrounding West Virginia now regulate the massage profession. Kentucky enacted legislation in late 2003 to license massage therapists after an audit recommended that regulation was not necessary to protect the public. Pennsylvania enacted legislation to license massage therapists in 2008. More recently, Alaska passed HB 328 signed into law August 11, 2014, which requires massage therapists be licensed by the state.

Since 2003, an additional twelve (12) states have enacted legislation to regulate massage professionals for a total of forty-five (45) states. Contrary to the findings of the Legislative Audit; regulation of the profession of massage therapy by the Board is necessary to protect the public. The regulation of this profession is necessary to protect the public is indicated by the fact that a majority of the states and all of the surrounding states now require licensure of massage therapy.

According to the Associated Bodywork & Massage Professionals (ABMP) there were more than 290,000 massage therapists in the United States as of January 2010, a 5% increase from January 2008. The number of licensees in West Virginia has increased since 2003.

The Legislative Auditor understated the potential harm to the public. Board complaints and investigations show the potential harm to the public includes physical harm and sexual victimization that can result in emotional harm. The elimination of the regulation of the profession would also send a message that the state is not concerned about sexual misconduct, prostitution and establishments that provide happy endings. Eliminating the requirement for licensure would eliminate an effective recourse of action for victims of sexual improprieties as well as for any deviation from professional standards.

The Board Complies With Most of the General Provisions of Chapter 30 of the West Virginia Code

The Legislative Auditor misrepresents the fee structure as an "undue expense to licensees" because the policy set by the Legislature requires all Chapter 30 Boards to be self-sufficient with adequate fees to carry out the functions of regulatory enforcement. The Legislative Auditor found the Board is in full compliance with the requirement to be self-sufficient, meaning the fee structure set by the Board is adequate.

The Legislative Auditor is correct, as with all small boards that have limited staff, the lack of separation of duties is an unavoidable situation.

The Board maintains data for the register, roster and annual reports. Therefore, the Board is in agreement that our database needs updated and formatted so the appropriate reports can be produced.

The Board appreciates the recommendations by the Legislative Auditor that will enhance the web-site to be more user friendly.

Because WV OASIS has been a comprehensive and time consuming state wide project and our executive director has been highly involved and serves as the team leader for the professional licensing boards and commissions; the Board recognizes that we missed the 2013 annual report requirement. Upon submission of the Annual Report for 2014, which will contain all of the data for the previous two years reporting period; the Board will again be in compliance with the reporting requirement.

The Board is in agreement and will ensure that the board members receive the required orientation sessions. During the past seven (7) years, three (3) of the five (5) board members have attended the annual training for professional licensing boards. Board members; Marsha Starr attended in 2007, John Skelton attended in 2009 and Joan Wysong attended in 2010, 2011 and 2012. The Board investigator attended in 2013. The executive director has attended every year.

According to the Legislative Auditor Licensure Fees are Considerably Higher than the Fees of Surrounding States

The Board recognizes Maryland has a fee structure similar to West Virginia and the other surrounding states have a lower fee structure. The Legislative Auditor failed to take into account the direct correlation between the total

number of licensees in a state and the requirement that the fee structure must be adequate for the Board to be self-sufficient.

The Board agrees that the fees for the licensure of massage therapists should be kept as reasonable as possible. Recognizing the Board is required to maintain an adequate fee structure in order to be self-sufficient; the Board has consistently attempted to control the costs of regulatory enforcement. One of the actions, the Board has taken to control costs, has been by entering into a Memorandum of Understanding with the West Virginia Board of Acupuncture. Through this economy of scale, the boards are able to share some administrative and office expenses, similar to the audit recommendation for the Legislature to consider creating an administrative "umbrella" office of licensing boards.

Complaints unfortunately drive the investigative and enforcement costs of regulation. Legal fees for regulatory enforcement represent a cost driver that is less predictable than other office related expenses. One sexual assault complaint resulted in legal expenses that handicapped the Board, requiring a fee increase to ensure continued regulatory activity.

The Board must pay for all expenses related to a complaint case, including conducting the investigation, conducting hearings and defending the Board actions in any subsequent appeals. The Board may or may not recoup the administrative costs associated with a complaint. Many boards, including the larger ones, are concerned that one or two complaint cases could wipe out their budgets. This is a valid concern because all of the professional and occupational licensing boards are required to generate adequate revenue from fees while having the restriction of accumulating no more than twice than annual budget. As the experience of the Board shows, a single case can last for several fiscal years and cost thousands of dollars.

The fees charged by the Board for licensing activities when compared to other states need to account for the economy of scale where other states have larger populations and larger pools of licensed massage therapists. States with larger populations and an increased number of massage therapists are able to charge less for licensing fees. Fees charged by the Board are required to be sufficient enough that the Board can effectively regulate the profession. According to the Legislative Auditor the Board is in full compliance with the requirement to be self-sufficient.

The Massage Therapy Board was Created to Protect the Public

Although, the prestige of being a licensed massage therapist is not necessarily inherent to the protection of the public; the license does represent a verification of professional competencies. The regulation of the massage professionals, by the Board, provides a complaint and investigation process that both the public and the licensees rely on to keep the business playing field level; where everyone has to comply with the same clearly defined educational requirements, rules of professional conduct and ethical standards.

Because all of the surrounding states regulate massage therapists, licensure in West Virginia facilitates the ease of reciprocity for licensees in this state to practice in all of the surrounding jurisdictions and alternately allows for out of state licensed practitioners to be similarly recognized in this state. The state boards work together to identify any unethical and unprofessional activity relating to disciplinary actions on licensees.

It is important to note that massage therapy has continued to gain recognition as a health profession, which can be attributed in part to the regulation and accompanying requirements of professional competencies for massage therapists. Licensure and the corresponding code of ethics for licensed professionals does help to distinguish the massage therapist from back room brothels and other illicit, if not illegal activity.

The nature of the complaints that this Board continues to investigate shows that the regulation of massage therapy does protect the public from the harm of unethical and unprofessional practitioners.

Harm to the Public can Result from: Physical Injury; Sexual Assault and the Corresponding Emotional Harm; and Sexualizing the Therapist Client Relationship is a Violation of the Professional Code of Ethics

After the City of Charleston de-prioritized the prosecution of prostitution in 2013, the Board received a complaint about sexual misconduct involving massage therapy services at an establishment, Asian Massage, in Kanawha City. The Board investigator confirmed illicit activity was taking place. The Board informed the Charleston City Police, who also investigated and confirmed the findings of the Board. Without the licensing Board's complaint process, the establishment would most likely still be open today.

The public and licensees rely on the Board to investigate and resolve complaints. Without the Board, complaint issues and enforcement would almost certainly fall through the cracks. It is not an easy process to report a sexual impropriety. According to a CNN report, by Nina Burleigh, "the shame of sexual assault is a burden that belongs on the predator, not the prey." In

that report sexual assault is characterized as a "threat and terrible secret." Since 2003, public awareness of sexual assault has increased and the need for appropriate, efficient and effective public policy to protect the public from sexual assault has been affirmed. The licensure of massage therapists is an important component of the regulatory enforcement tools that help protect the public from sexual assault in the professional setting of massage therapy.

Over the years, for example, the Board has investigated massage therapists that have engaged in sexual assaults and massage businesses that have allowed sexual favors to be performed on clients. With the help of Charles Bedwell, Director of the Legislative Commission on Special Investigations, the Charleston Police Department and the Princeton detachment of the West Virginia State Police, the Board has been able to protect the public by revoking the license of sexual predators and by shutting down businesses for allowing and performing these illicit sexual activities.

In 2004, the Board worked extensively with the Commission on Special Investigations to assist in the removal of the former chair of the Board, who was also a licensed massage therapist. Six years later, the Board received a complaint on this licensee that represented imminent harm to the public. Upon investigation, the Board found the complaint valid and suspended, then eventually revoked his license for sexually assaulting a client. To this date, if it had not been for the Board and the complaint process, this therapist would still be practicing today and potentially victimizing other women.

The sexual assault case is a clear example of the harm to the public that can result from the unethical practice and sexual misconduct in the profession of massage therapy. The complaint case resulted in severe emotional harm to the victim. Throughout the investigation, the Board was made aware of other women who had been the victim of the massage therapist who also became witnesses in that case as the public became aware of his misconduct.

The above case was also reported to law enforcement, who have yet to bring formal charges. Therefore, if not for the Board suspending and ultimately revoking his license, the therapist would most likely still be practicing today and potentially harming others. Even though the licensee appealed the Board decision; the Kanawha County Circuit Court and the West Virginia Supreme Court of Appeals both upheld the regulatory enforcement action of the Board to permanently revoke his license to practice massage therapy.

The Board disagrees with the Legislative Auditor's reference "the public is sufficiently protected through existing common law and civil remedies". The above case, is a clear example, that common law and civil remedies alone are not enough to protect the public from unprofessional conduct. The Board is

aware that in addition to the complaint filed with the Board, there was also a civil lawsuit filed against the licensee. It is the Boards understanding this civil case was settled with a confidentiality agreement. The criminal aspect of the complaint and the civil suit, in this case, represent examples where common law and civil remedies are inadequate to protect the public.

Eliminating the requirement for licensure of massage therapists does not protect the public and would set the profession of massage therapy back 50 years. Ohio, for example, will celebrate 100 years of massage therapy licensure in 2016. The profession has gained recognition in the health care industry. Massage therapy is moving into the future, not regressing into the past.

A Lower Form of Regulation Such as Registration is Not a Viable Alternative

The professions referenced in the audit, such as individuals who perform marriages, scrap metal dealers, purchasers of future payments, athletic agents and credit service organizations who register with the Secretary of State are not health related professions. Those registered activities pose a relatively low risk of harm to the public. These individuals have no physical contact with their clients, unlike massage therapists who always have physical contact with their clients.

Massage clients are routinely vulnerable, unlike clients of the individuals registered by the Secretary of State. Massage therapy is a recognized health modality where clients are almost always in a one on one setting with the massage therapist. Massage clients are even more vulnerable because the massage client is most often in a state of undress in the massage setting, requiring the highest degree of confidence and professionalism be maintained.

Registration with the Secretary of State will not provide the professional expertise that a professional licensing board provides. Chapter 30 Boards, including the Massage Therapy Licensure Board, are established with the idea that licensed professionals on the boards have the professional expertise and education necessary to properly evaluate complaints against persons licensed in those professions. The office of the Secretary of State has no similar expertise or experience regarding massage therapy.

Insurance Coverage for Massage Therapy Would be Affected If the Board were Terminated

The Legislative Auditor's reference to the PEIA Director's statement "Since PEIA benefits must be provided by a credentialed healthcare provider, PEIA would not cover massage therapy services if there was no license, certification, registration, etc of this type of healthcare provider" is very important to note and relevant to the Board maintaining state licensure. The audit also refers to the national organizations; National Certification Board For Therapeutic Massage and Bodywork (NCBTMB) and the Federation of State Massage Therapy Boards (FSMTB).

The NCBTMB is a national voluntary certification entity. It is a licensee's personal choice to become certified or maintain certification. A code of ethics and standards of practice were established for the profession by this organization. Prior to state licensure, national certification was adopted by states to assist with the professional requirements.

The FSMTB is an organization comprised of 41 state member boards. The mission of the FSMTB is to support its Member Boards in their work to ensure that the practice of massage therapy is provided in a safe and effective manner. The FSMTB provides the only national examination for state licensure, the Massage Bodywork and Licensing Examination (MBLEx). These are two very distinct and different organizations. Therefore, the statement referencing "those individuals who are NCBTMB or FSMTB certified and registered within the state can still bill PEIA for services" is inaccurate. FSMTB is not a national certification organization.

State licensure must be maintained so all therapists can continue to bill for services, if they so choose. The PEIA Finance Board voted at the December 4, 2014 meeting to continue the coverage for massage therapy services.

Conclusion

The Board is the governmental entity whose mission is to protect the public, regulate the profession and issue licenses. The Board verifies the education and credentials of all applicants for licensure. Historically, the justification for the licensure of massage therapists, including in this state, was to provide professional standards and adequate credentialing necessary to help distinguish the professionals from prostitution and illicit activity.

Protecting the public from harm is an inherently governmental function and the Board is an instrumental component in performing the regulatory duties that provide public safety. The Board is responsible for investigating and disciplining unprofessional and unethical conduct in the massage profession through the complaint process. The Board is the state entity best suited to

receive and resolve complaints due to the nature of the complaints. In addition, when complaints reported to the Board indicate criminal activity; the Board works diligently with law enforcement in areas where the board lacks jurisdiction. Because unprofessional sexual activity in massage settings are difficult cases to prosecute criminally, the Board is the front line of defense for the protection of the public from unethical practice in the profession.

The Board was able to successfully revoke the license of massage therapist that had sexually assaulted a client, while the corresponding criminal investigation has not proceeded as quickly. The corresponding civil suit in that complaint case did not result in the protection of the public. Without the action of the Board, because of the requirement for massage therapists to be licensed in this state and the corresponding code of ethics the licensees must comply with, that individual would still be practicing massage therapy, potentially continuing to victimize countless other women.

The regulation of the massage professionals by the board provides a complaint and investigation process that the licensees rely on to keep the business playing field level, where everyone has to comply with the same clearly defined rules and ethical standards. Termination of the Board would open the gateway for sexual improprieties, prostitution, human trafficking and other illegal activity. To eliminate the licensure requirement for massage therapists the State of West Virginia would be moving backward instead of moving forward.

Therefore, the position of the Board is the licensure of massage therapists is necessary to protect the public.

Reference sources:

American Massage Therapy Association - States with Massage Practice Laws
Associated Bodywork & Massage Professionals - Massage State Regulation Guide
Associated Bodywork & Massage Professionals - ABMP Releases New Data on Massage Therapist Population, April 23, 2010
"PEIA board OKs $40M cuts in benefits", By Phil Kabler, Staff writer, Charleston Gazette, Thursday, December 4, 2014, http://www.wvgazette.com/article/20141204/GZ01/141209547/1419
WV Legislative Auditor, Performance Evaluation and research Division, Regulatory Board Review of the Massage Therapy Licensure Board, January 2003, PE02-43-275
In 2014, rape rage drove feminism's 'third wave', CNN by Nina Burleigh, Tuesday December 9, 2014
Asian Massage Parlor Raided, Shut Down After Undercover Investigation, WCHS TV, Feb. 26, 2014

Massage State Regulation Guide

Use this card to check out each state's regulatory requirements for massage therapy. To get the most up-to-date information, log in at www.abmp.com and click on the legislative state map member section, or call 800-458-2267. Last update September 2014.

State	Liability Insurance	Designation	Educational hours	Renewal CEU* hrs/year	Exam(s) Required	Additional Requirements	Telephone
Alabama	Prior to license	License (LMT)	650	16/2	MBLEx OR NCBTMB and State exam	Accredited school only	866-873-4664
Alaska		Licensing law passed, not yet implemented	500			Local requirements apply	
Arizona		License (LMT)	700	24/2	MBLEx OR NCBTMB (unless grad from AZ USDE accredited school)	Background check	602-542-8604
Arkansas		License (LMT)	500	18/2	MBLEx OR NCBTMB	TB test, background check	501-683-1448
California		Voluntary Certification A. CMT(Therapist) B. CMP (Practitioner - ends 12/31/14))	A. 500 B. 250 (ends 12/31/14)	none/2	MBLEX or NCBTMB + 250 hrs=CMT	background check - Beginning 1/1/15 - no new CMP's and CMT qual = exam+500 hours	916-669-5336
Colorado	Prior to registration	License (LMT)	500	none/2	MBLEx *OR* NCBTMB	Background check	303-894-7800
Connecticut		License (LMT)	500	24/4	NCBTMB	Accredited school only	860-509-7603
Delaware		A. License (Therapist-LMT) *OR* B. Certification (Technician-CMT)	A. 500 B. 300	24/2 *OR* 12/2	A. MBLEx *OR* NCBTMB B. not required	Background check, CPR, temporary license available	302-744-4500
District of Columbia		License (LMT)	500	12/2	MBLEx *OR* NCBTMB	Background check	877-672-2174
Florida		License (LMT)	500	24/2	MBLEx *OR* NCBTMB	Background check, medical error prevention course, HIV/AIDS course, FL laws	850-245-4161
Georgia		License (LMT)	500	24/2	MBLEx *OR* NCBTMB	Background check	478-207-2440
Hawaii		License (LMT)	570	none/2	Hawaii state	CPR	808-587-3222
Idaho		License (LMT)	500	6/1	MBLEx OR NCBTMB		208-334-3233
Illinois		License (LMT)	600	24/2	MBLEx *OR* NCBTMB	Background check	217-785-0800
Indiana	Prior to certificiation	Certification (CMT)	500	none/3	MBLEx *OR* NCBTMB	Background check	317-234-2051
Iowa		License (LMT)	600	24/2	MBLEx *OR* NCBTMB	CPR	317-234-8800
Kansas		No state regulation				Local requirements apply	
Kentucky		License (LMT)	600	24/2	MBLEx *OR* NCBTMB		502-564-3296
Louisiana		License (LMT)	500	12/1	MBLEx *OR* NCBTMB	Provisional license available, Background check	225-771-4090
Maine		License (LMT)	500	none/1	MBLEx *OR* NCBTMB alternative to education	CPR, background check	207-624-8603
Maryland		A. License (LMT) or B. Registration (RMT)	A. 600 and 60 college credit OR B. 600	24/2	MBLEx *OR* NCBTMB *OR* NCCAOM	Accredited school only, CPR, jurisprudence exam, background check	410-764-2965
Massachusetts	Prior to license	License (LMT)	650	none/1	not required		617-727-1747
Michigan		License (LMT)	500		MBLEx OR NCBTMB	New implementation - must be licensed by 1/2/2020	517-335-0918
Minnesota		No state regulation				Local requirements apply	

MBLEx: licensing exam offered by the Federation of State Massage Therapy Boards. ***CEU:** continuing education hours required for renewal of license. **NCBTMB** offers 2 exams, the NCETMB and NCETM; check with your state to determine which it accepts.

State	Liability Insurance	Designation	Educational hours	Renewal CEU hrs/year	Exam(s) Required	Additional Requirements	Telephone
Mississippi		License (LMT)	700	24/2	MBLEx *OR* NCBTMB	Background check, CPR, state exam	601-732-6038
Missouri	Prior to license	License (LMT)	500	12/2	MBLEx *OR* NCBTMB *OR* NCCAOM	Background check, state exam, provisional license	573-522-6277
Montana		License (LMT)	500	12/2	MBLEx *OR* NCBTMB		406-841-2369
Nebraska		License (LMT)	1000	24/2	MBLEx OR NCBTMB	Background check	402-471-2115
Nevada		License (LMT)	500	12/1	MBLEx *OR* NCBTMB	Background check, temporary license	775-688-1888
New Hampshire		License (LMT)	750	12/2	MBLEx *OR* NCBTMB	CPR, first aid, license for techniques	603-271-0277
New Jersey		License (LMT)	500	20/2	MBLEx OR NCETMB accepted as alternative to education	Background check, CPR/First aid/AED	973-504-6520
New Mexico		License (LMT)	650	16/2	MBLEx *OR* NCBTMB	Jurisprudence exam, first aid, CPR	505-476-4870
New York		License (LMT)	1000	36/3	NY state	CPR, CE req. begin 1/1/2012	518-474-3817
North Carolina		License (LMT)	500	24/2	MBLEx	Background check	919-546-0050
North Dakota		License (LMT)	750	32/2	MBLEx OR NCBTMB	physical exam, no contagious disease, CPR	701-872-4895
Ohio		License (LMT)	750	none/ 2	MBLEx	Background check	614-466-3934
Oklahoma		No state regulation				Local requirements apply	
Oregon		License (LMT)	500	25/2	MBLEx *OR* NCBTMB	Practical exam, jurisprudence exam, CPR, background check	503-365-8657
Pennsylvania		License (LMT)	600	24/2	MBLEx *OR* NCBTMB	background check, CPR	717-783-7155
Puerto Rico	Prior to license	License (LMT)	1000	TBD/3	MBLEx	CPR, health certificate, background check	787-725-8538
Rhode Island		License (LMT)	500	none/1	MBLEx OR NCBTMB	Health certificate, background check	401-222-2827
South Carolina		License (LMT)	500	12/2	MBLEx *OR* NCBTMB		803-896-4490
South Dakota	Prior to license	License (LMT)	500	8/1	MBLEx *OR* NCBTMB		605-271-7103
Tennessee		License (LMT)	500	25/2	MBLEx *OR* NCBTMB	Background check, jurisprudence exam	615-532-3202
Texas		License (LMT)	500	12/2	MBLEx *OR* NCBTMB	Background check, jurisprudence exam	512-834-6616
Utah		License (LMT)	600	none/2	MBLEx *OR* NCBTMB	Background check, jurisprudence exam, temp. license avail.	801-530-6628
Vermont		No state regulation				Local requirements apply	
Virginia		Certification (CMT)	500	24/2	MBLEx OR NCBTMB	Provisional certification available	804-662-9909
Washington		License (LMP)	500	24/2	MBLEx *OR* NCBTMB	HIV - AIDS training, jurisprudence exam, CPR/first aid, background check	360-236-4700
West Virginia		License (LMT)	500	24/2	MBLEx *OR* NCBTMB		304-558-1060
Wisconsin	Prior to license	License (LMT)	600	TBD/2	MBLEx *OR* NCBTMB *OR* NCCAOM	AED/CPR/first aid, jurisprudence exam	608-266-2112
Wyoming		No state regulation				Contact your city clerk to find local requirements.	

MBLEx licensing exam offered by the Federation of State Massage Therapy Boards. * **CEU** - Continuing education hours required for renewal of license. **NCBTMB** offers 2 exams - NCETMB and NCETM. check your state to determine which it accepts.

wvOASIS

THE CHANGE LEADERSHIP TEAM

The Change Leadership Team (CLT) was created to provide leadership and expertise in the planning and execution of the wvOASIS project. The CLT will serve as the champions of change in West Virginia's operations, facilitate adoption of change within state agencies, and actively lead the shift from an agency or division perspective to a statewide perspective. Additionally, the CLT will be a voice to and from the Project Team, promote training to all end users, and manage disruption and enhance opportunities for growth.

Change Leadership Team Agency Assignments

Governor's Office
Mary Lipford

Auditor's Office
Mike Sizemore

Treasurer's Office
Melissa Hohmann
Treasurer's Office
Board of Treasury Investments
WV Courthouse Improvement Authority

Attorney General
Jamion Wolford

Secretary of State
Beth Ann Surber

Agriculture
Sandi Gillispie

House of Delegates
Fred Lewis

Revenue
Mike McKown

Transportation
Denise Gould

HEPC
Ed Magee
All Institutions
WV Center for Nursing

DEP
Melinda Campbell

Senate
Michael Cook

Supreme Court
Sue Troy

Bureau of Sr Svcs
Terry Hess

Military Affairs/ Public Safety
Jack Epperly
State Police
Fire Commission
Justice & Comm. Service
Juvenile Services
Protective Services
Veteran's Assistance

Rhonda Combs-Wick
Secretary's Office
Fusion Center
Adjutant General
Armory Board
Parole Board
Homeland Security/ Emergency Mgmt.
Corrections
Regional Jail

Education
Terry Harless

Joint Expenses
Jean Ann Krebs

Massage Board
Linda Lyter
Boards and Commissions

Council for CTC
Terri Tomblin-Byrd

DHHR
Warren Keefer

Education and the Arts
Tiffany Redman
Secretary's Office
Culture and History
Library Commission
Educational Broadcasting

Michelle James
Div of Rehab

Administration
Diane Holley-Brown
Secretary's Office
Fleet
Purchasing
Surplus
TMO General Services
BRIM
Comm/Handicapped
Real Estate Division

Tim Phillips
Justin McAllister
Off of Technology
IS&C

Janie Fouty
Grievance Board
Ethics
Public Defender
Personnel
Uniform State Laws
WV Prosecuting Attny

Jason Haught
All Retirement Agencies
All Boards
Finance Division
CHIP
PEIA

Commerce
Bryan Hoffman
DNR

Steve Meester
Secretary's Office
Forestry
Geological Survey
Development Off
Labor
Miner's Safety
Workforce WV
Div of Energy
Off of Econ Dev

SELECT AN AGENCY OR DIVISION

To find the Change Leadership Team member for a specific agency, please use the drop down menu below.

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WEST VIRGINIA LEGISLATIVE AUDITOR
PERFORMANCE EVALUATION & RESEARCH DIVISION

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