

Wyoming Boards and Commissions

July 8, 2013

Management Audit Committee

*Representative David Miller, Chairman
Senator John Schiffer, Vice Chairman*

*Senator Tony Ross
Senator Phil Nicholas
Senator Stan Cooper
Senator Floyd A. Esquibel
Senator Wayne Johnson*

*Representative Michael K. Madden
Representative Cathy Connolly
Representative Thomas Lockhart
Representative Sue Wallis*

Prepared by

*Gerald W. Hoppmann, Program Evaluation Manager
Joy Hill, Program Evaluator
Elizabeth Forslund, Associate Program Evaluator
Samantha Mills, Associate Program Evaluator
Kathy Misener, Associate Program Evaluator
Brian Ross, Associate Program Evaluator
Anthony Sara, Technical Assistance and Graphics*







WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE July 8, 2013

TO Title 33 Licensure Boards and Entities Discussed in *Wyoming Boards and Commissions*

FROM Management Audit Committee
Representative David Miller, Chairman
Senator John Schiffer, Vice Chairman

SUBJECT Report: *Wyoming Boards and Commissions*

During discussions related to the audit entitled *Wyoming Boards and Commission*, staff presented recurring themes with respect to a general lack of oversight of licensure boards under Wyoming Statute Title 33 (Professions and Occupations). As a result, the Committee is pursuing changes within Title 33 that will create uniform requirements to ensure that adequate auditing and pre-auditing processes are established. Such processes are needed to guarantee that legislatively appropriated money is safeguarded and only expended for the public good.

Similar to state agencies, licensure boards are expected to institute adequate internal controls and adhere to common standards when expending appropriated dollars. Expenditures should only be made for the benefit of the state and to enable a state employee or board member to fulfill his or her responsibilities or functions as required by law. It is also inappropriate for expenditures to be made if the public good is incidental to another purpose.

In addition, licensure board members, commissions, and staff must closely review appropriating language before expending any General Fund dollars. Additionally, they must adhere to all restrictions set out in the authorizing language, as such language restricts by law the use of appropriated funds. Board members, commissions, and their staff are all charged with awareness of such restraints.

Finally, as the Management Audit Committee works with the Legislature to address changes within Title 33, licensure boards and other entities discussed within this audit should ensure that internal controls are adequate. This first step, and ensuring that expenditures are made only for the public good, should occur independently from the Legislature's decisions related to modifying Title 33.





Wyoming Legislative Service Office

EXECUTIVE SUMMARY

Wyoming Boards and Commissions

Program Evaluation Section

July 8, 2013

Purpose

The Management Audit Committee requested an audit of Wyoming's Boards and Commissions. Specifically, it requested that auditors review board administration and fiscal services provided by the Department of Administration and Information's (A&I) Professional Licensing Board Division (Division).

The Committee's request was based on overall concerns about how efficiently and effectively state funds are being expended to administer the boards and potential overlap, duplication, and outmodedness of some boards and commissions.

Background

Licensure boards are created and governed under Title 33 (Professions and Occupations) of Wyoming Statutes. Each licensure board is created by a separate statute but may be administered under the Division.

Wyoming Statutes 9-2-2008(e) and W.S. 9-2-1707 establish the authority of A&I to administer supported licensure boards. It is important to note that these two statutes relate only to the administration of the boards; each board functions under its own set of statutes relevant to individual licensing and administrative practices.

The current structure of the Division providing administration and fiscal services to boards was established formally with the 1989 Reorganization Act (Reorganization).

While W.S. 9-3-1707 describes the duties of the Division, W.S. 9-2-2008(e) is the statute that directly transfers specific licensure boards to A&I. After Chapter 33 of the Session Laws of 1990 created A&I, Chapter 29 of the Session Laws of 1991 further modified the structure of A&I through amendments to W.S. 9-2-2008; then 1999 Session Laws transferred various boards to A&I through Type 3 Transfers.

A Type 3 transfer only concerns an agency that serves primarily to issue licenses; W.S. 9-2-1707(b)(iii) states that a Type 3 transfer is *"the transfer of an agency with a primary function of issuing licensing or permits to engage in a profession or occupation to a department."*

Type 3 transfers grant the department receiving the licensing entity duties related to administration of that entity. W.S. 9-2-1707(b)(iii) further states that the receiving department *"shall provide budget, fiscal, administrative and clerical service to any agency requesting these services, but not affect its authority with respect to licensure."* It is important to note that the receiving department discussed in this audit report is the Division.

The statute specifies that *"positions, personnel, property, and appropriated funds of these agencies"* shall not transfer to the department. In return for the department providing administrative oversight, guidance, and liaison duties, the licensure entity

receiving services is required to provide compensation for those services “*at a reasonable rate established by the department.*”

Results in Brief

Chapter 2: Licensure boards in Wyoming do not receive continual audit oversight, and therefore lack an assessment of internal controls or a formal determination if funds are expended in a manner consistent with the “*public good.*” Due to lower revenue and expenditure levels compared to other state entities, Wyoming’s licensure boards do not reach the materiality level necessary for inclusion in the annual audit plan of the Wyoming Department of Audit.

Although the Division has taken steps since 2008 to strengthen internal controls, primarily by hiring a part-time fiscal staff position, comprehensive policies and procedures have not been formalized or written. More specifically, the Division does not have written guidance to describe significant processes and controls related to board expenditures.

With two exceptions, the audit review of 25 expenditure transactions for supported and independent boards showed that expenditures were generally processed in a fiduciary manner and were of benefit to the State.

Chapter 3: While Title 33 includes various provisions with respect to licensure boards, Wyoming does not have a uniform set of statutes regulating common areas of administration. Each board functions under independent and structurally dissimilar statutes.

Evaluators identified one substantive area of confusion between statutes and rules, most notably because of inconsistent statutory language. This area relates to the delegation of licensure authority to board committees or to staff. Inconsistencies exist with respect to

delegation of certain responsibilities to committees and staff without explicit statutory authority to do so. Evaluators also identified other inconsistent areas with respect to board compensation, meeting dates, and ability to hire staff.

This lack of consistency results from the boards being established over long periods of time and statutory language reflects the changes inherent in the fluctuation of legislative practice. Additionally, lobby factions from each profession may have contributed to this inconsistency in an attempt to keep the regulations for professions individualized and distinct.

Chapter 4: The Division does not use formal agreements for providing administrative or fiscal services to supported and independent boards. In addition, the method it uses for calculating fees for fiscal services creates the potential for inequitable charges to independent boards.

The method by which the Division determines administrative fees is based on staff time expended related to supported board duties; however, the calculations are not formalized as part of an agreement with supported boards.

Chapter 5: Evaluators found that two boards, the Board of Barber Examiners and the Board of Cosmetology, appear to provide an opportunity for consolidation into one larger entity.

The Wyoming Education, Planning, and Coordination Council (WEPC) is an inactive entity that has not met in years. Additionally, the WEPC has not carried out its statutory responsibilities pursuant to W.S. 21-16-602(a).

As a result of inactivity, WEPC has not formally provided any benefit to the education landscape of Wyoming, nor has it interacted with the Legislature to do so.

Although the current Governor has made a new slate of appointments to WEPC, evaluators understand that these appointments have only occurred so that WEPC is able to hold meetings.

Chapter 6: The Division should be commended for the level of customer satisfaction for administrative and accounting services provided to both supported and independent boards that contract services. However, the survey of board members did provide useful feedback that could allow for opportunities for continuous improvement.

For instance, survey results showed that the Division should provide more transparency with administrative and accounting rates charged to licensure boards. Methodologies should be more clearly defined for received services so that boards are always aware of what they are paying for administrative and accounting services.

The Division does not have a single integrated database system to manage licensee data and provide for online renewal. Data is currently managed in disparate ways; some boards' information is stored on Access databases managed by the Division, while other boards utilize a Professional License Renewal System that allows licensees to review various information online.

Some boards are looking to upgrade to an integrated system through an independent vendor. The Department of Enterprise Technology (DETS) is currently implementing an Educator Credentialing System, which can be used by licensure boards.

Chapter 7: In previous years, there has been a lack of oversight by the Wyoming Miners' Hospital Board (Board) in the administration of benefits provided by Employee Benefits Management Services (EBMS), a contracted Third Party Administrator (TPA).

This lack of oversight has resulted in inappropriate expenditures caused by both the failure of prior agency staff to monitor and audit the actions of the EBMS and lack of clear direction provided to EBMS on statutory provisions.

This deficiency was acknowledged by the current Executive Director, who, with the Board, is taking corrective action to remedy the situation to ensure benefits are provided in a manner meeting statutory intent.

Chapter 8: In comparator states, professional licensure boards are either supported or independent; none of the states were found to have both supported and independent boards under their operating structures. Professional licensure boards in Vermont, Alaska, Montana, and South Dakota are all supported, while professional licensure boards in North Dakota operate independently without any agency support.

Two operating models were observed in the other states for supported boards. In Vermont, Alaska, and Montana, all licensure groups are structured under an umbrella agency similar to the Division that aids in the administration and regulation of the professional licensure boards.

In these states, all of the licensure groups comparable to those included in the scope of this audit are structured under the state's umbrella agency with only a few exceptions. In Vermont, the Board of Medicine operates under the Department of Health, and speech language pathologists and audiologists are licensed through the Department of Education. In Alaska, licensure for athletic trainers, radiologic technicians, and respiratory therapists is not regulated at all.

Unlike Wyoming's boards and commissions, several states do require annual financial audits. In addition to financial audits, other states require auditing in the form of sunset and sunrise audits.

Montana requires joint meetings between similar boards every two years. Such meetings are used to discuss issues between boards that have dual licenses or other similarities. The umbrella department is then required to report to a legislative interim committee with respect to findings and conclusions of each meeting. More specifically, *“the department shall report to the interim committee responsible for monitoring boards with regard to attendance and issues of concern addressed by the boards.”*

Agency Comments

The Division agrees with five (5) recommendations and partially agrees with three (3) recommendations. The Boards of Cosmetology, Barber Examiners, Medicine, Pari-Mutuel Commission, and Miners' Hospital Board agrees with all recommendations.

Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website at <http://legisweb.state.wy.us>

Recommendation Locator

Chapter Number	Recommendation Number	Recommendation Summary	Page Number	Party Addressed	Agency Response
2	2.1 (MFLC)	<p>The Legislature should consider amending Title 33 to include language that requires licensure boards to pay for an annual or periodic independent audit. Boards not able to afford such audits should request audits or engagements from the Department of Audits. Audits should focus on review of internal control structures and whether expenditures are for the benefit of the State.</p> <p>The Legislature may also wish to review W.S. 9-2-1707(b)(iii)(A) with respect to licensure boards to more narrowly define “administrative oversight” to potentially include a review of expenditures to ensure consistency with “benefit of the State.”</p>	48	Matter for Legislative Consideration	N/A
2	2.1	The Division should develop written, comprehensive, and formal policies that specifically annotate significant processes and controls related to its role in processing financial transactions for supported and independent boards. In addition, it should promulgate a tailored cash handling policy which addresses segregation of duties and timely deposits.	52	Division	Agrees
2	2.2	The Division should promulgate rules to provide specific guidance on administrative and fiscal services it provides as annotated in W.S. 9-2-1707(b)(iii)(A-D).	52	Division	Partially Agrees
2	2.3	The Boards of Cosmetology, Barber Examiners, and Medicine should work with the Wyoming State Auditor to formalize workflow in WOLFS.	52	Boards of Cosmetology, Barber	Agrees

Chapter Number	Recommendation Number	Recommendation Summary	Page Number	Party Addressed	Agency Response
				Examiners, and Medicine	
2	2.4	The Pari-Mutuel Commission should discontinue its practice of using Commission money to purchase gifts for outgoing members.	55	Pari-Mutuel Commission	Agrees
2	2.5	The Pari-Mutuel Commission should develop a written and formalized set of internal controls in anticipation of legislative changes, to include a cash handling policy.	55	Pari-Mutuel Commission	Agrees
2	2.6	The Board of Medicine should discontinue its practice of using Board money to take official portraits of members.	55	Board of Medicine	Agrees
2	2.7	<p>The Department of Administration and Information should update The State of Wyoming Personnel Rules (Chapter 15, Section 2) to include a detailed description of allowable purchases for service recognition awards. The current rule defines a “<i>recognition award</i>” as a “<i>plaque</i>” (currently valued at \$46.65, according to the Department). There is no mention, however, of crystal jars (currently valued at \$99.50, according to the Department).</p> <p>The updated rules should also include monetary caps for allowable recognition awards. Finally, the Department should ensure that wording with respect to services awards in its Accounting Manual is consistent with wording in the revised rules.</p>	55	Department	Partially Agrees
2	2.8	The Division should include specific guidance in its fiscal policies and procedures identifying non-allowable expenditures to include specific criteria for staff travel.	57	Division	Partially Agrees
3	3.1 (MFLC)	The Legislature may wish to consider amending Title 33 to create a General Administrative Act for licensure boards. In addition to the	72	Matter for Legislative	N/A

Chapter Number	Recommendation Number	Recommendation Summary	Page Number	Party Addressed	Agency Response
		authority for licensure boards to establish fees through rules (already included), the Legislature could provide consistency in the areas discussed in this chapter: delegation of licensure authority to committee and staff members; meeting requirements; fee distribution; compensation; contracting and hiring staff; fines and penalties; and creating regular meeting requirements for issue-related boards.		Consideration	
	3.2 (MFLC)	The Legislature may wish to consider repealing the percentage contributions of licensure fee revenue to the General Fund assigned to the Board of Registration in Podiatry (W.S. 33-9-108), the Board of Chiropractic Examiners (W.S. 33-10-114(a)), the Board of Barber Examiners (W.S. 33-7-103(b)), and the Board of Cosmetology (W.S. 33-12-139(c)). The Legislature may also wish to consider adding language in Title 33 to include all licensure boards in the Department of Administration and Information's cost allocation billing process.	72	Matter for Legislative Consideration	N/A
4	4.1	The Division should create agreements for providing administrative and fiscal services to supported and independent boards. Agreements should include specific detail (such as fee tables) with respect to how costs for services are calculated. The Division should also develop a complete and detailed description of how administrative, fiscal, and cost allocation billings are calculated and provide this information to all licensure boards. In addition, it should provide detailed invoices to supported and independent licensure boards explaining quarterly billings.	81	Division	Agrees
4	4.2	The Division should continue to develop a more equitable method to calculate costs for the part-time fiscal position prior to the new fiscal year billing. Possible options for the new method include: 1) Tracking time spent per board on fiscal duties, similarly to the	82	Division	Agrees

Chapter Number	Recommendation Number	Recommendation Summary	Page Number	Party Addressed	Agency Response
		methodology used to calculate administrative charges; 2) Basing costs on the actual number of WOLFS transactions processed; and 3) Using a combination of time spent and cost per transaction for fiscal charges.			
5	5.1 (MFLC)	The Legislature may wish to consider the possibility of consolidating the Boards of Cosmetology and Barber Examiners. In addition, it may wish to reconsider the current requirement of 750 hours for joint licensure.	91	Matter for Legislative Consideration	N/A
5	5.2 (MFLC)	The Legislature may wish to consider repealing W.S. 21-16-601 through W.S. 21-16-602 or may wish to consider amending the statute to provide more specific direction for the Wyoming Education, Planning, and Coordination Council.	95	Matter for Legislative Consideration	N/A
6	6.1	The Division should work with the Department of Enterprise Technology Services to explore the possibility of using the Educator Credentialing System for licensure boards prior to moving forward with inquiries into the cost and design of integrated databases. In addition, it should continue to discuss the current quote and Statement-of-Work from Gannett Peak with Department of Enterprise Technology Services for feedback with respect to needs expressed by the Board of Psychology.	112	Division	Agrees
6	6.2	Prior to soliciting potential vendors, the Division should first contact the purchasing office within the Department of Administration & Information for guidance and to ensure that inquires outside of discussions with DETS are not contrary to the state's procurement statutes and rules.	112	Division	Agrees
7	7.1	The Executive Director should continue making improvements to the accountability of the program and provide a follow-up to the Management Audit Committee in six (6) months.	121	Miners' Hospital Board	Agrees

Chapter Number	Recommendation Number	Recommendation Summary	Page Number	Party Addressed	Agency Response
7	7.2	The Board should promulgate new rules related to programmatic and other changes that have recently occurred.	121	Miners' Hospital Board	Agrees
7	7.3	The Board should work with the TPA to identify the total amount of inaccurate or improper payments and then discuss whether subrogation or other corrective measures are desirable.	121	Miners' Hospital Board	Agrees
7	7.1 (MFLC)	The Legislature may wish to consider amending Wyoming Statute Title 30, Chapter 6 to address concerns related to board membership, eligibility requirements, and the intent of Board programs.	121	Matter for Legislative Consideration	N/A



TABLE OF CONTENTS:

Wyoming Boards and Commissions

Introduction: Objective and Scope, Methodology	1
Chapter 1: Background	13
Chapter 2: Lack of Adequate Oversight for Wyoming Licensure Boards.....	47
Chapter 3: Lack of a General Administrative Act for Licensure Boards.....	59
Chapter 4: Professional Licensing Board Division Lacks Formalized Agreements	75
Chapter 5: Potential Overlap Exists with Various Licensure Boards.	83
Chapter 6: Licensure Boards are Generally Satisfied, but Transparency can be Improved; Database Systems can also be Improved	97
Chapter 7: Wyoming Miners’ Hospital Board Showing Improvement	113
Chapter 8: Other States	123
Conclusion:	137
Agency Response	139
<i>Appendices</i>	
(A) <i>Active Licenses and License Type Fee Changes</i>	A-1 and A-2
(B) <i>Overlap Statutes (Barber Examiners and Cosmetology)</i>	B-1 and B-2
(C) <i>Survey Results (Supported and Independent Boards)</i>	C-1 and C-2



List of Acronyms and Definitions

Wyoming Boards and Commissions

A&I	Department of Administration and Information
CAFR	Comprehensive Annual Financial Report
CIO	Chief Information Officer
CR	Cash Receipt
DCI	Department of Criminal Investigation
DETS	Department of Enterprise Technology Services
Division	Professional Licensing Division of A&I
EBMS	Employee Benefits Management Services
GAAP	Generally Accepted Auditing Principles
GASB	Governmental Accounting Standards Board
Handbook	State of Wyoming Board Handbook
IET	Internal Exchange Transactions
IT	Information Technology
ITD	Information Technology Division of A&I
MOU	Memorandum of Understanding
PEPCC	Wyoming Postsecondary Education Planning Coordination Council
PLB	Professional Licensing Board
PLR	Professional License Renewal
Reorganization	1989 Reorganization Act
RTE	Radiologic Technologist Examiners

TPA.....Third Party Administrator

WDE.....Wyoming Department of Education

WEPCC.....Wyoming Education Planning and Coordinating Council

INTRODUCTION

Objective, Scope, and Methodology

Introduction

The Management Audit Committee requested an audit of Wyoming Boards and Commissions. Specifically, it requested that evaluators review board administration and fiscal services provided by the Department of Administration and Information's (A&I) Professional Licensing Board Division (Division).

The Committee's request was based on overall concerns about how efficiently and effectively state funds are being expended to administer the boards, potential overlap, duplication and outmodedness of some boards and commissions.

Objective

W.S. 28-8-107(b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

The Management Audit Committee directed staff to conduct an audit of Wyoming Boards and Commissions. More specifically, the report addresses the following questions approved by the Management Audit Committee:

- 1) Evaluate the examples of potential overlap, duplication, or outmoded entities identified in the scoping paper.
- 2) Are inconsistencies with respect to the funding of entities in Wyoming problematic; for example, the lack of uniformity in compensation?
- 3) How does the Department of Administration and Information ensure that supported boards are expending funds in a fiduciary manner?

In order to most effectively and efficiently fulfill the request by the Committee, evaluators determined that a report focused on licensure entities was an essential first step in the larger review of all boards and commissions. As many licensure entities are commonly administered, an evaluation of these boards would provide a framework for further future work on the other categories of entities outlined in the scoping paper, including Regulatory, Advisory, Grant Administration, Coordination Planning, and Information Planning and Distribution entities. Additionally, the issues of potential overlap, duplication, and outmodedness would be included in the licensure board review in order to provide the most accurate representation of the Committee's direction.

Upon review of licensure board structure, it became apparent that two categories of licensure boards existed: boards that were provided services by the Professional Licensing Board Division (Division) of A&I, and boards that did not receive services by the Division. Upon further review of statute and budgetary structure, evaluators eliminated regulatory and agency-like entities from the scope of the project, primarily because of their large size, federal statutory requirements, independent purposes, and separate appropriations.

For similar reasons, most fully independent boards were also scoped out of the project. Only three fully independent boards were included in the final scope determination: the Board of Barber Examiners and Board of Cosmetology were included due to the potential for overlap between boards; the Board of Medicine was also included because it had become fully independent from the Division only shortly before audit work commenced. The

Pari-Mutuel Commission was included since it receives services from the Division.

The Board of Mixed Martial Arts was initially scoped out of the project due to the recent establishment date of the Board, but upon further discussion with the Division was included as an area for further study.

The following table outlines the final project scope.

**Boards and Commissions
Audit Scope Table**

Board Category	Number	Board Names (Board of)	Scope Purpose
Supported	18	1) Board of Architects & Landscape Architects 2) Board of Athletic Training 3) Board of Chiropractic Examiners 4) Board of Dental Examiners 5) Dietetics Licensing Board 6) Board of Embalmers 7) Board of Hearing Aid Specialists 8) Mental Health Professions Licensing Board 9) Board of Midwifery 10) Board of Optometry 11) Board of Physical Therapy 12) Board of Registration in Podiatry 13) Board of Psychology 14) Board of Radiologic Technologists 15) Board of Respiratory Care 16) Board of Speech Pathology & Audiology 17) Board of Veterinary Medicine 18) Animal Euthanasia Technician Certification Board	General Scope
Independent	3	1) Board of Barber Examiners 2) Board of Cosmetology 3) Board of Medicine	General Scope
A&I Contract(s)	5	1) Board of Nursing Home Administrators 2) Board of Occupational Therapy 3) Pari-Mutuel Commission 4) Miners' Hospital Board 5) Mixed Martial Arts	General Scope
Overlap	2	1) Barber Examiners w/Cosmetology	Potential Overlap

Source: Legislative Service Office.

During the planning phase of the evaluation, staff identified additional areas to address that relate to the questions approved by the Management Audit Committee:

- Identification and evaluation of administrative and accounting services provided to supported and independent boards
- Identification and evaluation of internal controls to ensure that funds are expended in a fiduciary manner
- Lack of uniformity in statutes
- Lack of audit oversight
- Comparison with other states

Scope and Methodology

This audit was conducted according to statutory requirements and professional standards and methods for governmental audits. The research was performed from December 2012 through May 2013. The general time frame for which we included information for this report is BFY 2011 through BFY 2013.

Research methods included:

Interviews

- 1) Interviewed officials and personnel from the Professional Licensing Boards Division of A&I, as well as executive directors from independent boards included in the scope of this audit.
- 2) Interviewed officials from the Wyoming Department of Education and Attorney General's office related to outmoded boards as well as lack of consistent statutes for board administration.
- 3) Developed and sent a survey to supported and independent board members related to customer satisfaction with services provided by A&I. A total of 128 surveys were distributed to both supported and independent board members. Of that total, 47 supported board members returned surveys, and 31

independent board members returned surveys. The overall rate of return was 61%.

Research and Analysis

- 4) Reviewed Wyoming Title 33 Professions and Occupations.
- 5) Reviewed A&I, supported boards' and independent boards' rules and internal policies and guidelines.
- 6) Reviewed Attorney General Opinions related to board administration.
- 7) Reviewed audits conducted by the Department of Audit related to board expenditure of state funds.
- 8) Reviewed accounting and other financial data from Wyoming Online Financial System (WOLFS); InfoAdvantage; the Wyoming Internet Budget and Analysis Reporting System (IBARS); Wyoming Session Laws; and supported and independent board budget requests.
- 9) Sampled WOLFS transactions (expenditures and revenues) for supported and independent boards, and requested support documentation as needed.
- 10) Conducted initial internet research of publicly available information of other states with similar characteristics to Wyoming such as population and rural nature for context related to organization and administration of professions and occupations. A follow-up survey of these states was conducted for more analysis.
- 11) Made several information requests to the Professional Licensing Boards Division and independent boards included in this audit.

Overlapping Boards

Pursuant to concerns expressed by the Management Audit Committee related to overlapping duties of boards, evaluators reviewed supported boards' practice acts to determine if overlapping duties and purposes existed among the boards.

During the scoping evaluation research, evaluators identified boards with potentially overlapping duties, including: the Board of Hearing Aid Specialists and the Board of Examiners of Speech Pathology and Audiology; the Board of Physical Therapy and the Board of Occupational Therapy; the Board of Psychology and the Mental Health Professions Licensing Board; and the Board of Cosmetology and the Board of Barbers Examiners.

Upon review of the boards' practice acts, evaluators determined the only compelling comparison was between the duties and purpose of the Board of Cosmetology and the Board of Barber Examiners (see Chapter 5). As such, discussion related to potentially combining the two boards is warranted.

In addition, evaluators included questions in the previously mentioned survey to determine whether or not board members of supported boards believed there is overlap between their boards. The information is included in this section for the following boards.

Board of Hearing Aid Specialists and Board of Examiners of Speech Pathology and Audiology

Board of Hearing Aid Specialists

- Two (2) of three (3) or 67% of the total Board of Hearing Aid Specialists respondents stated that overlap does not exist between the two boards.
- One (1) of three (3) or 33% of the total Board of Hearing Aid Specialists respondents stated that overlap does exist between the two boards.

Evaluators also received three responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Board of Speech Pathology with the Board of Hearing Aid Specialists?”* The following is a summary of their responses.

- Three (3) of three (3) or 100% provided one (1) pro for consolidation each.
- One (1) of three (3) or 33% provided one (1) con for consolidation.
- One (1) of three (3) or 33% provided two (2) cons for consolidation.
- One (1) of three (3) or 33% provided no response regarding cons of consolidation.

Board of Examiners of Speech Pathology and Audiology

- Three (3) of four (4) or 75% responded that overlap exists between the two boards.
- One (1) of four (4) or 25% responded that overlap does not exist between the two boards.

Evaluators also received four responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Board of Examiners in Speech Pathology with the Board of Hearing Aid Specialists?”* Of the four total surveys received, one respondent did not reply specifically to this question. The following is a summary of the three responses.

- Two (2) of three (3) or 67% provided one (1) pro for consolidation each.
- One (1) of three (3) or 33% provided two (2) pros for consolidation each.
- Two (2) of three (3) or 67% provided one (1) con for consolidation each.
- One (1) of three (3) or 33% provided two (2) cons for consolidation each.

Board of Physical Therapy and Board of Occupational Therapy

Board of Physical Therapy

- One (1) of two (2) or 50% responded that overlap exists between the two boards.
- One (1) of two (2) or 50% responded that overlap does not exist between the two boards.

Evaluators also received two responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Board of Physical Therapy and Board of Occupational Therapy?”* The following is a summary of their responses.

- One (1) of two (2) or 50% provided one (1) pro for consolidation.
- One (1) of two (2) or 50% provided no pros for consolidation.
- One (1) of two (2) or 50% provided one (1) con for consolidation.
- One (1) of two (2) or 50% provided three (3) cons for consolidation.

Board of Occupational Therapy

- One (1) of three (3) or 33% of respondents stated that overlap does exist between the two boards.
- Two (2) of three (3) or 67% of respondents stated that overlap does not exist between the two boards.

Evaluators also received three responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Board of Physical Therapy and Board of Occupational Therapy?”* The following is a summary of their responses.

- One (1) of three (3) or 33% provided one (1) pro for consolidation.
- One (1) of three (3) or 33% provided two (2) pros for consolidation.

- Three (3) of three (3) or 100% provided two (2) cons for consolidation each.

Board of Psychology and Mental Health Professions Licensing Board

Board of Psychology

- Two (2) of four (4) or 50% of respondents stated that overlap does not exist between the two boards.
- One (1) of four (4) or 25% of respondents stated that overlap does exist between the two boards.
- One (1) of four (4) or 25% of respondents could not respond to the question as he or she was newly appointed to the board.

Evaluators also received four responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Mental Health Professions Licensing Board and the Board of Psychology?”* One of the four respondents did not provide a specific response to the question as he or she was newly appointed to the board; however, the individual did state that consolidation was not *“necessary or advisable.”* The following is a summary of the remaining three (3) responses:

- None of the responses provided pros for consolidation.
- One (1) of three (3) or 33% of respondents provided two (2) cons for consolidation.
- One (1) of three (3) or 33% of respondents provided three (3) cons for consolidation.
- One (1) of three (3) or 33% of respondents provided four (4) cons for consolidation.

Mental Health Professions Licensing Board

- Two (2) of three (3) or 67% of respondents stated that overlap does not exist between the two boards.
- One (1) of three (3) or 33% responded that he or she was newly appointed to the board and could not respond to the question.

Evaluators also received three responses from board members related to the following question: *“What are the pros and cons of a possible consolidation of the Mental Health Professions Licensing Board and the Board of Psychology?”* One of the three respondents did not respond to the question as he or she had been newly appointed to the board. The following is a summary of the remaining responses.

- Two (2) of two (2) or 100% of the responses provided one (1) pro for consolidation each.
- Two (2) of two (2) or 100% provided two (2) cons for consolidation each.

Outmoded Entities

During the scoping evaluation process, evaluators identified other entities that appeared to be outmoded along with the Wyoming Education, Planning, and Coordination Council (WEPC) (see Chapter 5). Upon further review, however, it was discovered those entities were in fact meeting and active. As such, the following entities were scoped out for further review:

- Information Technology Planning Council (ITPC)
- Governor’s Food Safety Council
- Advisory Council for Innovative Education
- Governor’s Domestic Violence Elimination Council

Area for Further Study

During the course of the evaluation, the Board of Mixed Martial Arts was identified as a potential topic for further study. The Board of Mixed Martial Arts was created in 2012 to be responsible for licensure and regulation of all inspectors, referees, judges, ring-side physicians, promoters, and athletes related to mixed martial arts in Wyoming.

The establishment of the Board came through 2012 Enrolled Act No. 35 which provided a ten thousand dollar (\$10,000.00) General Fund appropriation beginning July 1, 2012 and ending June 30, 2013 *“to establish rules and regulations.”* The fiscal note further

clarifies that the appropriation “*would include expenditures related to travel, printing, copying, and other miscellaneous supplies.*”

Most of the General Fund appropriation to the Board was expended within the first three months, at which point the Board began using the B-11 process to expend revenue fees as they were generated.

Of the \$10,000.00 General Fund appropriation, \$5,927.32 was expended on Personal Services. Additionally, \$3,972.50 of the General Fund appropriation was expended on Support Services and expenditures such as promotional screen-printed shirts for mixed martial arts events; the use of the State Purchasing Card (P-card) for unintended purposes such as gas and lodging including out-of-state travel for unknown purposes was also identified. Beyond the Personal and Support Services expenditures from the General Fund appropriation, one board member has been paid an additional \$3,000 as compensation for administrative duties for the Board at the legislative rate.

These expenditures and the process by which the expenditures occurred were initially brought to evaluators’ attention by Division staff. Staff members also suggested that training for new board members offered by the Attorney General’s Office may be a good resource for the Board to better understand the responsibilities of a State agency.

The statutory language related to the Board’s use of the General Fund appropriation and other fees charged by the Board are specified in W.S. 33-48-104(b) and W.S. 33-48-108(b). W.S. 33-48-108(b) states the Board must be financially solvent; if the Board determines that it has insufficient funds, fees must be increased. Further, the statute states that if the increase in fees is insufficient to continue operations, the Board is required to provide a report to the Legislature, and statutes W.S. 33-48-101 through W.S. 33-48-117 establishing the regulation of mixed martial arts will be repealed.

A further review or financial audit of the Board of Mixed Martial Arts could prove beneficial to the State to ensure that protocols are being met and the Board’s solvency is not an issue.

Additionally, if the Legislature considers uniform language to address instances in which Board members received compensation for administrative duties, consideration should also be given to current statutory language for the Boards of Dental Examiners, Chiropractic Examiners, and Embalming, which allow the secretary of the board to receive compensation for administrative services.

Attorney General feedback was sought by the Board of Barber Examiners on the ability of a board to compensate board members as staff. An opinion stated that in the case of the Board of Barber Examiners, there was no statutory language permitting board members to be compensated as staff. This opinion may be equally applicable to the Board of Mixed Martial Arts, as the Board does not have statutory language specifying that board members may be compensated as staff; therefore the offices performed by the board members would be incompatible and may therefore impermissible.

Acknowledgements

The Legislative Service Office expresses appreciation to the Department of Administration and Information and Professional Licensing Board Division staff for their continued cooperation throughout this audit.

We also appreciate the cooperation and feedback provided by the following entities: Office of the Governor; Office of the Chief Information Officer (OCIO); the Wyoming State Auditor's Office; the Wyoming Office of the Attorney General; Board of Cosmetology; Board of Barber Examiners; Pari-Mutuel Commission; Wyoming Hospital Miners' Board; Board of Occupational Therapy; and Board of Nursing Home Administrators.

CHAPTER 1

Background

Licensure Board Creation and Governance

Licensure boards are created and governed under Title 33 “*Professions and Occupations*” of Wyoming Statutes. Each licensure board is created by a separate statute but may be administered under the Department of Administration and Information (A&I), Professional Licensing Boards Division (Division).

It should be noted, however, that individual board statutes are structurally dissimilar. Composition of boards, meeting requirements, board member compensation, board administration, and other statutory requirements are inconsistent across the boards. This lack of consistency results from boards being established over a long period of time, as the statutes reflect the changes inherent in the fluctuation of legislative composition and personality.

The following table provides information on the various statutes governing the licensure boards reviewed for this audit.

Table 1.1
Statutory Citations

Board	Individual Governing Statute
Board of Barber Examiners	W.S. 33-7-101 through 33-7-211
Board of Cosmetology	W.S. 33-12-119 through 33-12-140
Board of Medicine	W.S. 33-26-101 through 33-26-601
Board of Nursing Home Administrators (receives services from A&I)	W.S. 33-22-101 through 33-22-110
*Pari-Mutuel Commission (receives services from A&I)	W.S. 11-25-101 through 11-25-113
Board of Occupational Therapy (receives services from A&I)	W.S. 33-40-101 through 33-40-117
Board of Architects and Landscape Architects	W.S. 33-41-101 through W.S. 33-41-117
Board of Chiropractic Examiners	W.S. 33-10-101 through 33-10-117
Board of Dental Examiners	W.S. 33-15-101 through 33-15-133

Board	Individual Governing Statute
Board of Embalming	W.S. 33-16-101 through 33-16-409
Board of Hearing Aid Specialists	W.S. 33-35-101 through 33-35-121
Board of Examiners in Optometry	W.S. 33-23-101 through W.S. 33-23-117
Board of Physical Therapy	W.S. 33-25-101 through W.S. 33-25-116
Board of Registration in Podiatry	W.S. 33-9-101 through W.S. 33-9-114
Mental Health Professions Licensing Board	W.S. 33-38-101 through 33-38-113
Board of Psychology	W.S. 33-27-113 through 33-27-123
Board of Radiologic Technologist Examiners	W.S. 33-37-101 through 33-37-113
Board of Examiners of Speech Pathology and Audiology	W.S. 33-33-101 through 33-33-309
Board of Veterinary Medicine	W.S. 33-30-101 through W.S. 33-30-215
Animal Euthanasia Technician Certification Board	W.S. 33-20-216 through W.S. 33-30-222
Board of Athletic Training	W.S. 33-45-101 through W.S. 33-45-112
Dietetics Licensing Board	W.S. 33-47-101 through W.S. 33-47-110
Board of Midwifery	W.S. 33-46-101 through W.S. 33-46-108
Board of Mixed Martial Arts (receives services from A&I)	W.S. 33-48-101 through W.S. 33-48-117
*Miners' Hospital Board (receives services from A&I)	W.S. 30-6-101 through 30-6-103

Source: Legislative Service Office.

*Created outside of Title 33 statutes.

Title 33 statutes are inconsistent between boards and pose challenges for board administration

Division staff as well as board counsel from the Wyoming Attorney General's Office stated that the inconsistency in Title 33 is problematic. It takes staff time and resources to identify the differing requirements of each board's statutes. Often the differences are slight, but as they are established in statute, such variance can pose challenges related to board administration and providing legal advice.

It is interesting to note, however, that Title 33 does provide an opportunity for more consistent statutory language related to board administration.

Article 2 of Title 33, "*Fees*," outlines the statutory authority provided to boards to establish licensure fees. More specifically, W.S. 33-1-201(a) annotates requirements in three areas: **1)** Establishment of fees by rule or regulation in accordance with the Wyoming Administrative Procedure Act; **2)** Establishment of fees not to exceed direct and indirect costs to administer boards; and **3)** Maintenance of records required to support fee changes.

In addition, W.S. 33-1-202(a)(ii)(A) provides that 50% of the previous year's interest shall be deposited into a separate account to pay for legal services provided by the Wyoming Office for the Attorney General.

See Chapter 3 for a further discussion of variance in Wyoming statute and ideas to increase consistency.

Division Statutorily Responsible for Board Administration

Boards function separately but can be administered by A&I

Wyoming Statutes 9-2-2008(e) and W.S. 9-2-1707 establish the authority of A&I to administer supported licensure boards. It is important to note that these two statutes relate only to the administration of the boards; as mentioned previously, each board functions under its own set of statutes relevant to individual licensing and administrative practices.

The current structure of the Division providing administration and fiscal services to boards was established formally with the 1989 Reorganization Act (Reorganization). As a result, Wyoming State government faced many substantial changes in its administration. During this period, the Department of Commerce was granted statutory authority over agencies previously located elsewhere, including many licensure boards.

Because of the large number of transfers occurring throughout the Reorganization, three separate transfer "*types*" were defined in statute. Type 3 transfers are the sources of authority that relate to licensure boards.

A Type 3 transfer only concerns an agency that serves primarily to issue licenses; W.S. 9-2-1707(b)(iii) states that a Type 3 transfer is "*the transfer of an agency with a primary function of issuing licensing or permits to engage in a profession or occupation to a department.*"

Type 3 transfers provide only for board administration

Type 3 transfers grant the department receiving the licensing entity duties related to administration of that entity. W.S. 9-2-1707(b)(iii) further states that the receiving department "*shall provide budget, fiscal, administrative and clerical service to any agency requesting these services, but not affect its authority with respect to licensure.*" It is important to note that the receiving

department discussed in this audit report is the Division.

The statute specifies that “*positions, personnel, property, and appropriated funds of these agencies*” shall not transfer to the department. In return for the department providing administrative oversight, guidance, and liaison duties, the licensure entity receiving services is required to provide compensation for those services “*at a reasonable rate established by the department.*”

It is important to note several elements of the statute: first, the statute requires that the licensure entity pay for administrative services; second, the rate is required to be reasonable but also is set by the receiving department; and third, the receiving department is required to provide the specified services to any agency requesting those services. This last point is relevant when considering the current role of the Division, as it is statutorily required to provide services to any agency upon request.

As stated above, W.S. 9-2-1707 specifically prevents the department in question from adversely impacting boards’ licensure authority. This statutory provision demonstrates that the administering department was not intended to serve as an oversight entity, as the department lacks any clear authority to deny services in response to violation of statute.

However, duties outlined in W.S. 9-2-1707 related to Type 3 transfers require that:

- The department provides administrative oversight of procedures to assure statutory compliance.
- The department provides fiscal guidance such as budget preparation and personnel assistance.
- The department serves as a liaison between the licensure entity and other governmental bodies.
- The department reviews the licensure entity’s practices and recommends methods to increase efficiency.

Therefore, the intent of the statute in relation to the authority of the administrative department is not focused primarily on administration or oversight. While statutory language curtails the department’s authority, the same statutory language provides for administrative oversight in relation to statutory compliance. However, this authority has been interpreted narrowly by the

Division in relation to fiscal and administrative oversight of boards.

Beyond these general services, W.S. 9-2-1707(b)(iii)(A-D) provides additional requirements of the department. Specifically, the department is to provide administrative oversight regarding compliance with statute; “*provide guidance to agencies in matters pertaining to budget preparation, individual agency administration, personnel, and other procedural functions;*” serve as a liaison between the entity and other governmental bodies; and review practices with an eye to improving efficiency.

Certain boards transferred to A&I in 1999

While W.S. 9-3-1707 describes the duties of A&I, W.S. 9-2-2008(e) is the statute that directly transfers specific licensure boards to A&I. After the 1990 Session Laws, Chapter 33 created A&I, 1991 Session Laws, Chapter 29 further modified the structure of A&I through amendments to W.S. 9-2-2008. 1999 Session Laws then transferred various boards to A&I through Type 3 transfers.

Originally 26 boards were specified in statute as being brought under the authority of A&I; however, additional boards have been created, and other modifications to board status have occurred since that time.

Ten boards are no longer classified as supported boards. These boards function under their individual statutory authority, completely separate from A&I. Five boards, listed in the table below, function independently from A&I, but are provided selected services from the Division. The remaining 18 boards are classified as supported, as they utilize the Division’s fiscal and administrative services as outlined in W.S. 9-2-1707.

The following table provides additional information on the status of certain licensure boards with respect to their relationship to A&I.

**Table 1.2
Board Status Breakout**

Boards Supported by A&I	Boards Receiving Limited Services from Division	Boards Not Associated with A&I
Board of Architects and Landscape Architects	Board of Nursing Home Administrators	Board of Medicine*
Board of Chiropractic Examiners	Pari-Mutuel Commission	Board of Cosmetology**
Board of Dental Examiners	Board of Occupational Therapy	Board of Barber Examiners**
Board of Embalmers	Miners' Hospital Board	Board of Certified Public Accountants
Board of Hearing Aid Specialists	Board of Mixed Martial Arts	Board of Pharmacy
Board of Examiners in Optometry		Real Estate Commission
Board of Physical Therapy		Wyoming Professional Teaching Standards Board
Board of Registration in Podiatry		Board of Outfitters and Professional Guides
Mental Health Professions Licensing Board		Board of Professional Geologists
Board of Psychology		Board of Nursing
Board of Radiologic Technologists Examiners		
Board of Examiners of Speech Pathology and Audiology		
Board of Veterinary Medicine		
Animal Euthanasia Technician Certification Board***		
Board of Respiratory Care		
Board of Athletic Training		
Dietetics Licensing Board		
Board of Midwifery		

Source: Legislative Service Office information provided by the Division

*Board of Medicine was included in the audit due to their recent association with the Division, as well as for establishing best practices standards. See Scope & Methodology for further discussion.

**Board of Cosmetology and Board of Barber Examiners were included in the audit due to potential for overlap as well as for establishing best practices standards. See Scope & Methodology for further discussion.

***Animal Euthanasia Technician Certification Board is to be dissolved as of July 1, 2013. SEA 0041 of the 2013 Legislative Session repealed the Board and placed its responsibilities under the purview of the Board of Veterinary Medicine.

Licensure boards can request services from the Division

Any licensure entity is able to become supported by A&I. Under W.S. 9-2-1707, the Division is required to provide services to any requesting board. As stated above, boards are required to compensate the Division at a reasonable rate set by the Division. These are the only requirements for a board to become supported; no formal process or procedure exists.

Similarly, there is no formal process or criteria for determining when or how a board would move from being supported by the Division to being a partially or fully independent entity. As the Division is required to provide services if requested, the cash balance or levels of activity of board administration are not considered to be elements relevant to support or independence; that is, there are no formal criteria requiring a board to be financially solvent in order to become independent.

Since the inception of the Division, several entities have moved from being fully supported to being partially or fully independent; some of these entities were included in the audit. The Board of Medicine went from being partially supported to fully independent; the Board of Nursing Home Administrators and the Board of Occupational Therapy transitioned from being fully supported to only receiving accounting services.

Evaluators surveyed board members to determine if moving to partially or fully independent status is a part of future plans and interestingly, some members of two supported boards, the Board of Dental Examiners and the Board of Psychology, have expressed some interest in becoming independent of services from the Division.

The lack of formalized criteria for determining if a board could move to partial or complete independence, however, is a potentially problematic area. Without establishing processes to evaluate readiness to move from fully supported to independent, a board may encounter unexpected expenses or unanticipated responsibilities. Policies and procedures as well as statutes are silent in this area.

Licensure Boards are Diverse With Respect to Licensee Numbers, Fee Increases, and Renewal Timing

Much like the variance in state statutes concerning board composition, meeting dates, staffing, and other administrative concerns, each board has a unique activity level based on the licensee base for the profession in question. Activity related to two primary areas deserves mention: **1) Licensee numbers** and **2) Fee increases**.

Licensee numbers. Licensee numbers (which constitute licensure base) are of primary importance, because they generate revenue for licensure boards. Some boards have the luxury of enjoying more robust licensure bases while others do not. In addition, some boards' licensure bases include various licensure types within the umbrella of each board.

The following table illustrates the license types for licensure boards discussed within the audit.

Table 1.3
Licensure Board License Types

Board	License Type
Board of Architects & Landscape Architects	Architect Landscape Architect
Board of Radiologic Technologist Examiners (RTE)	Radiologic Technologists Radiologic Technicians
Board of Respiratory Care	Respiratory Care Practitioner
Board of Registration in Podiatry	Podiatrist
Board of Chiropractic Examiners	Chiropractor
Board of Dental Examiners	Dentist Dental Hygienist Dental Assistant
Board of Embalming	Embalmer Apprentice Funeral Director Crematory
Board of Midwifery	Midwife Student Midwife
*Dietetics Licensing Board	Dietician
Board of Examiners in Optometry	Optometrist
Board of Examiners of Speech Pathology and Audiology	Speech Pathologist Audiologist

Board	License Type
Board of Physical Therapy	Physical Therapist Physical Therapist Assistant
Board of Hearing Aid Specialists	Hearing Aid Specialist
Board of Athletic Training	Athletic Trainer
Psychology	Psychologist
*Mental Health Professions Licensing Board	Addictions Therapist Addictions Practitioner Addictions Practitioner Assistant Mental Health Worker Clinical Social Worker Social Worker Marriage and Family Therapist Professional Counselor
Board of Veterinary Medicine	Veterinarian Artificial Insemination Technician Embryo Transfer Technician Embryo Transplant Technician
Board of Cosmetology	Cosmetologist Estheticians Hair stylists Instructors Manicurists Nail technicians Salons Schools
Board of Barber Examiners	Barber Barber shops Schools
Board of Medicine	Physician Physician Assistant
Board of Occupational Therapy	Occupational Therapist Occupational Therapy Assistant
Board of Nursing Home Administrators	Nursing Home Administrator

Source: Legislative Service Office from information provided by the supported and independent boards.

*Each license type is broken out into provisional, reciprocal, examination, and 2nd license type.

Licensure fees. Licensure boards receive revenue primarily through money generated by license holders. In return for paying licensure fees, individuals are allowed by law to practice the licensed profession. Licensure boards regulate professionals to ensure public safety.

An interesting aspect of board administration is the assignment of fees; fees are assigned by individual boards pursuant to W.S. 33-1-201(a)(ii) based on keeping revenues and costs consistent.

However, six (6) boards have never modified their fee schedules and eight (8) boards have modified their fee schedules only once. The remaining ten (10) boards have modified their fee schedules two or more times.

With the exception of architects, landscape architects, midwives, dietitians, mental health professionals, and athletic trainers, licenses are renewed on an annual basis. Annual renewal allows for a consistent revenue stream to licensure boards.

See Appendix A-2 for additional information on fee schedule changes over the last ten years and changes in overall licensee numbers.

Services Provided by the Professional Licensing Board Division

Division staff is made up of seven full-time staff positions that provide administrative and fiscal services to the 18 supported licensure boards and fiscal services to five independent boards. Of these seven positions, six are staffed with full-time employees and one is staffed with a half-time fiscal employee.

The full-time staff members are responsible for the administrative functions of the boards, while the part-time staff member provides fiscal services for boards.

Division staff includes: three Office Support Specialist II positions; two Business Office Supervisor I positions; one Business Office Supervisor II position; and one Senior Accountant.

The Division also provides fiscal services upon request to independent licensure boards, as shown in Table 1.2. It should be noted that the independent boards also have their own administrative staff whose qualifications are consistent with the services they provide.

- Board of Medicine: one AWEC employee; one Office Support Specialist II position; one Business Office Coordinator II position; one Business Office Supervisor I position; and one investigator position.
- Board of Occupational Therapy and Board of Nursing

Home Administrators: one Business Office Coordinator I position (shared).

- Board of Cosmetology and Board of Barber Examiners: one Office Support Specialist II position; one Business Office Supervisor I position; and two Inspection Specialist II positions (shared).
- Miners' Hospital Board: three AWEC employees.
- Pari-Mutuel Commission: one Executive Officer 5 position and one Special Classified position.
- Board of Mixed Martial Arts: three Board members, one of which performs administrative duties.

The following table identifies the services provided to fully supported licensure boards and the independent boards receiving fiscal services from the Division.

Table 1.4
***Services Provided to Fully Supported Boards**

Service	Service Description
Representation	<ul style="list-style-type: none"> • Act in the board's stead within when the board is not in session • Provide a point of contact for applicants, licensees, and the general public • Act as a liaison and make presentations on behalf of the boards to the licensees, members of the legislature, general public, government agencies, professional associations, and consumer groups • Provide outreach to students and other interested groups • Participate in national, regional and local association meetings as representatives of the board
Licensing	<ul style="list-style-type: none"> • Design all forms and instructions • Accept applications for licensure ensuring that all the required documents are received; screen applicants to ensure that documentation is proper and that candidates are eligible for licensure; approve or disapprove the issuance of licenses as authorized • Review applications with the Application Review Committee as necessary • Issue license numbers, print and mail wall certificates and pocket cards • Mail renewal notices as required; approve or disapprove the renewal of licenses as authorized • Maintain accurate database of all board actions
Disciplinary	<ul style="list-style-type: none"> • Enter into contracts for investigators

Service	Service Description
	<ul style="list-style-type: none"> • Coordinate investigation and resolution of complaints • Preliminary investigation • Prepare correspondence and paralegal documents • Assist in hearing preparations • Provide testimony at hearings • Maintain accurate database of all board actions
Meetings and Conferences	<ul style="list-style-type: none"> • Schedule, arrange, and attend Board meetings • Post notices as appropriate • Prepare the agenda • Prepare reports for review at meetings • Prepare and publish minutes of meetings
Statutes, Rules and Regulations	<ul style="list-style-type: none"> • Interpret and enforce board statutes, rules and regulations, and policies • Recommend draft language for proposed rule changes and bills for submission to the Legislature • Participate in the legislative process
Record Keeping	<ul style="list-style-type: none"> • Correspondence • Licensee information (paper and electronic records) • Budgets and financial statements and documents
Fiscal Services	<ul style="list-style-type: none"> • Budget preparation and control • Process payroll • Prepare, enter and monitor all financial transactions through the WOLFS system • Fee collection and deposit • Financial reporting and record storage
Miscellaneous	<ul style="list-style-type: none"> • Advise the boards on best practices based on knowledge of regulation and governance • Develop web page content • Respond to all correspondence

Source: Legislative Service Office from information provided by the Division

*Services provided are consistent with those duties and responsibilities of Office Support Specialist II, Business Office Supervisor I; Business Office Supervisor II; and Senior Accountant positions.

Division calculates fees for administrative and fiscal services

Fees for administrative services. As stated previously, W.S. 9-2-1707(b)(iii) requires that the boards requesting services pay the Division for services at a reasonable rate. Boards that are provided services are required to compensate the Division so that the services have a zero net cost to the Division.

The cost for Division administrative services is allocated based on the percentage of staff time spent on services to each board. Each employee keeps track of their time spent on each board in quarter hour increments; that time is calculated to a percentage of the collective salary and benefits for all Division employees so that

the boards receiving the services are paying staffing salaries. The time is separated by board and tracked so that the boards are proportionally charged a percentage of payroll based on the time spent completing work for that specific board. It is important to note that overtime is also tracked and charges only assigned to the appropriate board.

In addition to the percent of time billed, there are certain operating costs that are divided among the 18 supported boards, such as costs for shared supplies.

The following shows the Division boards, the percentage of time billed to the board, and the total cost for each board for BFY2011.

Table 1.5
BFY2011 Division Time Breakout for Supported Board Administration Billing

Board	% Time	Total Billed
Animal Euthanasia Technician Certification Board	0.2691	\$4,673.19
Board of Registration in Podiatry	0.4688	\$6,490.66
Board of Hearing Aid Specialists	0.693	\$8,254.09
Dietetics Licensing Board	0.7407	\$7,157.40
Board of Athletic Training	0.7899	\$9,575.49
Board of Midwifery	1.0576	\$12,404.48
Board of Embalming	1.7853	\$17,626.98
Board of Chiropractic Examiners	3.5489	\$34,346.49
Board for Respiratory Care	3.6617	\$33,477.69
Board of Radiologic Technologists Examiners	4.1753	\$37,696.96
Board of Examiners in Speech Pathology and Audiology	4.2188	\$38,037.82
Board of Examiners in Optometry	4.3142	\$38,844.44
Board of Psychology	5.8449	\$51,903.78
Board of Veterinary Medicine	6.4714	\$59,193.21
Board of Architects & Landscape Architects	7.6505	\$74,089.93
Board of Physical Therapy	11.182	\$97,932.85
Mental Health Professions Licensing Board	19.9204	\$173,078.92
Board of Dental Examiners	23.2075	\$200,012.22

Source: Legislative Service Office from information provided by the Division

It is interesting to note that in BFY2011 three boards made up over 50% of the Division's charged time:

- The Board of Dental Examiners (23%)
- Board of Physical Therapy (11%)
- Mental Health Professions Licensing Board (20%)

These three boards accounted for 54% of the time billed by the Division. Of the total billed amount to all boards, \$904,796.60, these three boards accounted for \$471,023.99, or 52% of the revenue to come into the Division. The other 15 boards range from .3% to 8% of the remaining billed time.

Necessitated Division staff time is impacted by factors both within the Boards' control and factors outside the Boards' control. For example, according to Division staff, when the Board of Dental Examiners elects to schedule Board meetings in Jackson, Division staff must charge three days of allocated staff time for one board meeting whereas if the meeting was held in Casper only one day of allocated Division staff time would be needed to facilitate the meeting.

Conversely, a Board of Dental Examiners' staff member received a lengthy public records request in BFY2011 that resulted in increased Division staff time to comply with the request. Division staff estimated 53.25 hours were spent gathering the information for this one request.

From BFY2005 through BFY2011, there has been a steady increase in the total amount billed to the supported boards for administration. This increase is logical given that the number of boards administered has increased from 15 in BFY2005 to 18 in BFY2011; additionally, the part-time fiscal staff member was added to payroll during this time. The amount billed to supported boards was \$656,758 for BFY2005 and \$904,796.60 for BFY2011.

Fees for fiscal services. Although there is a clear breakout of the method used to determine administrative service rates charged to boards by the Division, there is not an equally transparent method to calculate accounting fees. The Division employs a part-time accountant to provide fiscal services to the supported boards and independent boards that contract for fiscal services.

The fiscal employee typically works 20-30 hours per week depending on the work load. For the supported boards, 50% of the accountant's salary, including benefits, is shared proportionally between the boards. For example, for BFY2011, the total salary of the fiscal employee was \$88,105.10. This amount was divided in half and \$44,052.55 was added to the collective salary amount of all Division staff to divide between the

supported boards.

The other half of the fiscal employee's salary is then divided between each independent board based on the number of transactions processed by the board. Fiscal charges are conveyed to each independent board in the form of a single line-item amount without further explanation of how the calculation was derived; see Chapter 4 for a further discussion of the Division's calculations leading to potentially inequitable charges to independent boards.

In addition to the fees for administration and fiscal services, boards are also charged an annual amount under A&I's cost allocation billing for the state. The Budget Division submits a cost allocation plan annually to the federal government for approval. The subsequent billing is intended to recover expenses provided to state entities by agencies that are fully funded through the General Fund.

For example, the State Auditor's Office receives General Fund monies for its operations, but provides services to state entities that receive funds from other sources such as the federal government. As a result, a cost allocation plan, including a formula for reallocation of funds, is prepared and approved each year. The plan ensures that entities receiving services from General Fund agencies are billed for the services they receive. These entities are invoiced annually for the services received; payments by these entities are then deposited into the General Fund.

It is important to note that the expenses are allocated across all agencies, but the only entities invoiced by A&I are those that have non-General Fund revenue and/or federal funding. Therefore licensure boards are included as part of the cost allocation billing process, as they receive revenue from licensing fees. However, four (4) boards are exempt from cost allocation billing (Barber Examiners, Cosmetology, Registration in Podiatry, and Chiropractic Examiners). They are exempt because of the specifications in statute that require a percentage of licensure fees to go to the General Fund. For a further discussion of these four boards' exemption, see Chapter 3.

Lack of formal agreements. The common denominator for Division services that are provided to supported and independent boards is a clear lack of formal agreements. The Division does not have formal agreements for services provided to supported boards, nor does it have formal agreements with independent boards that receive limited fiscal services.

It should be noted, however, that during the early 1990s (prior to the Reorganization) supported boards had thorough contracts with the Department of Commerce. More specifically, from 1990 to 1996, the contracts included detailed provisions related to the types of administrative and fiscal services provided, as well as the compensation required for services.

This type of language allowed all parties to clearly identify their roles and responsibilities. It also protected all parties in the event of dispute or questions concerning services and compensation. However, such specificity does not occur presently in the relationship between the Division and supported and independent licensure boards.

Internal Control Structures

Division's internal control procedures

The Division has established internal control processes related to the handling of financial transactions for supported and independent boards. More specifically, the Division uses segregation of duties to ensure that expenditure and revenue transactions in WOLFS are initiated and approved by separate individuals. In addition, the Division uses similar segregations in other transactions, such as when accepting cash deposits from licensees who are renewing licenses.

For cash receipts, the senior accountant prepares cash receipt (CR) documents in WOLFS and the Executive Director signs off on the document. However, there are internal exchange transactions (IET) that occur automatically. The senior accountant both prepares and approves these transactions, which are typically used by the Division to pay for services (such as for DCI background checks, central mail, lease payments) to the boards.

While formal policy exists for cash handing between the Division and A&I's Accounting Office, it should be noted that the Division has not promulgated a cash handling policy applicable to licensure boards. It is important for the Division to establish a policy

specifically related to the Division handling cash from boards, including provisions for segregation of duties and timely deposits.

Given that the boards typically receive a large amount of cash and checks due to licensure, renewals, and other fees, the lack of tailored cash handling and timely deposits policies are of concern.

The Division's internal process for handling deposits begins with all payments and fees having documentation attached. The licensing specialists then give the payments to the Division's executive director, who creates a deposit and gives it to the senior accountant who enters it into WOLFS.

The Division completes credit card transactions daily and checks are deposited every three to four weeks. During renewal periods, Division staff stated that it is more likely that deposits lag due to the volume of renewals during these times.

The checks are scanned in and cash is personally taken to the Treasurer's Office. In addition, for a cash deposit the senior accountant enters a C1 document in WOLFS and delivers the cash and documentation to Treasurer's Office in person. If cash is not deposited the same day it is received, then the senior accountant locks it in her file cabinet until it can be hand-delivered to the Treasurer's Office.

Even though the Division does not have formalized and tailored cash handling policies, officials expressed general satisfaction with its internal control processes, stating thus far there have been no discrepancies. However, Division officials stated developing a formal cash handling policy for board monies is a good idea.

The following tables provide additional information on workflow for supported and independent boards.

Table 1.6
Division Workflow for Supported Boards Expenditures

Division Staff	Workflow Duties
Licensing Specialist	Opens the daily mail Date stamps the invoices Gives the invoices to the Executive Director.
Executive Director	Approves the invoices for payment Gives the invoices to the Senior Accountant for processing
Senior Accountant	Determines the payment coding based on the items or services

Division Staff	Workflow Duties
	invoiced Enters the appropriate WOLFS document Validates the document, prints the header page Stamps the header page with the Payment Voucher Agency Approval signature block, signs the signature block for Agency Approval Enters the payment document information into the Approval Log Gives the invoice and header page to the Section Supervisor. (The Senior Accountant directly submits IET and GAE documents, but they are given to the Section Supervisor for the same review and approval as other payment documents.)
Section Supervisor	Reviews the WOLFS payment document for accuracy Makes necessary corrections or gives back to Senior Accountant to correct, if/when correct submits the WOLFS document Signs the signature block for Agency Director/Designee Approval, enters initials and the approval date into the Approval Log Gives the documents back to the Senior Accountant for filing. (for all of these processes, if the Section Supervisor will be out of the office for any significant length of time, the documents are finalized by staff at A&I's Accounting Section.)

Source: Legislative Service Office from information provided by the Professional Licensing Boards Division.

Table 1.7
Division Workflow for Independent Boards Expenditures

Division Staff	Workflow Duties
Executive Director	Approves the invoices for payment then sends the invoices to the Senior Accountant for processing (either by mail, interoffice mail, fax, or email.
Senior Accountant	Determines the payment coding based on the items or services invoiced Enters the appropriate WOLFS document, validates the document, prints the header page Stamps the header page with the Payment Voucher Agency Approval signature block, signs the signature block for Agency Approval Enters the payment document information into the Approval Log Gives the invoice and header page to the Section Supervisor. (The Senior Accountant directly submits IET and GAE documents, but they are given to the Section Supervisor for the same review and approval as other payment documents as stated below.)
Section Supervisor	Reviews the WOLFS payment document for accuracy, makes necessary corrections or gives back to Senior Accountant to correct, if/when correct submits the WOLFS document

Division Staff	Workflow Duties
	Signs the signature block for Agency Director/Designee Approval Enters initials and the approval date into the Approval Log Gives the documents back to the Senior Accountant for filing
Senior Accountant	Monthly prepares a financial statement spreadsheet showing all revenues and expenditures during that month Statement is sent to the Board's Executive Director For the Mixed Martial Arts Board the statement is sent to each board member

Source: Legislative Service Office from information provided by the Professional Licensing Boards Division.

The Division has not promulgated rules for the administration and accounting processes utilized to carry out its statutory duties. For administrative duties staff relies on “*uniform practices*” or processes that have evolved throughout the years. For fiscal guidance, the Division relies on the *Department of Administration and Information Accounting Office: Accounting Policies and Procedures Manual*, dated December 1, 2010.

The accounting manual provides general internal controls related to processing financial transactions such as expenditures and purchasing cards. Cash handling procedures as related to cash received by the accounting office are established in the accounting manual, which states “*Cash deposits received in the Accounting Office by 11:00 a.m. will be deposited on that same day. The cash must be counted by the receiving Accounting Office employee in the presence of the delivering employee and verified on the official Accounting Office form by initials or signature. One copy of the form will be retained by the division and one copy will be retained by the Accounting Office. If the cash deposit is received after 11:00 a.m., it may not be deposited until the next business day.*” However, the accounting manual does not address internal procedures for cash handling by the boards, cash submitted by the boards to the Division, or cash received directly by the Division.

The manual is clear that expenditures must be for the benefit of the State and must be completed in the most economical way possible. A transaction should enable a state official or state agency the ability to fulfill responsibilities or functions as required by law. The manual also clearly states that deposits should be made on a daily basis. The manual can serve as a basis for the Division to develop more specific accounting policies respective to licensure boards, particularly related to cash handling.

It would be useful for the Division to promulgate tailored, specific rules in order to provide a clear, consistent method for administering licensure boards. Furthermore, without written criteria for administrative and fiscal processes, institutional knowledge is held by staff, rather than being made available for review in a tangible format.

Some independent boards can be used as benchmarks

Some independent boards included in the audit scope have formalized policies that adequately address fiscal and administrative issues; others, like the Division, rely only on informal current practices. It is important to mention these examples of practices that the Division could emulate.

Board of Medicine. The Board of Medicine has an extensive Policies and Procedures manual that could potentially serve as a model for the Division. The manual section titled “*Finance*” contains several areas that could be used as best practices.

This section includes very specific information related to segregation of duties, the importance of financial statement review by board members, cash handling policies, and purchasing policies. One important provision is related to the timeliness of deposits, specifying that cash will be held for no longer than a 24 hour period.

The manual also includes a wealth of information for board members with respect to the daily operations of the Board and its administrative and fiscal staff. The document discusses the following areas in detail: general information; correspondence and records; licensing; disciplinary actions; publications and media; personnel; information systems; and controlled substance and chronic pain.

Boards of Cosmetology and Barber Examiners. As mentioned previously, these two boards share two staff members as a result of a Memorandum of Understanding (MOU) between the two boards. Board staff created a manual for each board titled *Policies and Procedures and Member Information Guide*, which provide valuable information for newly appointed board members.

The guides provide valuable information for new board members in the following areas:

- Staff member information
- Board member information
- School names and locations
- Board history
- Board objectives
- Board meetings
- Travel rules and regulations
- Salary
- Processing complaints
- Miscellaneous information (ethics)
- Inspection guidelines
- Statutes and rules

During the course of the audit, evaluators discovered that most new board members do not receive orientation training; therefore the basic information provided by these manuals is invaluable.

Databases

Division databases The Division currently manages licensing information both electronically and via hard copy. The current system, Professional License Renewal (PLR), was created by A&I's Information Technology Division (ITD). The system is ten years old and only functions as an online license renewal system for a handful of boards. Of the supported boards, only the Board of Architects and Landscape Architects, Mental Health Professions Licensing Board, Board of Physical Therapy, Board of Veterinary Medicine, Board of Dental Examiners, Board of Respiratory Care and Board of Examiners in Optometry use the PLR system.

Division staff and members of the Office of the CIO have stated that the system is outdated; none of the ITD staff that developed the PLR are currently employed by the Division of Enterprise Technology Services (DETS). As a result, the majority of boards are not able to utilize this particular service.

PLR data is stored on a SEQUEL server within the DETS; other licensure data is entered via Access and is maintained by the Division, stored on the Division's cloud.

Division officials noted that they try to keep “*databases uniform for the eighteen (18) supported boards, but each has their own particular information that they track in addition to the standard fields.*” While not formatted identically, each form within the Access database records similar information, including records; personal and business information; and licensee information. Some forms go further and record fees, audit dates, disciplinary actions, and exam status. No internal controls have been established to ensure data accuracy.

Division staff stated that they would like a system that manages the current Access database and online renewals, license verification, and profile information to include integrated webpages. The Division approached DETS to design a system and estimate associated costs. However, Division officials stated that it seemed that DETS was encouraging the Division to look to for a third party vendor to develop a system proposal.

As a result, the Division is preliminarily discussing options to develop a database management and online services system for licensure boards. Some systems have online verification, and some do not. This service would be part of the webpage and boards would have to pay for initial programming and then monthly maintenance fees. The Division would also like to go to electronic record keeping so they can eliminate filing cabinets that take up much of their current office space.

Ultimately, all boards would have to pay for this system in order for the Division to afford to implement it. The problem with developing a new system like the one envisioned is that it will likely be cost prohibitive for the smaller boards. According to the Division, DETS provided a quote of \$26,000 just for the online verification query and online application tracking component.

The Division has also discussed a separate integrated system for the Board of Psychology. Gannet Peak Technology has quoted a price of \$93,600, which would include the following services:

- Licensee profile
- Administration screens
- Online application
- Online payment
- Payment calculation

- Work-flow, notifications and task list
- Validation
- Letter generation
- Certification generation and print
- Authentication
- Roles
- Website integration
- Reporting
- Data conversation
- Training and test
- Move to production
- Project management

Independent board information systems

Independent boards vary with respect to the types of databases used. Some use older systems such as D-base, while others use various systems with different levels of integrated capability. However, it should be noted that several boards do use the same system.

The Board of Medicine uses GL Suite, software designed for government licensing entities by GL Solutions, a company located in Bend, Oregon. The Board of Cosmetology and the Board of Barber Examiners also use this database system; additionally, the Board of Nursing and the Board of Professional Geologists, while outside the scope of this audit, also use GL Suite.

The Board of Medicine's Executive Director is a member of the Federation of State Medical Boards and through this membership he was able to receive three different grants that helped fund part of the conversion to GL Suite in order to facilitate multi-state licensure. After the Board of Medicine implemented GL Suite, other boards were able to follow suit.

The licensure process within GL Suite is entirely electronic; according to the Board of Medicine, the new data system made it much easier to license applicants and now over 90% of the Board's applicants use the online tool.

The Executive Director of the Board of Cosmetology and the Board of Barber Examiners stated that the financial input for GL Suite is a two-step process consisting of: **1) Input and 2) Audit.** The data is maintained from 2000 forward and tracks criminal history, education, and licensure history. Online renewals are the

next step; however, the Boards did not opt for the system upgrade for online renewals. The primary reason this decision was made because the Boards had not used online renewals in the past, so they chose not to include the additional upgrade. Therefore, the Boards felt it was a better project for the future.

Statewide effort towards integration

Educator Credentialing System. The Legislature has directed DETS to develop a system for Educator Credentialing for the Wyoming Department of Education (WDE) that would be scalable to handle both credentialing and renewals for disparate systems. Funding for the project is a little over \$1 million.

The directive was issued as an enterprise solution in order to reduce information silos to create a more cohesive system. According to the Chief Information Officer (CIO), the new system will be modular and easily adaptable for other workflow and will be able to be used for credentialing needs throughout the State.

The Educator Credentialing System is still under development and according to DETS is not yet ready for use for other needs. Currently, DETS is developing common libraries necessary for the system and will begin working on the core code starting this summer.

The CIO is currently working with a custom programmer to ensure the project moves forward at a reasonable pace. The goal is to start “*building in other agencies*” by the end of the year. Once up and running, the system can be customized to meet specific needs by independent contractors, who have been hired by other agencies. Such contractors would operate under the umbrella of DETS, to ensure oversight of contractor activities.

See Finding 6.2 in Chapter 6 for additional information on recommendations related to integrated databases.

Budget Information

Appropriations, expenditures, and budget request information

When examining the funding history of both supported and independent boards for BFY 2011, evaluators found that with the exception of the Wyoming State Board of Mixed Martial Arts, no instances of over-expenditure in any of the object series codes occurred; this fact is indicative of proper internal controls for receipt of revenue, expenditures, and WOLFS contracts.

There were a few instances in which the actual expenditures for BFY2011 were far less than the budgeted amount. The Pari-Mutuel Commission and the Board of Nursing Home Administrators were the only instances in which the difference between the appropriated amount and the actual expenditure represented greater than 50% of the budgeted amount for any one object series code.

The Board of Nursing Home Administrators' BFY2013 budget was reduced accordingly and the Pari-Mutuel Commission utilized the B-11 process to reduce expenditure authority levels to more accurately reflect their actual expenditures.

The following tables illustrate appropriation, expenditure, and budget request data for supported and independent boards.

Table 1.8
Expenditure / Appropriation Summary Table
Supported Boards

Board	BFY 2011 Expenditure Authority	BFY 2011 Actual Expenditures	BFY 2013 Budget Request	BFY 2013 Appropriation	BFY 2013 Difference
Board of Architects and Landscape Architects	\$205,926.00	\$200,240.58	\$217,529.00	\$226,323.00	\$8,794.00
Board of Athletic Trainers	\$35,231.00	\$14,576.45	\$23,996.00	\$23,996.00	\$0.00
Board of Chiropractic Examiners	\$74,945.00	\$63,442.19	\$77,097.00	\$77,097.00	\$0.00
Board of Dental Examiners	\$316,888.00	\$286,658.38	\$328,795.00	\$350,795.00	\$22,000.00
Board of Embalming	\$47,971.00	\$39,959.14	\$56,667.00	\$56,667.00	\$0.00
Board of Animal	\$37,812.00	\$12,854.65	\$14,401.00	\$4,000.00	-\$10,401.00

Board	BFY 2011 Expenditure Authority	BFY 2011 Actual Expenditures	BFY 2013 Budget Request	BFY 2013 Appropriation	BFY 2013 Difference
Euthanasia Technician Certification Board					
Board of Radiologic Technologists Examiners	\$105,142.00	\$53,144.94	\$112,610.00	\$112,610.00	\$0.00
Board of Hearing Aid Specialists	\$30,899.00	\$19,989.84	\$34,499.00	\$34,499.00	\$0.00
Mental Health Professions Licensing Board	\$251,760.00	\$221,057.40	\$273,611.00	\$279,965.00	\$6,354.00
Board of Respiratory Care	\$77,508.00	\$49,639.32	\$70,336.00	\$70,551.00	\$215.00
Board of Registration Podiatry	\$36,866.00	\$28,517.36	\$36,029.00	\$36,029.00	\$0.00
Board of Midwifery	\$13,742.00	\$10,155.08	\$21,790.00	\$21,790.00	\$0.00
Board of Veterinary Medicine	\$152,950.00	\$130,652.10	\$128,892.00	\$135,655.00	\$6,763.00
Board of Psychology	\$151,854.00	\$94,930.49	\$133,235.00	\$139,331.00	\$6,096.00
Board of Physical Therapy	\$150,792.00	\$143,067.64	\$166,310.00	\$179,673.00	\$13,363.00
Board of Examiners of Speech Pathology and Audiology	\$57,824.00	\$53,092.78	\$60,833.00	\$60,833.00	\$0.00
Board of Examiners in Optometry	\$88,317.00	\$77,213.58	\$87,114.00	\$93,210.00	\$6,096.00
Dietetics			\$21,908.00	\$21,908.00	\$0.00

Board	BFY 2011 Expenditure Authority	BFY 2011 Actual Expenditures	BFY 2013 Budget Request	BFY 2013 Appropriation	BFY 2013 Difference
Licensing Board					

Source: Legislative Service Office- Information from WOLFS, Budget Requests, and IBARS

*Dietetics Licensing Board was created in 2011 and did not have a budget or expenditures until 2013.

Table 1.9
Expenditure / Appropriation Summary Table
Independent Boards

Board	BFY 2011 Expenditure Authority	BFY 2011 Actual Expenditures	BFY 2013 Budget Request	BFY 2013 Appropriation	BFY2013 Difference
Board of Barber Examiners	\$43,139.00	\$30,593.20	\$42,860.00	\$42,935.00	\$75.00
Board of Cosmetology	\$802,011.00	\$798,886.10	\$788,030.00	\$793,199.00	\$5,169.00
Pari-Mutuel Commission*	\$740,611.00	\$332,813.39	\$667,785.00	\$670,984.00	\$3,199.00
Board of Medicine	\$1,671,735.00	\$1,630,130.76	\$1,833,708.00	\$1,833,708.00	\$0.00
Board of Nursing Home Administrators	\$44,690.00	\$38,895.16	\$45,297.00	\$45,844.00	\$547.00
Board of Occupational Therapy	\$97,099.00	\$93,926.18	\$93,097.00	\$94,777.00	\$1,680.00

Source: Legislative Service Office- Information from WOLFS, Budget Requests, and IBARS

*Administration budget only

Table 1.10
FY 2012 Licensee Expenditure Authority, Licensee Count, and Cost per Licensee,
All Boards

Board*	FY2012 Expenditure Authority**	2012 Licensee Count***	2012 Cost per Licensee[†]
Board of Architects and Landscape Architects	\$102,963.00	1,242	\$82.90
Board of Athletic Trainers	\$17,615.50	63	\$279.61
Board of Chiropractic Examiners	\$37,472.50	191	\$196.19
Board of Dental Examiners	\$158,444.00	967	\$163.85
Board of Embalming	\$23,985.50	175	\$137.06
Board of Animal Euthanasia Technician Certification Board	\$18,906.00	33	\$572.91
Board of Radiologic Technologists Examiners	\$52,571.00	688	\$76.41
Board of Hearing Aid Specialists	\$15,449.50	41	\$376.82
Mental Health Professions Licensing Board	\$125,880.00	1,907	\$66.01
Board of Respiratory Care	\$38,754.00	329	\$117.79
Board of Registration Podiatry	\$18,433.00	28	\$658.32
Board of Midwifery	\$6,871.00	6	\$1,145.17
Board of Veterinary Medicine	\$76,475.00	690	\$110.83
Board of Psychology	\$75,927.00	236	\$321.72
Board of Physical Therapy	\$75,396.00	938	\$80.38

Board*	FY2012 Expenditure Authority**	2012 Licensee Count***	2012 Cost per Licensee ⁺
Board of Examiners of Speech Pathology and Audiology	\$28,912.00	321	\$90.07
Board of Examiners in Optometry	\$44,158.50	154	\$286.74
Board of Barber Examiners ⁺⁺	\$21,569.50	202	\$106.78
Board of Cosmetology ⁺⁺	\$401,005.50	5339	\$75.11
Board of Medicine	\$835,867.50	3337	\$250.48
Board of Nursing Home Administrators	\$22,345.00	64	\$349.14
Board of Occupational Therapy	\$48,549.50	446	\$108.86

*Pari-Mutuel Commission and Miners' Hospital Board excluded from consideration, as entities do not issue professional licenses. Dietetics Licensing Board excluded from consideration, as the Board did not have a budget established prior to BFY2013.

**FY 2012 Expenditure Authority figured as ½ of the authority granted for BFY2011.

***Licensee Count includes a total of individual license types within each profession.

+Cost per licensee calculated based on total expenditure authority to include all budget units.

++Board of Barber Examiners and Board of Cosmetology perform ongoing renewal rather than one set renewal date; Barber Examiners numbers are licensees that held a license from July 1, 2011 through June 30, 2012. Cosmetologist numbers are from licensees that are active at December 31st, 2012.

Fund balances An analysis of the fund balances for each board was included as part of the audit. The following table provides additional information.

Table 1.11
Board Fund Balances

Board	Fund	Fund Balance
<i>Supported</i>		
Board of Architects & Landscape Architects (012)	016	\$504,399.90
Board of Athletic Trainers (065)	452	\$28,519.62
Board of Chiropractic Examiners (030)	043	\$152,644.32
Board of Dental Examiners (034)	045	\$388,506.77
Board of Embalming (035)	046	\$109,566.27
Board of Radiologic Technologists Examiners (017)	024	\$95,462.28
Board of Hearing Aid Specialists (064)	066	\$22,955.63
Mental Health Professions Licensing Board(078)	071	\$88,790.79

Board	Fund	Fund Balance
Board of Respiratory Care (022)	500	\$90,316.40
Board of Registration in Podiatry (028)	040	\$77,413.50
Board of Midwifery (036)	608	\$3,762.00
Board of Veterinary Medicine (251)*	051	\$284,186.61
Board of Psychology (068)	067	\$240,280.87
Board of Physical Therapy (062)	065	\$149,129.58
Board of Examiners of Speech Pathology and Audiology (058)	059	\$185,405.75
Board of Examiners in Optometry (056)	057	\$128,035.66
Animal Euthanasia Technician Certification Board (013)*	083	\$1,769.89
<i>Independent</i>		
Pari-Mutuel Commission (038)	049	\$134,924.43
	515	\$80,139.81
Board of Cosmetology (033)	044	\$310,786.89
Board of Medicine (052)	053	\$1,727,575.83
Board of Barber Examiners (016)	023	\$41,589.67
Board of Nursing Home Administrators (079)	072	\$155,251.76
Board of Occupational Therapy (083)	093	\$293,572.64

Source: Legislative Service Office from information query in WOLFS on April 22, 2013.

*Animal Euthanasia Technician Certification Board will be moved under the Board of Veterinary Medicine as of July 2013, as per 2013 legislation.

Initially evaluators were concerned about the high level of some fund balances; W.S. 33-1-201(a)(ii) states, *“fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required for the profession or occupation under this title.”*

However, both Division staff and Attorney General staff explained that it is a goal for each board to maintain a healthy fund balance in order to be prepared for potential contested cases, as one such case could easily cost a board upwards of \$100,000. Therefore board members are advised to have a fund balance that would prevent the bankrupting of the board if litigation ensues.

Although maintaining a large fund balance would be contrary to statute if the amount was not used to administer the board, as long as the balances are used to cover the cost of contested cases it does not appear that this practice is contrary to statute.

Other Information

Governor's Boards and Commissions website

The Governor's Boards and Commissions website is the main source of centralized information relating to specific information regarding board information. The Governor is responsible for board appointments, an essential function to ensure proper operation of board activities.

A separate section on the website exists for Application for Gubernatorial Appointment, and has links to download an application for a board or commission. The boards and commissions vacancies have a link under the application. There are currently 32 boards or commissions that have at least one vacancy (87 total vacancies), four of which require Senate confirmation.

The boards and commission application consists of: contact information; gender; birth date; occupation information; education; political affiliation; boards and commissions already on as well as offices held; current activities or volunteer work; any circumstances that may restrict ability to serve; and any unique perspectives on issues that face the board. The application does not appear overly restrictive, and if the applicant answers in a straightforward manner the applications should be easily read and eligibility quickly determined.

Specific board information can also be located on the website; each board's current members and terms are listed, and each board has an individual page on the website where staff listings, contact information, and meeting minutes and schedules are available.

However, this website appears to be updated sporadically and not all information is consistently maintained. When asked, the Governor's office responded that they try to update the website every two to three weeks; when updating, the Executive Assistant for Board and Commissions emails the Access file and PDF to DETS.

There appears to be some inconsistency in the system, as many boards listed as active on the website are actually inactive; the Governor's office staff stated that they are working with DETS to address the problem. When asked about the possibility of an

update to the webpage to streamline information and accessibility, staff responded that they are investigating the feasibility with DETS, as they are aware that the current webpage design can be cumbersome.

Board member training The State of Wyoming Board Handbook and training are available to members; however, it is not a requirement to make use of these resources. Both are presented by the Governor's Office in collaboration with the Attorney General's Office. The Handbook is supplemented with 19 training videos designed to assist board members to have more efficient meetings, produce reasonable policies, and ensure that Board action aligns with the best interests of Wyoming citizens. The length of each video segment ranges from three (3) to 10 minutes with a cumulative length of 90 minutes. Participants are encouraged to contact their respective representative at the Attorney General's Office regarding any questions that arise as they review the training material.

Through the handbook, seven basic obligations of board members are established, including providing financial stewardship, evaluating the director, maintaining a board structure that advances the purposes of the agency, and providing for board development and succession. As part of these obligations, each board is responsible for formal policymaking. Common policies every agency should develop and adopt include financial policies, operational policies, personnel policies, and document protection, retention, and destruction policies.

Also as part of the basic obligations, each board or agency is required to develop a mission, vision, and strategic direction and then required to monitor program performance and impact. The division of financial duties between staff members and board members is described in the Handbook and highlighted in the training videos. It is recommended that board members review the budget at least on a quarterly basis. In the officer duty descriptions it is further clarified that the treasurer is the board member most responsible for watching the finances of the agency. The Handbook also states that the board should have a written document that outlines the State's and the board's expectations and use that document to conduct annual performance appraisals.

The Handbook referenced several types of expected training board members and staff should complete, including:

- Employee and Board member training on policies and procedures, including code of ethics, conflicts of interest, reporting misconduct, documentation protection, retention, and destruction policies, personnel policies, financial policies, and operating policies
- Comprehensive orientation for new board members conducted by the agency
- Annual orientation sessions for all new and current board members that are conducted by the board chair and agency head to include an overview of the board manual, board job descriptions, strategic plan, calendar for the upcoming year.

It is recommended that a training manual should be compiled to include general information, legal/historical documents, agency planning documents, board policies, finances, organizational information, and other policies and procedure.

The Handbook and training videos appear to provide a basic uniform structure for the operation of all boards and board members and the Handbook fulfills the stated purpose of serving as a resource guide for the actions of board members.

The consistency with which each board follows some of the uniform operating provisions particularly related to creating planning documents, agency head evaluations, and establishing training and creating training materials varies from board to board. The Attorney General's Office also provides live training to board members that are also optional.

During fieldwork, board members were surveyed about the optional training. Of those surveyed, 41 board members from twenty (20) boards stated that they had not attended any type of training from the Attorney General's office, including two (2) that did not respond to the question; 37 board members from seventeen (17) boards stated they had. Of those who had attended training, most found it helpful. Comments stated that board members *"found the board training very helpful enabling me to understand my responsibilities and role as a member of the board,"* and *"well worth [the] time."*



CHAPTER 2

Lack of Adequate Oversight for Wyoming Licensure Boards.

Finding 2.1: Licensure boards in Wyoming do not receive adequate audit oversight.

Licensure boards in Wyoming do not receive continual audit oversight, and therefore lack an assessment of internal controls or a formal determination if funds are expended in a manner consistent with the “*public good.*” Due to lower revenue and expenditure levels compared to other state entities, Wyoming’s licensure boards do not reach the materiality level necessary for inclusion in the annual audit plan of the Wyoming Department of Audit.

Licensure boards are identified as component units of the State for purposes of the Comprehensive Annual Financial Report (CAFR). Since these entities do not receive federal funds, they are not included in the Statewide Single Audit (also known as the OMB A-133 audit). The Statewide Single Audit includes entities that expend more than \$500,000 annually in federal funds.

Licensure boards’ financial statements are audited as part of the Comprehensive Annual Financial Report

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, licensure boards are considered component units of the State. As a result, their financial statements are audited generally as part of the CAFR, to ensure that financial information is accurately presented in conformity with Generally Accepted Auditing Principles (GAAP).

More specifically, independent auditors review documentation that supports the amounts and disclosures in the State of Wyoming’s financial statements to ensure that adequate accounting principles are followed. For example, financial statements must be presented in a clear and consistent manner, without material misstatements.

Expenditures and revenues for licensure boards are tracked within the Board & Regulatory Fund, which is a special revenue fund. The purpose of the fund is *“to account for the licensing fees paid by professionals as well as the related expenditures of regulating the specific professionals.”*

Accounting within the fund is broken out within a *“Schedule of Revenues & Expenditures,”* with the Professional Licensing Boards Division (Division) and individual licensing boards separated out as discrete component units. By separating the units, individuals can therefore see budget and adjusted budget figures as well as general revenue for each fiscal year.

CAFR does not assess internal control or review expenditures for appropriateness

Although the State’s financial statements are audited as part of the CAFR, there are no other consistent audits conducted to determine how board funds are being expended. For example, the CAFR audit does not include assessments of internal controls for each board, nor does it review expenditures to determine if purchases are being made for the *“public good,”* as discussed in the Department of Administration and Information’s (A&I) accounting manual.

Finally, as mentioned in the background section of this report, the Division does not have specific explicit statutory authority to audit the expenditures of licensure boards. As a result, licensure boards are allowed to make expenditures without oversight other than the internal controls that have been established within WOLFS to ensure segregation of duties. This condition increases the risk that funds could be misused in the future.

**Matter for
Legislative
Consideration 2.1**

The Legislature should consider amending Title 33 to include language that requires licensure boards to pay for an annual or periodic independent audit. Boards not able to afford such audits should request audits or engagements from the Department of Audit. Audits should focus on review of internal control structures and whether expenditures are for the benefit of the State.

The Legislature may also wish to review W.S. 9-2-1707(b)(iii)(A) with respect to licensure boards to more narrowly define “*administrative oversight*” to potentially include a review of expenditures to ensure consistency with “*benefit of the State.*”

Finding 2.2: The Professional Licensing Board Division has established processes to ensure a system of internal checks and balances related to financial transactions. However, those processes are not formalized in policies and procedures. Some independent boards should also strengthen internal controls.

The Division has made improvements to their internal control structure, but additional improvements are required

Although the Professional Licensing Boards Division (Division) has taken steps since 2008 to strengthen internal controls, primarily by hiring a part-time fiscal staff position, comprehensive policies and procedures have not been formalized or written. More specifically, the Division does not have written guidance to describe significant processes and controls related to board expenditures. See Table 1.6 and Table 1.7 for additional information on the internal controls currently used by the Division.

Two separate audits conducted by the Wyoming Department of Audit in 2008 (Board of Architects and Landscape Architects; Board of Dental Examiners) discuss similar concerns. Currently however, the Division relies on the *Department of Administration and Information Accounting Office: Accounting Policies and Procedures Manual*, dated December 1, 2010.

At first glance, the manual appears to provide adequate guidance; however, it is not specifically designed for the Division with respect to board administration. While the manual establishes a

cash handling policy between the Division (or any other delivering agency) and A&I's accounting office, the manual is silent on important areas such as cash handling as related to cash received by licensure boards, cash received by the Division from boards, or cash received directly by the Division.

There is no written guidance related to the boards or the Division with respect to segregation of duties for handling cash, nor are there specific criteria with respect to timely deposits. According to the Division, credit card transactions are completed daily and checks are deposited every three to four weeks (or longer during license renewal periods). Most cash handling policies established by State entities require timely deposits within a 24-hour time period. For example, A&I's accounting manual requires daily deposits.

The manual also does not specifically describe the "*uniform practices*" used by the Division for processing revenue and expenditures that are discussed in the background section of this report. The manual does, however, provide general internal controls related to expenditures.

For example, the manual clearly states that expenditures must be for the "*benefit of the State*" and must be completed in the most economical way possible. Transactions should enable a state official or state agency the ability to fulfill responsibilities or functions as required by law. Other than this description, however, the manual does not break down the appropriateness of licensure board expenditures in further detail.

Finally, the Division has not promulgated rules for the administration and accounting processes utilized to carry out their statutory duties. See Table 1.4 in the Background Section for additional information on services provided by the Division.

The Division's uniform practices are based on institutional knowledge

The lack of clear and concisely written rules is problematic considering that the Division's uniform practices are unwritten and based primarily on institutional knowledge. The danger of not formalizing these policies is the knowledge of the specific tasks to complete the functions provided for the boards would be lost if one or more employees were to leave.

In addition to policies and procedures, it would be useful for the Division to promulgate tailored and specific rules in order to

provide a clear and consistent method for administering licensure boards. Furthermore, without written criteria for administrative and fiscal processes, institutional knowledge held by staff members is not readily available for review by all staff.

Although statute does not require the Division to promulgate rules or develop formalized policies and procedures, it does require the Division to provide guidance to boards related to budgetary and administrative issues (W.S.9-2-1707(b)(iii)(B)). Without formalized policies and procedures guiding the fiscal processing of expenditures, however, the risk of questionable and improper expenditures is increased and the efficiency of the Division may be compromised.

Three independent boards use internal controls which should be strengthened

Three independent boards (Board of Cosmetology, Board of Barber Examiners, and Board of Medicine) do not have a formal system or workflow for processing financial transactions, even though each board has two staff persons.

For example, one user enters and validates financial documents in WOLFS, which are then printed. At that time, physical signature approvals are obtained. The document is then processed and finalized by either the other staff person or the initial user in WOLFS.

Because of a lack of a formal workflow in WOLFS, it is possible for the person who approves the document in WOLFS to make changes to the physical document prior to finalizing the document in WOLFS. Given the fact that each board has at least two staff, a more formalized workflow could be established in WOLFS.

More specifically, the internal control ensures that if the initial user validates the document, that same initial user also submits the document into the workflow system in WOLFS. Then the approver can take the document from the approval worklist for approval without the ability to change the document in the system. According to the Wyoming State Auditor, these boards are the only entities that use the informal method, which increases the risk for fraud or inappropriate expenditure.

Recommendation 2.1 The Division should develop written, comprehensive, and formalized policies that specifically annotate significant processes and controls related to its role in processing financial transactions for supported and independent boards. In addition, it should promulgate a cash handling policy, which addresses segregation of duties and timely deposits.

Recommendation 2.2 The Division should promulgate rules to provide specific guidance on administrative and fiscal services it provides as annotated in W.S. 9-2-1707(b)(iii)(A-D).

Recommendation 2.3 The Board of Cosmetology, Board of Barber Examiners, and Board of Medicine should work with the Wyoming State Auditor to formalize workflow in WOLFS.

Finding 2.3: The sampled and reviewed expenditure transactions were generally processed in a fiduciary manner.

The audit review of 25 expenditure transactions for supported and independent boards showed that expenditures were generally processed in a fiduciary manner and were of benefit to the State.

As discussed previously, the *Department of Administration and Information Accounting Office: Accounting Policies and Procedures Manual* discusses transaction criteria. In addition, an earlier memo issued on July 1, 1976 to State Agency Administrators and Agency Accounting Clerks discusses a previous Executive Order (EO 1976-3), and clarifies prohibitions against the use of public funds for individual gain (for example, flowers for funerals, personal memberships in organizations, social events).

Expenditures totaled \$29,805.39 for supported boards and \$19,080 for independent boards.

Table 2.1
Number of Expenditure Transactions Sampled by Board

Board	*Transactions	Dollar Amount
<i>Supported</i>		
Board of Architects & Landscape Architects	3	\$2,688.00
Board of Dental Examiners	6	\$3,040.52
Mental Health Professions Licensing Board	1	\$870.85
Board of Psychology	3	\$13,206.02
Board of Veterinary Medicine	1	10,000.00
<i>Subtotal</i>		<i>\$29,805.39</i>
<i>Independent</i>		
Board of Medicine	3	\$5,864.60
Board of Barber Examiners	4	\$6,000.00
Board of Cosmetology	3	\$6,769.15
Board of Pari-Mutuel Commission	1	**\$446.25
<i>Subtotal</i>		<i>\$19,080</i>
Total	25	\$48,885.39

Source: Legislative Service Office from information from WOLFS and Info Advantage queries.

*Samples included transactions from the following object codes: 0204 (communication); 0207 (dues); 0221 (travel-in-state); 0227 (board travel); 420 (telecommunications); 0626 (grants); and 0901 (professional fees).

**After further review in Info Advantage, an additional expenditure for belt buckles in the amount of \$410 was found. Total spent on belt buckles was \$856.25.

Questionable expenditures Although the majority of expenditures reviewed from Table 2.1 were acceptable, evaluators identified three (3) transactions that were questionable. In addition, Division overpayments related to payroll were identified.

Belt Buckles (Pari-mutuel Commission): In BFY 2011, three “12 KT” belt buckles were purchased by the Pari-Mutuel Commission for a total of \$825. According to Pari-Mutuel Commission officials, the buckles were intended as a parting gift for ex-commissioners in recognition of their service while on the Commission. Although the manual does not clearly state that gifts for outgoing board or commission members are unauthorized, the document does prohibit retirement gifts. More importantly, the belt buckles clearly do not fit the definition of “benefit of the State” and are not essential for an agency to carry out its duties. The *State of Wyoming Personnel Rules* cover service recognition

awards of pins and plaques that are currently awarded for service and retirement. The rules state that A&I's Human Resources Division awards certificate and pins.

According to A&I, the current cost for a plaque is \$46.65 and cost for a crystal jar is \$99.50. The rules however, do not formalize a monetary cap for these items, nor do the rules include the crystal jar as an allowable award. Currently, agencies are paying the full costs of these items because A&I is not budgeted for these items. According to the Executive Director of the Pari-Mutuel Commission, expenditures for personal gifts will not occur in the future.

Evaluators also found that the Pari-Mutuel Commission does not have formalized cash handling policies related to receipting and depositing revenue. The Executive Director is the only person involved in this process and stated that receipts and deposits are annotated. The Commission, however, is in the process of developing internal control policies in response to the passage of House Bill 25 during the 2013 Legislative Session, which authorizes pari-mutuel wagering on historic pari-mutuel events.

“Historic” Board of Medicine Photographs: In BFY 2011, professional portraits were taken of Board of Medicine members. The portraits cost \$350.

The Executive Director stated that Board funds were used to pay for professional photography services for *“historic purposes.”* He further stated that professional photos were taken *“to memorialize the membership of the board, much as composite photographs of members of the Wyoming Senate and House of Representatives are professionally prepared for each Legislature. In the past we have attempted to take these photographs ourselves, but the quality was marginal, so the decision was made to use a professional who had the proper equipment.”*

It is questionable though, how this purchase is for the *“public good.”*

Division Overpayment: During an inquiry related to travel expenditures, evaluators also identified a \$900 overpayment made to two Board of Dental Examiners board members (\$450 each) related to their 2011 payroll for board travel. According to the

Division, these mistakes were subsequently corrected in 2012.

Recommendation 2.4 The Pari-Mutuel Commission should discontinue its practice of using Commission money to purchase gifts for outgoing members.

Recommendation 2.5 The Pari-Mutuel Commission should develop a written and formalized set of internal controls in anticipation of legislative changes, to include a cash handling policy.

Recommendation 2.6 The Board of Medicine should discontinue its practice of using Board money to take official portraits of members.

Recommendation 2.7 The Department of Administration and Information should update *The State of Wyoming Personnel Rules* (Chapter 15, Section 2) to include a detailed description of allowable purchases for service recognition awards. The current rule defines a “*recognition award*” as a “*plaque*” (currently valued at \$46.65, according to the Department). There is no mention however, of crystal jars (currently valued at \$99.50, according to the Department).

The updated rules should also include monetary caps for allowable recognition awards. Finally, the Department should ensure that wording with respect to services awards in its Accounting Manual is consistent with wording in the revised rules.

Staff travel During the review of supported and independent board financial records, evaluators identified expenditures related to staff travel. For BFY2011, evaluators identified \$27,649.76 in Division staff travel and \$17,205.76 in independent board staff travel.

The expenditures were used primarily for staff travel to national conferences or annual meetings put on by various professional organizations as illustrated in the following table below.

Table 2.2
Staff Travel Cost (Professional Organizations)
BFY 2011

Boards	Professional Organizations	Travel Cost
<i>Supported Boards</i>		
Board of Architects and Landscape Architects	National Council of Architectural Registration Boards Council of Landscape Architectural Registration Boards	\$7,531.64
Board of Chiropractic Examiners	Federation of Chiropractic Licensing Boards Federation of Association of Regulatory Boards	6,169.75
Board of Dental Examiners	American Association of Dental Boards	4,298.40
Board of Physical Therapy	Federation of Association of Regulatory Boards	552.56
Board of Psychology	Association of State and Provincial Psychology Boards	5,456.85
Board of Examiners in Speech Pathology and Audiology	Federation of Association of Regulatory Boards	601.80
Board of Veterinary Medicine	American Association of Veterinary State Boards	3,038.76
<i>Subtotal</i>		\$27,649.76
<i>Independent Boards</i>		
Board of Cosmetology	National Interstate Council of State Boards of Cosmetology	\$2,320.41
Board of Medicine	Federation of State Medical Boards Council on Licensure, Enforcement and Regulation	14,433.40
Board of Pari-Mutuel Commission	Racing Commissioners International Racing Officials Accreditation Program	451.95
<i>Subtotal</i>		\$17,205.76
Total		\$44,855.52

Source: Legislative Service Office from information provided by the Division and independent board staff.

Division officials and independent board staff stated that it is important for board staff to travel to out-of-state conferences for various reasons. For example, staff is able to enhance their knowledge of licensure issues, keep informed on examination modifications and enforcement issues, share ideas with their cohorts, and participate on various committees.

Recommendation 2.8 The Division should include specific guidance in its fiscal policies and procedures identifying non-allowable expenditures to include specific criteria for staff travel.



CHAPTER 3

Lack of a General Administrative Act for Licensure Boards

Finding 3.1: Wyoming does not have a uniform set of statutes related to the administration of licensure boards.

While Title 33 includes various provisions with respect to licensure boards, Wyoming does not have a uniform set of statutes regulating common areas of administration. As stated previously, each board functions under independent and structurally dissimilar statutes.

This lack of consistency results from the boards being established over long periods of time and statutory language reflects the changes inherent in the fluctuation of legislative practice. Additionally, lobby factions from each profession may have contributed to this inconsistency in an attempt to keep the regulations for professions individualized and distinct.

Although establishment of individual licensure requirements and professional duties are important, the irregular nature of each board's statutory requirements relating to administrative functions has created difficulties in administering numerous and distinct boards under one entity.

The Professional Licensing Boards Division (Division) expressed concerns over the varying and inconsistent statutes and regulations for the boards it supports. In addition, officials from the Office of the Attorney General voiced similar frustrations with respect to providing legal counsel.

Despite differences in professional areas, licensure boards have common areas related to administration

Professions regulated by licensure boards vary from each other. For example, the requirements and regulations relevant to licensure for the Board of Architects and Landscape Architects are obviously different from those for the Board of Embalming. However, the administrative needs of these boards are similar, and should be regulated as such. Consistency is needed particularly

when the Division is charged with the administration of all supported and independent boards requesting services.

All licensure boards can grant and revoke licenses; in addition, some can suspend and issue temporary licenses relative to each board's area of expertise. In areas not directly related to licensure practices, however, statutes are not uniform or consistent from board to board.

Currently, there are no criteria related to important areas of administration; while some boards have statutory language addressing some of these areas, others do not.

For example, during the statutory review and interview with Division and Attorney General staff, evaluators determined the following areas where uniformity within Title 33 could be beneficial:

- Subpoena authority
- Injunctions
- Fining authority
- Establishing fees
- Disposition of fees to the General Fund
- Complaint procedures
- Investigations and hearings
- Inspections
- Promulgation of rules
- Amendments to practice or title acts
- Hiring staff
- Qualifications for board executive directors and other staff
- Delegation of work to committees and/or executive directors and their staffs
- Board members performing staff work
- Training and orientation of new boards' members
- Immunity from personal liability

*Board rules
correspond with
licensure state statutes*

As with other state entities, licensure boards are required to promulgate rules. Generally, the rules reviewed by evaluators were consistent with each licensure board's statutes, correspond with statutory duties, and do not exceed statutory authority.

However, evaluators identified one substantive area of confusion between statutes and rules, most notably because of inconsistent

statutory language. This area relates to the delegation of licensure authority to board committees or to staff.

All boards have statutory authority to issue licenses, but do not have explicit authority to delegate that power. More specifically, no licensure boards within the sample reviewed for this audit have the ability to delegate issuance authority. However, six boards without statutory authority to delegate this responsibility do so in their rules, and ten boards delegate this authority without any mention in either statute or rule.

The following table provides additional information.

Table 3.1
Licensure Board Delegation of Licensure Authority to Committee and/or Staff

Board	Delegation to Committee	Delegation to Staff	Statutory Authority	Rule Authority
Dietetics Licensing Board	Yes	Yes	No	Yes
Board of Architects & Landscape Architects	Yes	Yes	No	Yes
Board of Midwifery	Yes	Yes	No	No
Board of Examiners of Speech Pathology and Audiology	Yes	Yes	No	No
Board of Athletic Training	Yes	Yes	No	Yes
Mental Health Professions Licensing Board	Yes	Yes	No	Yes
Board of Respiratory Care	Yes	Yes	No	No
Board of Registration in Podiatry	Yes	Yes	No	No
Board of Chiropractic Examiners	Yes	Yes	No	No
Board of Examiners in Optometry	Yes	Yes	No	No
Board of Radiologic Technologist Examiners	Yes	Yes	No	No
Board of Embalming	Yes	Yes	No	Yes
Board of Physical Therapy	Yes	Yes	No	Yes
Board of Psychology	Yes	Yes	No	Yes
Board of Veterinary Medicine	Yes	Yes	No	Yes
Board of Hearing Aid Specialists	Yes	Yes	No	No
Board of Medicine	No	Yes	No	Yes
Board of Cosmetology	Yes	Yes	Yes	Yes
Board of Nursing Home Administrators	Yes	No	No	No
Board of Occupational Therapy	Yes	No	Yes	No
Board of Barbers Examiners	Yes	Yes	No	No

Source: Legislative Service Office from information provided by the Division.

Boards operate through a committee structure

Licensure boards also use committees related to other duties such as: review of application documents, continuing education review, investigation, and complaints. Also of interest is the authority granted to the executive director. With every board, the executive director is granted varying levels of authority regarding licensure approval. This authority applies to general licensing, renewal applications, and often continuing education review. However, this authority is not present in board or Division statutes.

One important element contributing to the Division's feeling of inconsistent treatment of rules may be found in the language relating to committee composition. Statutory language states that the board "*shall*" review applications and grant licenses, but in several sets of rules, committees are to be composed of "*board members and/or staff*" rather than composed of board members with staff assisting the committee. Therefore, the committee is technically authorized in rules to be composed of staff while statute requires that board members comprise the committees.

The inconsistencies apparent in the discussion of board, committee, and executive director authority point to the need for a consistent set of statutes and rules governing the administration of the supported boards. All boards reviewed for this evaluation are administered through the use of committees, but few have rules and statutory authority to utilize committees. As a result, it is difficult for the Division to provide consistent service to the boards.

Furthermore, the lack of rules and statute related to the establishment and the duties of committees could potentially lead to board duties being inappropriately performed by staff. Clarification of committee and staff authority would aid in boards being able to positively state that they are in compliance with statutory requirements.

Other areas are also inconsistently presented in statute

During the course of the audit, evaluators identified five additional inconsistencies throughout board statutes. Similarly to delegated licensure authority, these areas are candidates for inclusion into a uniform set of statutes for licensure boards.

Meeting requirements. The meeting frequency requirements range between statutes. All supported licensure boards are required by statute to meet at least once annually, if not more

often.

- Two meetings per year: Board of Respiratory Care; Board of Registration in Podiatry; Board of Examiners of Speech Pathology and Audiology; Board of Physical Therapy; Board of Athletic Trainers; and the Dietetics Licensing Board
- Three meetings per year: Board of Midwifery and the Animal Euthanasia Technician Certification Board
- Quarterly meetings: Board of Radiologic Technologists Examiners and the Board of Mixed Martial Arts

Fee distribution: All boards reviewed by evaluators are granted the statutory authority to establish fees. As stated in the background section of this report, most statutes related to individual boards referenced W.S. 33-1-201, "*Fees Generally*," when establishing authority to collect fees for services. Fees are established for all licensure boards through rules; furthermore, fees are generally deposited into individual accounts for board use.

While all boards utilize the statutory authority granted to establish and collect fees through rules, the requirements related to distribution of those fees varies between boards. For example, two supported boards, the Board of Registration in Podiatry and the Board of Chiropractic Examiners, each are required to contribute 10% of their collected fees to the General Fund, while two independent boards, the Board of Barber Examiners and the Board of Cosmetology, are required to contribute 2% of their fees to the General Fund.

When asked about this inconsistency, Division staff stated that the four boards that contribute a percentage of their revenue to the General Fund are exempt from the cost allocation billing assigned to all boards annually by A&I's cost allocation plan. Although this exemption does occur, evaluators found no directive specifying that the contribution to the General Fund replaces the cost allocation charges.

The percentage contribution set forth in statute is troubling for two reasons. First, the fact that the requirement is only applied to four boards creates another inconsistency throughout statute; the exemption is applied only to these four boards, which creates

disparity. Second, there is no mechanism applied to review the amounts contributed by these four boards. Therefore it is unclear, although likely based on preliminary review of board revenue and percentage contribution, if these percentages accurately reflect the cost allocation amounts that are annually assigned to the boards. Furthermore, there is no mechanism for the revision of the percentage of fees contributed if the cost allocation should be higher or lower than the assigned percentage.

Compensation. Compensation rates vary from board to board, but per diem is consistent across all boards. All board members receive per diem. For the majority of boards reviewed, members receive per diem in the amount of state employees, which is currently at \$77.00 per day for lodging and \$46.00 per day for meals in most places in Wyoming. It should be noted, however, that some locations in the state may provide for higher rates.

Related to compensation, some statutes are silent regarding the issue while others provide for compensation at either the state employee or legislative rate; additionally, six boards prohibit compensation.

The following table provides more specific information.

Table 3.2
Board Member Compensation Rate

*No Compensation Specified in Statute	*Compensation Prohibited	**Compensation at Legislative Rate	Other Compensation Amount (rate)
Board of Architects & Landscape Architects	Animal Euthanasia Technician Certification Board	Board of Dental Examiners	*Board of Chiropractic Examiners (\$10/day) and up to \$200 per year for Secretary/Treasurer
Board of Radiologic Technician Examiners	Board of Examiners of Speech Pathology and Audiology	Board of Examiners in Optometry	*Pari-Mutuel Commission (\$50/day)
Board of Registration in Podiatry	Board of Hearing Aid Specialists	Board of Physical Therapy	*Board of Embalming (Secretary) (\$150 per year mandatory salary) and all members receive \$5.00 per day
Board of Athletics Trainers	Board of Psychology	Board of Veterinary Medicine	**Board of Dental Examiners (mandatory salary for Secretary)

*No Compensation Specified in Statute	*Compensation Prohibited	**Compensation at Legislative Rate	Other Compensation Amount (rate)
Mental Health Professions Licensing Board	Dietetics Licensing Board	Board of Barber Examiners	
Board of Midwifery	Board of Nursing Home Administrators	Board of Cosmetology	
Board of Occupational Therapy	Board of Respiratory Care	Board of Mixed Martial Arts	
Miners' Hospital Board			

Source: Legislative Service Office.

*Receives travel expenses, per diem, and mileage as do state employees.

**Pursuant to W.S. 28-5-101 the legislative per diem is \$109 expenses per day, .20 per mile, and \$150 per day salary when meeting. These boards receive the Legislative per diem rate rather than the state employee travel, per diem and mileage.

***Boards of Embalming,
Dental Examiners, and
Chiropractic
Examiners
compensation to
Secretary***

Embalming: According to W.S. 33-16-204, members of the Board of Embalming receive \$5.00 per day in compensation. In addition, the secretary of the Board receives an additional salary as set by the Board, which according to Division staff is currently \$150 per year.

According to statute, the secretary collects fees, renewals, provides receipts, and maintains a record of vouchers for payment. The secretary also keeps records of meetings and assists the executive director with Board requests. According to the Division, payment to the secretary position has occurred since the early 1930s.

Division staff also stated that financial statements dating back to 2005 indicate \$150 per year plus taxes to total \$1,937.70 per fiscal year. Given that the Board of Embalming is a supported board receiving administrative services provided by the Division, it is not logical that an additional \$5.00 per day is paid to the Board secretary for administrative duties.

Dental Examiners: W.S. 33-15-104 also states that “*the secretary of the board shall receive compensation for his services.*” According to Division staff the prior secretary/treasurer received monthly compensation but the current secretary/treasurer has declined payment. The same argument can be used for questioning why the secretary of this board, which is also supported by the Division, can receive compensation for administrative services performed by the Division.

Chiropractic Examiners. W.S. 33-10-114(c) also states that “*the board may, in its discretion, give the secretary-treasurer compensation not to exceed two hundred (\$200.00) per year...*” Since 2000, only one payment in the amount of \$200.00 has been made to the secretary/treasurer in July 2001. The same argument can be used for questioning why the secretary of this board, which is also supported by the Division, can receive compensation for administrative services performed by the Division.

Authority to contract and hire staff. Several boards have statutory authority to contract with other entities for services, but most board rules (with the exception of the Miners’ Hospital Board) do not specify processes or requirements for contracting.

Also, only some boards possess the authority to hire staff. This authority is important because without it, boards are unable to become independent from the Division unless a member of the board provides administrative services; however, a board member performing this role presents a possible conflict of interest. See the Scope & Methodology Section discussion of the Board of Mixed Martial Arts as an area for further review related to a board member also serving as executive director.

Division staff stated that the Board of Dental Examiners has expressed an interest in becoming independent and hiring their own executive director and attorney. However, Division staff advised the Board that they are unable to do so; primarily, because of previous feedback from the Attorney General’s Office related to lack of statutory authority to hire independent staff. Evaluators discussed this issue with the Attorney General’s Office; it was not clear if or when this feedback was provided.

It is unclear, however, why some boards are granted this authority while others are not. Attorney General staff stated that beyond the economic aspect of some boards not being able to afford to hire staff, there are no legal disadvantages to granting hiring authority to all boards.

The following tables provide additional information.

Table 3.3
Boards with Contractual Authority

Board	Contract Authority Granted
Board of Examiners Optometry	Educational institution for continuing education courses
Board of Respiratory Care	Resource consultant; exam administrator
Dietetics Licensing Board	As needed; resource consultant
Board of Barber Examiners	As necessary
Board of Cosmetology	As necessary
Board of Nursing Home Administrators	As necessary
Board of Occupational Therapy	As necessary
Miners' Hospital Board	With service providers
Pari-Mutuel Commission	As necessary

Source: Legislative Service Office.

Table 3.4
Boards with Explicit Statutory Authority to Hire Staff

No Staff Authority Granted	May Hire Executive Secretary	May Hire Staff as Needed	Board Secretary Compensated as Staff
Animal Euthanasia Technician Certification Board	Board of Architects & Landscape Architects	Board of Respiratory Care	Board of Chiropractic Examiners
Board of Radiological Technologist Examiners	Miners' Hospital Board	Board of Examiners in Speech Pathology and Audiology	Board of Dental Examiners
Board of Registration in Podiatry		Board of Hearing Aid Specialists	Board of Embalming
Board of Embalming		Board of Athletic Trainers	
Board of Examining in Optometry		Board of Psychology	
Board of Physical Therapy		Board of Veterinary Medicine	
Mental Health Professions Licensing Board		Dietetics Licensing Board	
Board of Midwifery		Board of Barber Examiners	
Board of Mixed Martial Arts		Board of Cosmetology	
		Board of Nursing Home Administrators	

No Staff Authority Granted	May Hire Executive Secretary	May Hire Staff as Needed	Board Secretary Compensated as Staff
		Board of Occupational Therapy	
		Pari-Mutuel Commission	

Source: Legislative Service Office.

Fines and penalties. During the fieldwork phase of the audit, evaluators learned that the boards do not have the authority to issue fines and penalties to licensees. During follow-up discussions, Division staff indicated it is problematic that all licensing boards do not have this type of authority, as the lack of authority makes it more difficult to properly enforce licensure requirements.

After reviewing board statutes, evaluators identified varying levels of penalties available to boards were identified. It should be noted, however, that the Board of Medicine and Pari-Mutuel Commission hold the authority to impose fines.

For other types of penalties, the authority granted is largely consistent between boards. For example, all boards have the authority to revoke or suspend a license; additionally, with the exception of the Dietetics Licensing Board and the Board of Architects & Landscape Architects, all board statutes also contain language stating that violation of licensure regulations can be punished through legal penalty.

Only nine of the boards have injunctive power, which is curious given that all licensure boards may have to investigate and rule on licensure violations which may concern public safety.

The following table illustrates the difference in penal authority:

**Table 3.5
Fines and Penalties**

License Revocation/Suspension	Fine	Legal Penalties	Injunctive Powers
Dietetics Licensing Board	Board of Medicine	Board of Mixed Martial Arts	Board of Chiropractic Examiners
Board of Midwifery		Board of Midwifery	Board of Medicine
Board of Mixed Martial Arts		Board of Athletic Trainers	Board of Dental Examiners
Board of Athletic Trainers		Board of Respiratory Care	Board of Examiners in Optometry
Board of Respiratory Care		Board of Occupational Therapy	Board of Physical Therapy
Board of Occupational Therapy		Mental Health Professions Licensing Board	Board of Veterinary Medicine
Mental Health Professions Licensing Board		Board of Radiologic Technologists Examiners	Mental Health Professions Licensing Board
Board of Radiologic Technologist Examiners		Board of Hearing Aid Specialists	Board of Athletic Trainers
Board of Hearing Aid Specialists		Board of Examiners of Speech Pathology and Audiology	Dietetics Licensing Board
Board of Examiners of Speech Pathology and Audiology		Board of Veterinary Medicine	
Board of Veterinary Medicine		Board of Psychology	
Board of Psychology		Board of Medicine	
Board of Medicine		Board of Physical Therapists	
Board of Physical Therapists		Board of Examiners in Optometry	
Board of Examiners in Optometry		Board of Nursing Home Administrators	
Board of Nursing Home Administrators		Board of Embalming	
Board of Embalming		Board of Cosmetology	
Board of Cosmetology		Board of Dental Examiners	
Board of Dental Examiners		Board of Chiropractic	

License Revocation/Suspension	Fine	Legal Penalties	Injunctive Powers
		Examiners	
Board of Chiropractic Examiners		Board of Barber Examiners	
Board of Barber Examiners		Board of Registration in Podiatry	
Board of Registration in Podiatry		Board of Architects & Landscape Architects	
Board of Architects & Landscape Architects			

Source: Legislative Service Office.

Other states use uniform statutes for licensure board administration

As stated in the Background, Wyoming does have a limited precedent for establishing general administrative statute with W.S. 33-1-201 creating the general authority for boards to set fees. Several other states, however, utilize the concept of a single consistent set of administrative statutes to include more areas than the promulgation of fees.

Of particular interest are Montana and Alaska, as the administrative structure of boards is largely comparable to Wyoming.

Issue-related board reporting. It is interesting to note that Montana Code 37-1-107 requires joint meetings between similar boards every two years. Such meetings are used to discuss issues between boards that have dual licenses or other similarities. The umbrella department is then required to report to a legislative interim committee with respect to findings and conclusions of each meeting. More specifically, *“the department shall report to the interim committee responsible for monitoring boards with regard to attendance and issues of concern addressed by the boards.”*

This type of mechanism within uniform statutes creates a vehicle for self-reporting of various issues to the legislature. Rather than placing the onus for accountability directly on the legislature related to board accountability, this type of statutory mechanism requires licensure boards to discuss potentially substantive issues related to overlap, duplication, joint licensure, and consolidation. Legislatures may decide to act on various issues brought forth by licensure boards.

The following table provides additional information. See Chapter 8 of the report for additional information on other states' work.

Table 3.6
Uniform Statutory Provisions for Alaska and Montana

Statutory Provision	Alaska	Montana
List of designated licensure groups operating under the umbrella agency	X	X
Duties of the umbrella agency	X	X
General powers and duties of the boards	X	X
Board member appointments and terms	X	
Board meeting minimum frequency	X	
Per Diem and transportation expense reimbursement	X	X
Procedures governing termination, transition, and continuation of the board and/or sunrise statutes	X	X
Summary reporting requirement by the umbrella agency		X
Joint meeting requirements of boards with overlapping licensee types		X
Fee fund provisions	X	X
Fees to be commensurate with board expenses	X	X
Improper payment	X	
General application requirements	X	
Temporary license authorities	X	X
License renewal, lapse, and reinstatement	X	X
Licensing provisions for activated military reservists		X
Licensure of criminal offenders		X
Confidentiality and/or records access provisions		X
Copies of records for child support purposes	X	
General provision for health care practitioners		X

Statutory Provision	Alaska	Montana
Unauthorized practice	X	X
Disciplinary process and penalties	X	X
Requirements for reporting disciplinary actions		X
Appeals process		X
Unprofessional conduct provisions and penalties		X

Source: Legislative Service Office from information surveyed from other states.

**Matter for
Legislative**

Consideration 3.1:

The Legislature may wish to consider amending Title 33 to create a General Administrative Act for licensure boards. In addition to the authority for licensure boards to establish fees through rules (already included), the Legislature could provide consistency in the areas discussed in this chapter: delegation of licensure authority to committee and staff members; meeting requirements; fee distribution; compensation; contracting and hiring staff; fines and penalties; and creating regular meeting requirements for issue-related boards.

**Matter for
Legislative**

Consideration 3.2

The Legislature may wish to consider repealing the percentage contributions of licensure fee revenue to the General Fund assigned to the Board of Registration in Podiatry (W.S. 33-9-108), the Board of Chiropractic Examiners (W.S. 33-10-114(a)), the Board of Barber Examiners (W.S. 33-7-103(b)), and the Board of Cosmetology (W.S. 33-12-139(c)). The Legislature may also wish to consider adding language in Title 33 with respect to including all licensure

boards in the Department of Administration and Information's cost allocation billing process.



CHAPTER 4

Professional Licensing Board Division Lacks Formalized Agreements

Finding 4.1: The Professional Licensing Boards Division does not use formal agreements for administrative or fiscal services provided to supported or independent boards. Additionally, the Division does not provide specific documentation to licensure boards for calculations used for billing. Finally, the calculation used for fiscal services creates the potential for inequitable distribution of charges for independent boards.

The Department of Administration and Information (A&I), Professional Licensing Boards Division (Division) does not use formal agreements for providing administrative or fiscal services to supported and independent boards. The method by which the Division determines administrative fees are based on staff time expended related to supported board duties; however, the calculations are not formalized as part of an agreement with supported boards.

The lack of agreements that specifically detail how costs for administrative and fiscal fees are determined creates a lack of protection for licensure boards and the Division. Without formal agreements, parties are not liable to each other for services provided, nor are they technically liable to each other for compensation for services. In addition, the method it uses for calculating costs for fiscal services creates the potential for an unequal distribution of charges for independent boards.

Lack of agreements create vulnerability for the Division and licensure boards

The Division does not have formal agreements with either the supported boards or the independent boards to outline services provided by the Division and compensation required from the boards. Neither statute nor rules require the Division or the boards to enter into formal agreements for providing services.

Division officials informed evaluators that there are no criteria established for providing services to a board. However, it is common practice and industry standard that formalized agreements should occur. Providing and receiving services without a formalized agreement places both parties at risk should one or the other not fulfill their obligations.

After discussing the issue of formal agreements with Division staff, board members, and independent board staff, there is a clear consensus regarding the need for such agreements. Based on information gathered as a result of the survey of licensure board members, there was some concern about the way fiscal services are billed, specifically related to a lack of transparency in billing practices and detailed invoices. Division staff stated that more detailed explanations are provided upon board request. However, the reviewed documentation related to one such request is very general.

Based on documentation provided by the Division, this explanation provides general information; a line item invoice is not included. For instance, nothing in the explanation differentiates between fiscal and administrative service costs. Furthermore, fiscal services are not itemized within the documentation that the Division provided as an example. An itemized explanation included with each monthly billing would increase transparency and limit the risk of charging boards at an inequitable rate.

Similar concerns were also voiced by independent board staff related to fiscal billings, as well as from some supported board members related to the billing of administrative services.

Licensure boards had contracts with the Department of Commerce, the entity responsible for board administration prior to 1999. These contracts were very specific and could provide a framework for the Division to use when drafting future agreements. For example, the previous agreements provided specific duties related to processing various transactions and

providing administrative services.

Current calculations for fiscal services cause unfair overages to independent boards

Currently, the Division bills for fiscal services based on the number of transactions and time spent providing fiscal services to independent boards. Division officials explained, “*we keep a log of all transactions entered into WOLFS for all of the boards. When I bill for fiscal services I count the number of transactions entered for the boards receiving fiscal services (4 during FY11-12). 1/2 of the total cost of the fiscal position is then billed to each of the four fiscal supported boards based on their % of the transactions processed for all four fiscal supported boards.*”

After reviewing BFY2011 WOLFS transactions, evaluators determined that the Division is not basing calculations for fiscal services on the number and percentage of actual transactions for all boards. Rather, it allocates 50% of the part-time fiscal position salary to supported boards and 50% to independent boards. Evaluators noted that the number and percentage of supported board transactions is higher than reported by the Division. This practice of assigning 50% of the fiscal position to independent boards regardless of work actually performed causes the potential of inequitable distribution of charges for the independent boards.

One example of a more equitable calculation would be to track time spent on fiscal duties similarly to the methodology used for administrative fees. Another possibility would be to allocate the cost of the part-time fiscal position by using the actual number of WOLFS transactions processed for supported versus independent boards. A cost per transaction would then be applied for each board.

The tables below outline additional information regarding how the LSO calculation based on cost per transaction, more equally distributes the costs among boards to support the part time fiscal position. It should be noted that we could not provide similar tables with respect to time spent by the fiscal staff providing services to each board, as that information was not available.

Table 4.1
Professional Licensing Boards Division's Calculations
FY2011 Transactions

Board	# of Transactions	% of Total Transactions	FY11 Salary
Professional Licensing Boards (PLB)	515	50%	\$17,503.69
*014	245	62%	\$10,884.27
*038	127	32%	\$5,642.05
*079	4	1%	\$177.70
*083	18	5%	\$799.66
Total Transactions	909	100%	\$35,007.38

Source: Legislative Service Office from information provided by the Division.

*Calculated as a percentage of the total of independent board transactions (394) as opposed to total transactions (909).

Table 4.2
LSO Recalculation
FY2011 Transactions

Board	*# and % of Transactions	Cost Per Transaction	FY11 Salary
Professional Licensing Boards (PLB)	515 (57%)	\$38.51	\$19,832.65
014	245 (27%)	\$38.51	\$9,434.95
038	127 (14%)	\$38.51	\$4,890.77
079	4 (.4%)	\$38.51	\$154.04
083	18 (2%)	\$38.51	\$693.18
Total Transactions	909	\$38.51	**\$35,007.38

Source: Legislative Service Office from information provided by the Division. Figures rounded to the nearest dollar or percentage.

*Percentage does not equal 100% because of rounding.

**Because of rounding, total is off by \$1.79.

Table 4.3
Professional Licensing Boards Division's Calculations
FY2012 Transactions

Board	# of Transactions	% of Total Transactions	FY12 Salary
Professional Licensing Boards (PLB)	**1163	50%	\$26,548.86
*014	230	56%	\$14,820.97
*038	139	34%	\$8,957.02
*079	17	4%	\$1,095.46
*083	26	6%	\$1,675.41
Total Transactions	1163	100%	\$53,097.72

Source: Legislative Service Office from information provided by the Division.

*Calculated as a percentage of the total of independent board transactions (412) as opposed to total transactions (1,163).

**According to the Division's actual transactions, this number is actually the total number of transactions for supported and independent boards, not just for the Division; however, it did not impact the percentages.

Table 4.4
LSO Recalculation
FY2012 Transactions

Board	# and % of Transactions	Cost Per Transaction	FY12 Salary
Professional Licensing Boards (PLB)	751 (65%)	\$45.66	\$34,290.66
014	230 (20%)	\$45.66	\$10,501.80
038	139 (12%)	\$45.66	\$6,346.74
079	17(1%)	\$45.66	\$776.22
083	26 (2%)	\$45.66	\$1,187.16
Total Transactions	1,163	\$45.66	*\$53,097.72

Source: Legislative Service Office from information provided by the Division. Figures rounded to the nearest dollar or percentage.

*Because of rounding, total is off by \$4.86.

Although the Division has a process for assessing charges for fiscal services to the independent boards, several comments illustrate that independent board staff are frustrated with the Division's explanation of fiscal rates for services and lack of formalized agreements.

According to the Division, the new fiscal staff member initially did not have enough work to keep her fully occupied. As a result, the Division reached out to independent boards to determine if they were interested in receiving fiscal services. The proposition was that the Division would fund 50% of the position while the independent boards would fund 50% of the position. However, when calculating the percentage of contribution to paying the fiscal position, the supported boards should actually be paying more if a cost per transaction is used.

The Division stated that because transaction numbers change and because the fiscal position does more than just entering transactions into WOLFS, such as auditing documents, processing payroll, and preparing financial statements, using only a cost per transaction may not be the best manner to figure the percentages. However, by not accounting for the number of transactions processed in billing statements and by not keeping an accurate accounting of the fiscal person's time spent working on various boards, important information is left out of the current calculations.

The Division states that it is in the process of determining a more equitable approach to billing for fiscal services to supported and independent boards. And, that the new method will be developed prior to the new fiscal year billing.

Calculations used for assessing administrative fees to supported boards is not clearly communicated to boards

As stated in the background section of this report, the Division is required by W.S. 9-2-1707(b)(iii) to provide budget, fiscal, administrative and clerical services to agencies requesting those services. In addition, statute requires that the department providing services be compensated by those agencies at a reasonable rate.

In order to cover the payroll costs of the Division, including salary, overtime, and benefits for seven employees providing administrative service, Division officials stated that supported boards are billed for administrative services based on the percent of time staff allocated to performing those duties.

Division staff stated that *“certain expenses are billed to each board based on their use of the service or number of license holders. Other expenses are divided evenly between the 18 boards based on the fact that if each board were operating independently as a stand-alone agency, they would be paying the*

full cost of computer equipment and software, telephone services, leased office space, copier lease, and all supplies.”

See Table 1.5 in the background section of this report for additional information on the BFY2011 breakdown for administrative services.

During fieldwork, evaluators reviewed spreadsheets provided by the Division, which provided documentation support with respect to BFY2011 administrative billings; however, this information is not provided to the supported boards as part of their quarterly billings. Feedback from the audit survey of licensure board members did show an overall satisfaction with administrative and fiscal services received by the Division, but as discussed previously illustrated some concern with the lack of transparency in billing statements related to fund shifts for payment of services.

**Recommendation
4.1:**

The Division should create agreements for providing administrative and fiscal services to supported and independent boards. Agreements should include specific detail with respect to how costs for services are calculated.

The Division should also develop a complete and detailed description of how administrative, fiscal, and cost allocation billings are calculated and provide this information to all licensure boards. In addition, it should provide detailed invoices to supported and independent licensure boards explaining quarterly billings.

Recommendation 4.2: The Division should continue to develop a more equitable method to calculate costs for the part-time fiscal position prior to the new fiscal year billing. Possible options for the new method include: 1) Tracking time spent per board on fiscal duties, similarly to the methodology used to calculate administrative charges; 2) Basing costs on the actual number of WOLFS transactions processed; and 3) Using a combination of time spent and cost per transaction for fiscal charges.

CHAPTER 5

Potential Overlap Exists with Various Licensure Boards

Finding 5.1: Potential overlap exists between the Board of Barber Examiners and the Board of Cosmetology.

To determine if the potential for overlap exists between boards, evaluators completed a thorough review of statutes and rules. As a result of this review, evaluators found two boards, the Board of Barber Examiners and the Board of Cosmetology, that appear to provide an opportunity for consolidation into one larger entity.

Additionally, evaluators conducted board member surveys and interviewed board staff and counsel. Minutes from board meetings were also reviewed to determine if the topic of potential overlap between boards was discussed formally, and information on other states' consolidated boards were reviewed for further information.

Although there are potential areas of overlap related to various licensure boards, evaluators found no definitive support for or against consolidation of the Board of Barber Examiners and the Board of Cosmetology. For example, even though individuals interviewed understood the potential for increased benefits from certain consolidation such as shared administration or potential cost savings, the primary concern against such action is the potential loss of professional identity and influence.

While taking such concerns into account, identification of overlap between boards could prove beneficial to Wyoming.

This finding will provide information related to the core purpose, duties, responsibilities, staffing, and licensure base of the boards under consideration, as well as board member feedback, staff feedback, and current legislation related to these boards. Further, the finding will provide possible benefits and drawbacks of potential consolidation.

Board of Barber Examiners: The Board of Barber Examiners was created pursuant to W.S. 33-7-101 through W.S. 33-7-211. According to board staff, the board was created in 1934. Its main duty, “*to ensure the health, safety and welfare of the residents of Wyoming,*” does not appear to have changed since 1934. For example, the Board had concerned itself with implementation of programs to ensure minimal competency related to the profession to ensure standards for health, safety, and infection control.

However, according to board staff, “*over the years, without a barber school in Wyoming and without clear reciprocity laws, their numbers have diminished to only about 131 active barbers and 85 licensed barbers shops in the state.*” It should be noted that current statute requires the Board to license barber schools. In addition, the Board regulates established barber schools to include setting programs and requirements, monitoring student hours, and offering the national examination.

The Board consists of three (3) members appointed by the Governor who serve a term of three (3) years each. The Board is responsible for issuing licenses related to barbering as well as inspecting barber shops and schools. State statute also defines the practice of barbering.

Licensure fees are as follows: barbers (\$60); barber shops (\$60); mobile shops (\$250); and schools (\$100). It is interesting to note that the Board has not changed fees since 1996. According to W.S. 33-7-103(b), 2% of the money generated from licensure fees is required to be distributed to the General Fund. Current licensure numbers are: 365 barbers; 167 barber shops; and zero schools. As of April 22, 2013, the Board’s fund balance is \$41,589.67.

From 1934 through 1998, administrative and fiscal duties were performed by Board members. In 1998, a Memorandum of Understanding (MOU) with the Board of Cosmetology allowed staff to perform payroll and accounts payable services for the Board of Barber Examiners; administrative duties were still being performed by board members, however.

In 2004, the Wyoming Attorney General’s Office advised the Board of Barber Examiners that Board members “*...a board may not hire its own board member as an employee.*” As a result, a new MOU was drafted that allowed for staff from the Board of

Cosmetology to provide administrative and fiscal services for the Board of Barber Examiners. Currently, the Board of Barber Examiners pays the Board of Cosmetology four (4) semi-annual payments in the amount of \$1,500 for administrative and fiscal services. According to the Executive Director, 7/8 of this position's time is spent in support of the Board of Cosmetology and 1/8 is in support of the Board of Barber Examiners.

It should be noted, however, that members from the Board of Barber Examiners still conduct initial and annual inspections of barber shops. According to Board staff, the Office of the Attorney General has voiced concern about this practice. A more objective approach would be to use the MOU so the Board of Cosmetology inspector position inspects barber shops as well. The current MOU allows the sharing of inspectors.

The following table provides additional information about the Board of Barber Examiners.

Table 5.1
Board of Barber Examiners
BFY 2011

Purpose	Practice Defined	Licensure Base	Staffing
Grant licenses to barbers	Shaving or treating the beard or cutting the hair	365 (barbers)	Shares two staff persons with Board of Cosmetology
Grants licenses to barber shops	Singeing, shampooing or dyeing the hair	167 barber shops	
Grants licenses to barber schools	Permanent waving or applying hair tonics	0 schools	Inspectors for the Board of Cosmetology may conduct inspections for the Board of Barber Examiners
Annually inspect barber shops and schools	Massaging, applying cosmetic preparations, antiseptics, powder, oil, clay or lotions, to the scalp, face or neck		Investigators for the Board of Cosmetology investigate complaints for the Board of Barber Examiners
Administer examinations for licensees			
Allows registered cosmetologists to practice in a licensed barber			

Purpose	Practice Defined	Licensure Base	Staffing
shop Allows registered cosmetologists who complete an additional 750 hours and passes an examination to be licensed			

Source: Legislative Service Office

Board of Cosmetology. The Board of Cosmetology was created pursuant to W.S. 33-12-119 through W.S. 33-12-140. According to Board staff, the Board was created in 1937. All duties of the Board were performed by three (3) appointed board members from 1937 through 1985.

The Board's main duty, *"to ensure the health, safety and welfare of the residents of Wyoming,"* has not appeared to have changed since 1937. As there is a high chance of infections to customers utilizing cosmetology services, the Board has implemented programs to ensure minimal competency related to the profession to ensure standards for health, safety, and infection control.

The Board consists of five (5) members appointed by the Governor who serve a term of three (3) years each. The Board is responsible for issuing licenses related to cosmetology as well as administering examinations for licensure and inspecting salons and schools. State statute also defines the practice of cosmetology.

"Segmented" professions regulated by the Board are: estheticians, hair stylists, manicurists, and nail technicians. The Board also licenses salons, instructors, and schools. This change occurred in 1985, in order to *"offer a manicure license as well as an esthetician license...to open up our state up for reciprocity with neighboring states to allow movement from states that also had segmented licenses."*

In 1996, licensure fees were as follows: individual (\$18); salons (\$35); and schools (\$150). Currently, licenses are as follows: individual (\$48 with a \$96 renewal fee); salons (\$75 with a \$75

renewal fee); and schools (\$200). In addition, independent contractor licenses for individuals working in shops are currently \$75 with a \$75 renewal fee.

Current licensure numbers are as follows: 4,619 personal licenses; 1,650 independent contractors; 1,565 salons; and 21 schools. As of April 22, 2013, the Board's fund balance is \$310,786.89.

The following table provides additional information about the Board of Cosmetology.

Table 5.2
Board of Cosmetology
BFY 2011

Purpose	Practiced Defined	Licensure Base	Staffing	
Grant licenses to cosmetologists	Cosmetology: any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the hair, skin and nails of the human body for cosmetic purposes	4,619 personal licenses	Share two staff persons with the Board Barber Examiners	
Grants licenses to estheticians		1,650 independent contractors		
Grants licenses to hair stylists		1,565 salons	Inspectors also perform inspections for the Board of Barber Examiners upon request	
Grants licenses to instructors		21 schools		
Grants licenses to manicurists or nail technicians		Esthetics: any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the skin of the human body for cosmetic purposes		Share investigators with the Board of Barber Examiners
Grants licenses to salons				
Grants licenses to schools				
Administers examinations for licensees		Hair styling: any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the hair for cosmetic purposes		
Conducts investigations and hearings		Manicuring or Nail Technology: any single practice or service or a		

Purpose	Practiced Defined	Licensure Base	Staffing
Annually inspects salons and schools	combination of practices or services performed for others for the improvement and beautification of the nails and for cosmetic purposes		

Source: Legislative Service Office.

Proposed consolidation With any proposal for consolidation, there are both benefits and drawbacks. The potential positive aspects of considering this instance of consolidation far outweigh the drawbacks that mostly consist of individual feelings.

Potential benefits. The two regulated professions are very similar, offering services to the same client base in the same setting. For example, W.S. 33-7-108(b) allows licensed barbers, cosmetologists, manicurist or nail technicians, estheticians, and hairstylists to “*engage in the practice for which they are licensed in the same shop, if the shop is licensed under W.S. 33-12-110 through W.S. 33-12-140.*” As seen in Table 5.2, the Board of Cosmetology offers additional licensure types.

W.S. 33-7-209(a)(iii) also allows for a dual license. It states that any “*cosmetologist or hair stylist licensed under W.S. 33-12-119 through 33-12-140, has completed seven hundred fifty (750) hours of training at an approved barber school or college and passed an examination conducted by the board to determine his fitness for practice*” shall receive a barbers license.

It should be noted that HB0048 (2013 General Session) sought to eliminate the 750 hour requirement for dual licensure, which would have made it easier for cosmetologists or hairstylists to receive a dual license. However, this legislation did not pass. According to the Executive Director, the only additional training a cosmetologist or hairstylist would need is related to shaving with a straight razor.

Another possible benefit of consolidation is that both boards share staff through the current MOU. With the exception of annual inspections, administrative and fiscal services are provided by the Board of Cosmetology staff.

Potential Drawbacks. Criticisms related to potential consolidation of the boards were primarily personal in nature,

consisting mainly of individual concerns about losing the autonomy related to both professions. Evaluators received specific feedback from current board members related to the question of possible consolidation.

Eight (8) total surveys were returned from members of the Board of Barber Examiners and the Board of Cosmetology. Four (4) of those respondents, or 50%, believe overlap exists; two (2) or 25% of respondents stated that no overlap exists; and two (2) or 25% did not respond directly to the question.

All eight (8) respondents provided comments about possible board consolidation; however, the survey resulted in more negative comments about possible consolidation than positive comments. Positive comments focused on similarities between the professions, economy of scale with respect to administrative support, and sharing investigators. Negative comments discussed the specific differences between the services offered by each profession, as well as a concern about losing autonomy with the professions.

The following is a summary of survey responses.

Board of Cosmetology Responses

- Two (2) of five (5) or 40% of the total Board of Cosmetology respondents stated that overlap exists between the two boards.
- Two (2) of five (5) or 40% of the total Board of Cosmetology respondents stated that overlap does not exist between the two boards.
- One (1) of five (5) or 20% of the total Board of Cosmetology respondents did not directly respond to the overlap question.

Five (5) responses were also received from Board members related to the following question: *“What are the pros and cons of a possible consolidation of the Board of Barber Examiners and the Board of Cosmetology into one licensure board?”* The following is a summary of their responses.

- Four (4) of the five (5) or 80% of the total respondents provided one (1) pro each for consolidation.

- Five (5) of five (5) or 100% of the total respondents provided cons for consolidation. Of those total respondents, four (4) of the five (5) provided one (1) con, and one (1) respondent of the five (5) provided two (2) cons.

Board of Barber Examiners Responses

- Two of three or 67% of the total respondents stated that overlap exists between the two boards.
- One of the three or 33% of the total respondents did not respond directly to the overlap question.

All three of the board members responded to the following question: “*What are the pros and cons of a possible consolidation of the Board of Barber Examiners and the Board of Cosmetology into one licensure board?*” The following is a summary of their responses.

- Two (2) of the three (3) or 67% of the total respondents provided one (1) pro each for consolidation.
- Three (3) of the three (3) or 100% of the total respondents provide cons for consolidation. Two (2) of the respondents provided (1) one con each; one (1) of the respondents provided five (5) cons.

Other states consolidate barbers and cosmetologists

Other States. During review of other states, Vermont, Alaska, and Montana were identified as states that have combined boards for the licensure of barbers and cosmetologists.

Vermont has had a combined board for barbers and cosmetologists since at least 1998 and report there are no issues stemming from the different licensure requirements. In Montana, the Boards for Barbers and Cosmetology were legislatively combined in 2003. This change was brought about as a result of insufficient barber licensee counts to sustain a full-time board and staff.

In Montana, with the consolidation of the Boards of Barbers and Cosmetology, the new Board composition was modified to ensure fair representation from all facets of the industry to include: 3 licensed cosmetologists; 1 electrologist, esthetician, or manicurist; 3 licensed Barbers; and 2 public members not engaged in the

practice of barbering, cosmetology, electrology, esthetics, or manicuring. Additionally, two Board members must be affiliated with a school.

In 1980 the Alaska Legislature combined the Boards of Barbers and Hairdressers which now regulates barbering, hairdressing, and esthetics, which includes body piercing and tattoo/cosmetic colorist practitioners. Combined statutes set forth general licensing, examination, and permitted practices for all the occupations comparable to the Purposes and Practice Acts identified in Tables 5.1 and 5.2; the statutes and regulations also include specific requirements of the professions of barbering, hairdressing, and esthetics.

See Chapter 8 for additional information on other states.

**Matter for
Legislative
Consideration: 5.1**

The Legislature may wish to consider the possibility of consolidating the Boards of Cosmetology and Barber Examiners. In addition, it may wish to reconsider the current requirement of 750 hours for joint licensure.

Finding 5.2:

The Wyoming Education, Planning, and Coordination Council (WEPC) is an inactive and possibly outmoded entity. Based on its inactivity and failure to meet statutory requirements, it is a candidate for repeal.

The Wyoming Education, Planning, and Coordination Council (WEPC) is an inactive entity that has not met in years. Additionally, the WEPC has not carried out its statutory responsibilities pursuant to W.S. 21-16-602(a).

More specifically, audit fieldwork did not reveal evidence that the council has formally carried out the following statutory responsibilities: **1)** Identify goals; **2)** Coordinate a means to attain those goals; **3)** Identify issues of importance to Wyoming

education and service as a forum for the discussion and resolution of these issue; **4)** Collect and disseminate information affecting Wyoming Education; **5)** Facilitate cooperative arrangements among state education institutions in the sharing of facilities, personnel and technology or otherwise assist in articulation between the institutions; **6)** Enter into agreements with the federal government; and **7)** Meet at least two (2) times per year.

As a result of inactivity, WEPCC has not formally provided any benefit to through making changes to the education landscape in Wyoming, nor has it interacted with the Legislature to do so. Although the current Governor has made a new slate of appointments, evaluators understand that these appointments have only occurred so that meetings would be possible.

Legislative History In 1997 Original House Bill No. 55 amended W.S. 21-16-601 et. seq. (See *Wyo. Sess. Laws 1997, Ch. 197 §2*). The Bill changed the name of the original council from *The Wyoming Postsecondary Education Planning and Coordination Council (PEPCC)* to the *Wyoming Education Planning and Coordination Council (WEPCC)*. Additionally, the legislation modified membership, duties, and required WEPCC to report to the Joint Education Committee of the Wyoming Legislature.

Prior to these changes, membership consisted of the Superintendent of Public Instruction; the Executive Director of the Wyoming Community College Commission; and two governor appointed members, one from a leading business in the area, and one that was a student or parent of a student enrolled in a Wyoming post-secondary educational institution. The PEPCC was also required to meet three times annually.

The WEPCC replaced the original PEPCC, which was largely focused on transitions from high-school to post-secondary institutions. The 1997 legislation modified the PEPCC to focus on transitions at all levels of education rather than singling out post-secondary. This modification is evidenced by the addition of W.S. 21-16-601(a)(ix)-(xviii), that provided a new list of board membership. The WEPCC grew from four (4) to 14 members, including representation from the Wyoming Legislature, the Governor's office, and presidents and representatives from the top educational entities in the state. Additionally, the WEPCC was required to report to the Joint Education Committee of the Legislature.

Early years. Through interviews, evaluators learned that the WEPCC was established to assist with providing consistency between programs from pre-K to the post-secondary level. At the time of the WEPCCs creation, the Governor was selected as the “*convener*” in order to provide a statewide perspective.

According to those who staffed the WEPCC, early meetings were always very long and rarely produced solid recommendations on policy. The growth of the WEPCC also became somewhat problematic as the WEPCC did not have the staff or financial resources needed to convene. It also became difficult to request that the mandatory board members, such as legislators, the President of the University of Wyoming, Director of the Community College Commission, and the Governor find time to spend an entire day at a single meeting. With little ability to have all members present for every meeting, WEPCC became dormant.

Meetings were convened as expected under previous administrations and with support from the Wyoming Department of Education. During the previous administration, WEPCC met at least twice; however, it is unclear if it met at all during the second term. According to interviews conducted during audit fieldwork, WEPCC’s inability to provide any substantive deliverables caused the previous administration to lose interest.

*Future consideration
and purpose*

Those who were interviewed also gave a clear consensus that the WEPCC was not given a specific statutory purpose. This lack of direction resulted in members struggling during meetings with how to carry out WEPCC’s responsibilities, as well as how to utilize its authority to create a better education landscape in Wyoming.

While a functioning WEPCC could provide a strong opportunity for policies that collect data and advocate for prosperous systems and interventions in the education system, the current WEPCC is viewed by many as outmoded.

Although the WEPCC is not fulfilling its role, work surrounding educational coordination is needed and ongoing through legislative committees or other professional entities. For example, a similar entity, the Wyoming Education Coordinating Council, formerly the P-16 Council, supported the past Legislature in creating dual/concurrent enrollment plans after a legislative directive provided funding for a consultant.

More specifically, the 2010 Wyoming Sessions Laws Chapter 93, (SF39), W.S. 21-20-201(a), (e) and (h) were amended to provide post-secondary education enrollment option programs. The P-16 Council stated that it took an active role relating to dual and concurrent enrollment provisions. This support came from the Council's "*interest in facilitating student transition from high school to college and through getting more students to move onto some form of post-secondary education.*"

The P-16 Council does, however, struggle with similar issues facing the WEPCC, such as lack of consistent financial resources and a specific direction. In addition, since the P-16 Council is a non-government, nonprofit entity, there are no legislative or executive branch expectations. It should be noted that the P-16 council during a June meeting discussed the following:

- Review the State Advisory Council's mission, vision, and strategic plan.
- Collaboratively identify one or two agreed upon early childhood issues "*that can be systematically organized, communicated, implemented, and moved forward in a timely manner.*"
- Identify how to regularly communicate outcomes to key stakeholders.

Finally, some interviewees even questioned the need for such coordinating councils. For example, educational leaders currently work within the various branches of government, the private sector, and education groups to facilitate changes to statewide education. In other words, it may be advantageous to bring these groups together more formally through other leaders, such as executive orders or directives from the Governor's Office.

Therefore the members of the Management Audit Committee may wish to draft legislation that repeals or reconfigures the purpose, composition, and functions of the WEPCC.

**Matter for
Legislative****Consideration: 5.2**

The Legislature may wish to consider repealing W.S. 21-16-601 through W.S. 21-16-602 or may wish to consider amending the statute to provide more specific direction for the Wyoming Education, Planning, and Coordination Council.



CHAPTER 6

Licensure Boards are Generally Satisfied, but Transparency and Database Systems can also be Improved

Finding 6.1: Supported and independent boards are generally satisfied with services received from the Professional Licensing Boards Division. However, the Division could improve transparency with respect to billing for administrative and fiscal services by providing detailed invoices and agreements or contracts.

Overall results show satisfaction Overall, the Division should be commended for the level of customer satisfaction for administrative and accounting services provided to both supported and independent boards. However, the survey did provide useful feedback that could allow for opportunities for continuous improvement.

Supported and independent boards are generally satisfied with services provided by the Division. However, there are areas that could be improved. For instance, survey results showed that the Division could provide more transparency with administrative and accounting rates charged to licensure boards. Billing practices should be more clearly defined within a specific methodology for received services so that boards are always aware of what they are paying for administrative and accounting services.

Likewise, contracts for services provided to supported and independent boards could provide an effective solution in the amount and timeframes that boards are charged for services.

The following provides more specific information with respect to services provided to supported and independent boards.

Supported boards LSO's survey of licensure boards provides a general snapshot of agency satisfaction related to administrative and accounting services provided by the Professional Licensing Board Division (Division).

Eighty-one (81) surveys were distributed, one to every board member within the supported board sample. Of the total surveys sent, 47 were returned, providing a 58% return rate.

Examples of administrative services include: meeting administration; processing travel and per-diem; coordinating rule promulgation; coordinating statutory revisions; coordinating investigations; complaint intake; complaint processing; and managing the licensure database.

Examples of accounting services include: processing board revenue and expenditures; establishing contracts; monitoring contracts; budget preparation; managing board finances; and reporting board finances.

From the analysis of this data, it appears that overall, supported board members are satisfied or extremely satisfied with the administrative and accounting services they are provided by the Division. Forty-seven (47) members from the following 18 supported boards responded to the survey.

- Mental Health Professionals Licensing Board
- Board of Examiners in Optometry
- Board of Respiratory Care
- Board of Examiners of Speech Pathology and Audiology
- Board of Architects & Landscape Architects
- Board of Embalming
- Board of Midwifery
- Board of Physical Therapy
- Board of Registration in Podiatry
- Board of Psychologist Examiners
- Board of Dental Examiners
- Dietetics Licensing Board
- Board of Veterinary Medicine
- Board of Hearing Aid Specialists
- Board of Radiologic Technologists Examiners
- Board of Chiropractic Examiners

Administrative services. There were 47 responses related to overall satisfaction of administrative services provided to the supported boards within the sample. Thirty-four, or 72% of respondents from supported boards were satisfied or extremely satisfied with administrative services. Likewise, 29 respondents or 62% were satisfied or extremely satisfied with their ability to provide feedback to the Division with respect to those services. It should be noted, however, that 26% of respondents were neutral on the question of feedback, which could indicate confusion with respect providing feedback or asking questions.

For example, one board member noted that while he or she was *“satisfied with the administrative services, the one area of concern is a sense that the staff is over committed, the only area of minor concern is that some items can tend to drag out. It is not generally an issue, as our questions tend to be relatively simple.”*

There was some dissatisfaction expressed within the responses. For example, 5 respondents or 11% were either dissatisfied or extremely dissatisfied with administrative services.

The following tables provide additional information.

Table 6.1
Supported Board Satisfaction with Administrative Services Provided by the Division

Rating	Number of Responses	Percentage
Extremely Satisfied	23	49%
Satisfied	11	23%
Neutral	3	6%
Dissatisfied	4	9%
Extremely Dissatisfied	1	2%
No Response	5	11%
Total	47	100%

Source: Legislative Service Office from information provided by the surveys.

Table 6.2
Supported Board Satisfaction with Ability to Provide Feedback on Administrative Services to the Division

Rating	Number of Responses	Percentage*
Extremely Satisfied	17	36%
Satisfied	12	26%
Neutral	12	26%
Dissatisfied	1	2%
Extremely Dissatisfied	0	0%
No Response	5	11%
Total	47	100%

Source: Legislative Service Office from information provided by the surveys.
Because of rounding percentages may not equal 100%

Accounting services: There were 47 responses received related to overall satisfaction of accounting services provided to supported boards. Thirty-two, or 68%, of respondents were satisfied or extremely satisfied with the services provided. Likewise, 26 respondents or 56% were satisfied or extremely satisfied with the ability to provide feedback to the Division.

Evaluators also found that 6 respondents or 13% were either dissatisfied or extremely dissatisfied with accounting services and four respondents or 9% were dissatisfied with the ability to provide feedback to the Division.

The following tables provide additional information.

Table 6.3
Supported Board Satisfaction with Accounting Services Provided by the Division

Rating	Number of Responses	Percentage
Extremely Satisfied	17	36%
Satisfied	15	32%
Neutral	3	6%
Dissatisfied	4	9%
Extremely Dissatisfied	2	4%
No Response	6	13%
Total	47	100%

Source: Legislative Service Office from information provided by the surveys.

Table 6.4
Supported Board Satisfaction with Ability to Provide Feedback on Accounting Services to the Division

Rating	Number of Responses	Percentage*
Extremely Satisfied	14	30%
Satisfied	12	26%
Neutral	10	21%
Dissatisfied	4	9%
Extremely Dissatisfied	0	0%
No Response	7	15%
Total	47	100%

Source: Legislative Service Office from information provided by the surveys.

*Due to rounding, percentages may not equal 100%

Rate determination. Based on their responses, it appears that some board members are unaware of the rate determination process for administrative and accounting services. Many board members do not question rates or the process by which rates are determined. Responses showed that 30% (14) of the respondents were neutral in this area.

One individual commented, *“we have no problem with the way our assigned employees are paid as there are hours that our charged to our board, but the “overhead fees” charged as a percentage of the total division’s expenses is very vague. From what we are told this is “overhead,” without any specifics as to what or whom this overhead is paid to.”* After discussing these comments with the Division, evaluators understand that overhead related to leases for example, is not included as part of the administrative charges. Administrative fees include only payroll costs. Although the comment from the board member above is technically incorrect, it shows a misunderstanding of billing, which could be cleared up with better communication with the Division.

Another respondent stated that his or her board is a *“small board and it seems unreasonable for us to be charged the same amount as large boards for some services.”* The lack of clearly explaining the difference between overhead and administrative fees is one example of the confusion surrounding rate determination. If the Division provided a clear breakout of rates charged for services, board members may be more likely to not question quarterly and other payments.

It should be noted, however, that 43% (20) of respondents were satisfied or extremely satisfied with how rates are determined. However, 11% (5) of respondents were dissatisfied or extremely dissatisfied and 17% (8) of those that returned surveys did not respond to the question pertaining to rates.

As discussed in the Background section and throughout the other chapters of this report, there is no formalized criterion for how rates are determined by the Division. The Division should strive to provide the best services it can provide per the Type 3 transfer language in its statutes.

One of the comments from the survey was that the respondent did not know the process for rate determination. Likewise, a different respondent noted feeling that the process by which rates were determined were out of the board's control and thus remained neutral. Based on the survey, it appears that board members do not know how rates are determined, but that they are not quick to question that process either. In any instance, establishing formal criteria for establishing administrative and accounting rates is appropriate.

The following table provides additional information.

Table 6.5
Supported Board Satisfaction with the Process by which Rates are Determined

Rating	Number of Responses	Percentage*
Extremely Satisfied	8	17%
Satisfied	12	26%
Neutral	14	30%
Dissatisfied	1	2%
Extremely Dissatisfied	4	9%
No Response	8	17%
	47	100%

Source: Legislative Service Office from information provided by the surveys.

*Due to rounding, percentages may not equal 100%

Independent Boards Overall, it appears that independent boards are satisfied with their staff and the services provided. All have the option of purchasing and utilizing services from the Division, as stated previously, four independent boards receive limited fiscal services from the Division. The survey was sent to the 47 members of the sampled independent board members.

Of the surveys sent, auditors received 31 responses for a 66% rate of return. At least one response from each of the independent boards surveyed was returned, making the survey a reasonable assessment of the customer services provided to each board. The seven independent boards are:

- Board of Barber Examiners
- Board of Cosmetology
- Pari-Mutuel Commission
- Board of Nursing Home Administrators
- Board of Medicine
- Board of Occupational Therapy
- Miner's Hospital Board

Most board members noted that the services were provided through internal staffing of their respective board, and most members were either extremely satisfied or satisfied with the services they were receiving. In all instances, the executive director of each board provides these services for board members. Nothing less than neutral was selected for a response in this area.

Administrative services. Internal staff hired by the independent boards provides administrative services. Of these boards, there are varying levels of satisfaction with services; most boards are satisfied or extremely satisfied with the administrative services such as meeting administration, coordination of rule promulgation and statutory revisions.

As discussed in table 6.6 below, 58% (18) of the respondents stated that they were extremely satisfied with administrative services; 16% (5) stated they were satisfied; 13% (4) stated they were neutral; 10% (3) did not provide a response, and 3% (1) were dissatisfied with the administrative services overall.

Nineteen (19) respondents, or 61% stated that they were extremely satisfied with their opportunity to provide feedback related to the administrative services they received; Four (4) 13% of the responses stated they were satisfied. Similarly, 13% responded that they were neutral, and 13% did not provide a response to the question.

The following tables provide additional information.

Table 6.6
Independent Board Satisfaction with Administrative Services Provided by Internal Staff

Administrative Services Rating	Number of Responses	Percentage
Extremely Satisfied	18	58%
Satisfied	5	16%
Neutral	4	13%
Dissatisfied	1	3%
Extremely Dissatisfied	0	0
No Response	3	10%
Total	31	100%

Source: Legislative Service Office from survey results.

Table 6.7
Independent Board Satisfaction with Ability to Provide Feedback on Administrative Services Provided by Internal Staff

Rating	Number of Responses	Percentage
Extremely Satisfied	19	61%
Satisfied	4	13%
Neutral	4	13%
Dissatisfied	0	0 %
Extremely Dissatisfied	0	0 %
No Response	4	13%
Total	31	100%

Source: Legislative Service Office from information provided by the surveys.

Accounting services. Four independent boards receive accounting services from the Division: Board of Occupational Therapy; Board of Nursing Home Administrators; Pari-Mutuel Commission, and the Miners' Hospital Board.

As shown in Table 6.8 below, 64% (9) of respondents from the four independent boards were extremely satisfied or satisfied with the accounting services provided by Division staff. Four responses (29%) were neutral and only one (1), or 7% response noted dissatisfaction with the services.

Table 6.8
Independent Board Satisfaction with Accounting Services Provided by Division Staff

Accounting Services Overall Rating	Number of Responses	Percentage
Extremely Satisfied	7	50%
Satisfied	2	14%
Neutral	4	29%
Dissatisfied	1	7%
Extremely Dissatisfied	0	0%
No Response	0	0%
Total	14	100%

Source: Legislative Service Office from surveys.

Similarly, 50% (7) of survey responses from the boards that receive for accounting services from the Division showed that members are extremely satisfied with the ability to provide feedback. The remaining six (6) responses (43%) were neutral. The following table provides additional information.

Table 6.9
Independent Board Satisfaction with Ability to Provide Feedback on Accounting Services Provided by Division Staff

Accounting Services Overall Rating	Number of Responses	Percentage
Extremely Satisfied	7	50%
Satisfied	0	0%
Neutral	6	43%
Dissatisfied	0	0%
Extremely Dissatisfied	0	0%
No Response	1	7%
Total	14	100%

Source: Legislative Service Office from surveys.

The remaining three boards (Board of Cosmetology, the Board of Barber Examiners, and Board of Medicine) do not receive any services from the Division; instead, accounting services are provided through internal staff.

As shown in Table 6.10 below, 65% (11) of respondents are extremely satisfied or satisfied with the accounting services provided by their internal staff. One (1) response, or 6% was neutral and none of the board members listed any level of

dissatisfaction. However, five (5) board members (29%) did not respond.

Table 6.10
Independent Board Satisfaction with Accounting Services provided by Internal Staff

Accounting Services Overall Rating	Number of Responses	Percentage
Extremely Satisfied	9	53%
Satisfied	2	12%
Neutral	1	6%
Dissatisfied	0	0%
Extremely Dissatisfied	0	0%
No Response	5	29%
Total	17	100%

Source: Legislative Service Office from surveys.

Similarly, 59% (10) of survey responses from the boards that receive accounting services from their own staff are extremely satisfied or satisfied with the ability to provide feedback. Two board members (12%) stated that they were neutral, and five members (29%) were too new to their respective boards to comment. The following table provides additional information.

Table 6.11
Independent Board Satisfaction with Ability to Provide Feedback on Accounting Services Provided by Internal Staff

Accounting Services Overall Rating	Number of Responses	Percentage
Extremely Satisfied	9	53%
Satisfied	1	6%
Neutral	2	12%
Dissatisfied	0	0%
Extremely Dissatisfied	0	0%
No Response	5	29%
Total	17	100%

Source: Legislative Service Office from surveys.

Rate determination. Board members were asked about their satisfaction related to terms of service for the administrative and accounting services provided by the Division and then asked about their satisfaction with the rates charged for those services. There was only one response to the question regarding satisfaction with the terms of service; that response deferred to the executive

director of the board.

Similarly, there were only four (4) neutral responses regarding the satisfaction of board members in relation to rates paid to the Division for services. Twenty-seven board members or 87% did not respond to this question.

The lack of response from other board members could be in large part because there are no contracts or written agreements between the Division and board members have no frame of reference. Although there are no formal criteria for how rates are determined, the Division should strive to provide the best services it can provide in a manner consistent with the services provided to supported boards. A consistent rate schedule for all services to all boards may be worth consideration.

Other areas Evaluators also asked supported and independent board members questions related to new board training, uniform statutes, and becoming independent boards (for supported boards only). Evaluators did not receive enough data to support findings or recommendations in these areas. However, responses to these questions can be found in Appendix C-1 and Appendix C-2, as well as complete survey data.

Finding 6.2: The Division’s database systems are not used by all licensure boards and are antiquated. One board has moved forward with a quote for an integrated database; others have expressed interest. The Department of Enterprise Technology Services is moving forward with an enterprise solution, which can be used by licensure boards.

The Division does not have a single integrated database system to manage licensee data and provide for online renewal. Currently data is managed in disparate ways; some boards’ information is stored on Access databases managed by the Division, while other boards utilize a Professional License Renewal (PLR) system that allows licensees to review various information online.

Still other boards are looking to upgrade to an integrated system through an independent vendor. The Department of Enterprise Technology (DETS) is currently implementing an Educator Credentialing System, which can be used by licensure boards.

Combination of systems used by the Division and licensure boards **Access databases.** The Division utilizes a combination of systems to manage their licensee information. For the majority of boards, Division staff enters licensee information into an Access database for each board.

According to the Division, individual Access databases are used for each board as the “*records belong to each individual board.*” Access forms are used on the front end and the data is housed in the Division’s server, presently on their cloud. The Division also stores hard-copy data which takes up considerable space and staff resources.

Each board administrator is responsible for maintaining the individual board’s Access database; according to Division staff, there are no internal controls to guarantee security of information. The procedures to ensure accuracy of information include having

the licensee's social security number identified as key in each Access database so duplicate information cannot be entered. However, there are no formal audits conducted on the Access data for accuracy. Division staff stated that accuracy is ensured through the constant review of data.

Professional License Renewal System (PLR). In addition to the Access database, seven boards also utilize online renewal through the Division's Professional License Renewal System (PLR). Those boards include:

- Board of Architects & Landscape Architects
- Mental Health Professions Licensing Board
- Board of Physical Therapy
- Board of Veterinary Medicine
- Board of Dental Examiners
- Board of Respiratory Care
- Board of Examiners in Optometry

The PLR data is stored on the SEQUEL database by DETS. According to Division staff, the original PLR system was developed by the former Information Technology Division (ITD). The SQL storage system was chosen by DETS when the PLR online system was first developed in 2005. The system was originally developed with funding from the Governor's Office. The supported boards that do not utilize the PLR system cannot afford the programming charges from DETS.

The PLR system allows licensees to renew their licenses online, pay by credit card, print a receipt, and in some cases print license renewal ID cards. The system also decreases staff time spent on processing renewal applications, as the SQL database is populated with the information entered by licensees.

The options offered by each board's webpage vary, as some boards have elected to take advantage of additional features, as their budgets will allow. For example, the Board of Architects & Landscape Architects and the Board of Dental Examiners also provide online verification; and the Board of Psychology offers a searchable license verification function.

Division staff stated that maintenance of the system is difficult because those responsible for the creation of the PLR system are no longer employed by the State. The Division has discussed potential upgrades to the system with DETS. Both agree that the system is antiquated and in need of modification.

Division staff are investigating the potential for an integrated database

Division staff is in the process of inquiring about the possibility of an integrated database that would provide storage of licensee data, allow for online license renewal, and be integrated with boards' webpages. It has discussed the issue with DETS for development of an integrated database system, but the stand-alone system may be cost prohibitive. According to Division staff, DETS has encouraged them to look for an outside vendor to develop a system.

As a result, the Division has engaged with Gannett Peak to discuss the possibility of the company developing an integrated database system for the Board of Psychology. More specifically, the Board is interested in an integrated system to include the following:

- Licensee profile
- Administration screens
- Online application
- Online payment
- Work-flow framework
- Eligibility validation
- Letter generation
- Certification generation and printing
- Administrator roles for various user types
- Website integration
- Reporting
- Data conversion

According to information provided by the Division, an integrated system could cost \$93,600 for one board. However, other boards have expressed interest in a similar or shared system; quotes for a shared system have not been provided to the Division.

Gannett Peak is not the only vendor available, however; as stated in the Background, some boards use GL Suite for their integrated databases. Currently there are several boards that use GL Suites, including the Board of Medicine, the Board of Cosmetology, and the Board of Barber Examiners. These boards have expressed

their general satisfaction with GL Suite.

Educator Credentialing System. The Legislature has directed DETS to develop a system for Educator Credentialing for the Wyoming Department of Education (WDE) that would be scalable to handle both credentialing and renewals for disparate systems. Funding for the project is a little over \$1 million.

The directive was issued as an enterprise solution in order to reduce information silos to create a more cohesive system. According to the Chief Information Officer (CIO), the new system will be modular and easily adaptable for other workflow and will be able to be used for credentialing needs throughout the State.

The Educator Credentialing System is still under development and according to DETS is not yet ready for use for other needs. Currently, DETS is developing common libraries necessary for the system and will begin working on the core code starting this summer.

The CIO is currently working with a custom programmer to ensure the project moves forward at a reasonable pace. The goal is to start “*building in other agencies*” by the end of the year. Once up and running, the system can be customized to meet specific needs by independent contractors, who have been hired by other agencies. Such contractors would operate under the umbrella of DETS to ensure oversight of contractor activities.

Criteria allow for review and obtaining quotes for services

Pursuant to W.S. 9-2-2906(d)(i), DETS is also required to review agency expenditures related to information technology hardware or software. This ensures that agencies are not making IT related expenditures that are contrary to enterprise solutions currently underway by DETS. This statute will also apply to the Division and licensure boards when moving forward with IT purchases.

W.S. 9-2-1016(b)(iv)(A) requires that purchases in excess of \$7,500 “*shall be made by competitive sealed bidding when the configuration or performance specifications, or both, are sufficiently designed to permit award on the basis of the lowest evaluated prices as determined in accordance with objective, measurable criteria set forth in the invitation for bids...*” For purchases between \$1,500 and \$7,500, W.S. 9-2-1016(b)(iv)(D) requires approval by the Governor or his designee.

Ensuring that the above statutes are met allows for an objective and knowledgeable process for obtaining information, as well as making expenditures. For example, obtaining a single quote prior to formally soliciting formal bids or proposals could unintentionally cause a bias towards one contractor during the formal process.

Recommendation: The Division should work with the
6.1 Department of Enterprise Technology Services to explore the possibility of using the Educator Credentialing System for licensure boards, prior to moving forward with inquiries into the cost and design of integrated databases. In addition, it should continue to discuss the current quote and Statement-of-Work from Gannett Peak with Department of Enterprise Technology Services for feedback with respect to needs expressed by the Board of Psychology.

Recommendation: Prior to soliciting potential vendors, the
6.2 Division should first contact the purchasing office within the Department of Administration & Information for guidance and to ensure that inquires outside of discussions with Department of Enterprise Technology Services are not contrary to the state's procurement statutes and rules.

CHAPTER 7

Wyoming Miners' Hospital Board Showing Improvement

Finding 7.1: The Wyoming Miners' Hospital Board is working to improve accountability over its contract with Employee Benefits Management Services. The Legislature should be kept updated through progress reports.

In previous years, there has been a lack of oversight by the Wyoming Miners' Hospital Board (Board) in the administration of benefits provided by Employee Benefits Management Services (EBMS), a contracted Third Party Administrator (TPA). This lack of oversight has resulted in inappropriate expenditures caused by both the failure of prior board staff to monitor and audit the actions of the EBMS and lack of clear direction provided to EBMS on statutory provisions. This deficiency was acknowledged by the Board's current Executive Director who, with the Board, is taking corrective actions to remedy the situation to ensure benefits are provided in a manner meeting statutory intent.

*Legislative Service
Office scoping paper
(2011)*

In 2011, at the request of the Management Audit Committee, a scoping evaluation was completed on the Miners' Hospital Board. The primary focus was to address if revenues generated by trust lands could be used for purposes other than providing health and wellness programs for miners. The finding of the scoping paper was that aside from congressional amendment of the Act of Admission, revenues generated by trust lands could not be used for any other purpose.

In the scoping paper evaluators also provided a history of the Miners' Hospital, history of the Miners' Hospital Board, and the current services provided to miners through the established programs.

A full copy of the scoping paper may be obtained through the Legislative Service Office website at <http://legisweb.state.wy.us/progeval/REPORTS/2011/Final-Committee%20Copy.pdf>.

Background The Board was established to assist in the overall improvement of the health of miners by establishing free programs to provide benefits for health issues related to pulmonary/respiratory, hearing loss, cardiac, and musculoskeletal medical issues.

To accomplish their established purpose, the Board created three programs for miners: 1) Hearing Aid Purchasing Assistance Program; 2) Mobile Wellness Testing Program; and 3) Miners' Medical Assistance Program. All programs provide specified benefits on a per-miner basis and payments are made directly to the medical providers except for reimbursement of covered prescription drugs.

The following table outlines the benefits for each program administered; however the Wellness Testing Program is currently suspended while it is under review by the Board.

Table 7.1
Miners' Hospital Board Programs

Program	Benefits
Hearing Aid Purchasing Assistance Program	Up to \$2,000 (in network) or \$1,500 (out-of-network) toward the purchase of hearing aids
Mobile Wellness Testing Program	Free wellness testing through a mobile health screening program Tests include the following: blood chemistry; blood count; blood pressure; EKG/bike/treadmill; hearing; PSA; pulmonary; vision; X-ray; weight; height; stool; and body fat
Miners' Medical Assistance Program	Up to \$5,000.00 per calendar year for unpaid medical bills including prescriptions for pulmonary/respiratory, cardiac and musculoskeletal conditions of miners which are due to labor in the mining industry

Source: Legislative Service Office from information provided by the Miners' Hospital Board.

The funding for these programs comes from the Miners' Hospital Account from the Permanent Land Fund (L01) and the Miners' Hospital Account from the Permanent Income Fund (N01). As of May 21, 2013, Fund L01 has a cash balance of \$53,737,424.95 and Fund N01 has a cash balance of \$35,930,869.15.

The amount available for appropriation is capped at an amount equal to five percent (5%) of the balance of both the Miner's Hospital Accounts within the Permanent Land Fund.

Nearly ninety-five percent (95%) of the expenditures are allocated to payment of program benefits including any vendor costs associated with the administration of the benefits. Of the \$5,953,371 BFY13 operating budget, \$5,599,866 is allocated for program benefits. Historically, the Miners' Hospital Board has reported ample fund balances at the end of a biennium, demonstrating sufficient funding is available for these programs. The availability of funds combined with problems in establishing eligibility and claims processing creates a high level of risk.

Detailed in the following table are the budgeted amounts for BFY13 for each program, including the cost allocated for payment to the TPA to administer program benefits for the Hearing Aid and Medical Assistance Programs.

According to the current Executive Director, the budgeted amount for TPA services is far less than what is needed. The current Executive Director had limited budgeting experience when the BFY13 budget was prepared and utilized prior budget data to construct the budget which did not accurately reflect budgetary needs.

Table 7.2
Miners Hospital Board Programs
BFY 2013

Program	BFY13 Budget Amount
Hearing Aid Subsidy Programs	\$1,287,000
Mobile Wellness Testing	\$2,331,491

Program	BFY13 Budget Amount
Medical Assistance	\$1,825,125
Third Party Administrator	\$156,270
Total	\$5,599,886

Source: Legislative Service Office from information provided through the Budget Division.

Eligibility requirements Specific eligibility requirements are established by regulation that must be investigated prior to consideration of program benefits. Residency requirements mandate that an eligible miner must be a current resident at the time of the services or benefits applied for and while a resident must have had: **1)** twelve (12) consecutive months of service at a mine site or a contiguous state or **2)** have been injured while at work in a mine in Wyoming and be unable to continue working as a miner due to that injury. Specificity is also provided to the type of mining considered in the eligibility requirements to include coal, trona, bentonite, uranium, sand and gravel, gypsum, and other stone mining.

Once eligibility of the miner is established, the type of services must be reviewed and compared to program eligibility requirements. Services rendered must be related to the four specified health conditions: pulmonary/respiratory; hearing loss; cardiac; and musculoskeletal. Treatment must also be related to injuries directly resulting from labor in mining and all other collateral sources of payment for these services must be exhausted.

The Board contracts with EBMS to administer benefits related to the Hearing Aid and Medical Assistance Programs. In the past, EBMS was responsible for all aspects of administering benefits including: miner registrations; determining eligibility; auditing of medical claims, prescription and hearing aid claims; and payment of claims.

Inaccurate claims. Prior to the current Executive Director, there was a lack of clear direction to and accountability over EBMS for the Medical Benefits and Hearing Aid Programs. As a result, EBMS processed inaccurate claims for purposes outside of the statutory intent including: benefits to non-miners; treatment for

automobile accidents; benefits for miners not meeting residency requirements; and other potential inappropriate claims. According to the current Executive Director, although the Board is aware that inappropriate payments occurred, the exact amount of overpayment is not known.

Inconsistent payment of claims has contributed to the Board's inability to accurately project claim volume which has caused budgetary issues. In 2012, the B-11 process was used to pay over \$2 million in overages related to program benefits. For BFY 2013 and forward, the Board's Executive Director stated that they used and will use the supplemental budget process to request additional funds.

Contractual issues with the TPA have also resulted from the Board's inability to accurately project claim volume. In 2012, the Board voted to increase payment to the TPA up to \$100,000 above the specified annual cap amount allowable under the contract. Since prescribed program benefits are now being consistently applied, improved claim volume projections are expected which will be considered in any possible future TPA contracts.

Total of inaccurate and improper payments is unknown

The unknown amount of money that has been lost due to inaccurate and improper payments made by the TPA fall into three categories: **1)** Payments made to miners employed by companies not meeting facility classification requirements; **2)** Payments for health conditions not related to the specified four health conditions (pulmonary/respiratory, hearing loss, cardiac and musculoskeletal) and as a direct result of labor in mining; and **3)** Payments to miners not meeting residency requirements.

Other than some minimal attempts by the TPA to recoup payment from vendors as a result of residency issues, the Board has taken a go-forward approach and is not actively pursuing subrogation for inappropriate payments. Except for instances of falsification of documentation, the Board stated direct subrogation against the miners is not prudent. Subrogation could be pursued against other collateral sources that should have provided primary benefits for services; however, without knowing an approximate amount of inappropriate payment it cannot be determined if further subrogation is a cost-effective recommendation.

Implemented changes The Board's statutes and rules are specific about the purposes of the money in the operating fund. The current Executive Director and Board have taken corrective action measures to ensure administered funds meet their statutory intent. These changes include:

- Administrative staff completes the miner registration process to ensure eligibility requirements met.
- Administrative staff audits every medical reimbursement claim to verify the miner is enrolled in the program and eligible for benefits.
- Medical necessity letters from hearing aid providers are reviewed by the Executive Director, who is now responsible for monitoring and approving funds for existing hearing aid claims by miners who have previously received benefits under this program.
- All bills submitted under the Medical Assistance Program are submitted and reviewed weekly by the Executive Director for any charges that do not appear to be reasonable.
- An audit provision was instituted in the most current contract with the TPA.
- The Board voted to require a statement of billable hours from contractors for audit purposes.

These improvements help increase attention by staff to claims and decrease the authorities of the TPA. This increased attention should significantly decrease inappropriate claim payments; furthermore, the current Executive Director as well as all Board members are now aware of the problematic nature of the TPA processing inappropriate claims and are more likely to fulfill their responsibilities to monitor claims.

Additionally, now that the Board programs are healthy and fully functional, there is less pressure on Board staff to justify the existence of the program. The perceived need to prove the importance of the administered programs could have contributed to the lack of attention to inappropriate claims.

Future programmatic changes In addition to the implemented program changes, the Executive Director and the Board are considering other corrective actions to further address problems within their operation.

As stated above, Wellness Testing Benefits for 2013 have been suspended while the Board reviews how to better administer this program. The Board intends to review and change the current model to avoid payment for unnecessary testing, to avoid providing coverage for benefits that are otherwise covered under the Miners' Medical Assistance and Hearing Aid programs, and to effectively integrate program changes resulting from the Affordable Care Act.

The Board anticipates updating rules to reflect program changes. If reimbursement for repairs to hearing aid devices are to be paid from the Medical Assistance Program benefits, the benefits prescribed by rule for this program need to reflect this expansion of benefits

The Board is considering moving claims processing from contracted services with a TPA to an in-house model. Staffing considerations regarding both the actual processing of claims as well as providing client assistance for claims is being considered.

The Board should consider if any efficiencies could be gained by consulting or contracting for support with the Division of Workforce Services, which has resources and systems in place to review, investigate, and process similar types of benefits. Legal consideration would need to be given to any potential conflict of interest since workers' compensation benefits need to be pursued first before miners' hospital benefits can be considered.

If continued benefit administration services are provided through a TPA, future contracts should be drafted to ensure rates and aggregate cap amounts are appropriately set to prevent deviation from the contract and should provide for contractual assurances for appropriate payment of benefits.

Potential Legislative Changes Finally, moving forward, the current Executive Director of the Board has voiced several concerns regarding statutory requirements and Board administration. Generally, these concerns deal with maintaining a consistent membership of the board, clearly defining terms for eligibility purposes, and clarifying the intent of the Board's programs.

The following table outlines the specific statutes and concerns from the Executive Director.

Table 7.3
Statutory Concerns from Executive Director

Statute	Concern
<p>30-6-101(a)(i): <i>“One (1) member of the Sweetwater County Memorial Hospital Board appointed by a majority vote of the county commissioners or the county commissioners shall appoint a designee if a Sweetwater County Memorial Hospital Board member cannot serve”</i></p> <p>30-6-101(a)(iii): <i>“One (1) member of the Campbell County Memorial Hospital Board appointed by a majority vote of the county commissioners or the county commissioners shall appoint a designee if the a Campbell County Memorial Hospital Board member cannot serve”</i></p>	<ul style="list-style-type: none"> • While some members appointed from the Sweetwater County Memorial Hospital Board and the Campbell County Memorial Hospital Board have expressed an interest in serving on the Miners’ Hospital Board, others have lacked interest in their appointment • Board members from the Hospitals often lack of longevity due to County Commissioner appointment or public vote
<p>30-6-102(b)(i): <i>“Serve disabled or incapacitated miners in this state with emphasis on pulmonary/respiratory, hearing loss, cardiac and musculoskeletal conditions of miners due to labor in the mining industry”</i></p>	<ul style="list-style-type: none"> • The Board struggles to define <i>“disabled”</i> and <i>“incapacitated”</i> workers • The Board struggles to understand the statutory intent of <i>“due to labor in the mining industry,”</i> since workers’ compensation should apply • The Board determined that further studies in the statutory areas should be conducted to determine what diagnoses are occurring in these areas in order to better determine eligibility for the programs
<p>30-6-102(e)(ii): <i>“Miner’ means a resident of Wyoming who has worked in a mine in this state or a contiguous state who is or was employed at a coal or other mine or at a processing or conversion facility contiguous to</i></p>	<ul style="list-style-type: none"> • The Board has difficulty with definitions of <i>“miner,” “worked in a mine,” “processing or conversion facility,”</i> and <i>“resident”</i>; further clarification of these terms could help in determination of eligibility • The Board also has difficulty with requirements for determination of full-time employment • The Board has concern over the <i>“contiguous state”</i>

Statute	Concern
<i>the mine and dependent upon the output of that mine as feedstock. 'Miner' shall include the operator of the mine or plant if the operator works on a continuing or irregular basis"</i>	allowance; there is a struggle to ensure eligibility for Wyoming residents working in other contiguous states while also maintaining the focus of the program only for Wyoming residents

Source: Legislative Service Office from information provided by the Miners' Hospital Board.

Recommendation: The Executive Director should continue
7.1 making improvements to the accountability of the program and provide a follow-up to the Management Audit Committee in six (6) months.

Recommendation: The Board should promulgate new rules
7.2 related to programmatic and other changes that have recently occurred.

Recommendation: The Board should work with the Third Party
7.3 Administrator to identify the total amount of inaccurate or improper payments, and then discuss whether subrogation or other corrective measures are desirable.

Matter for Legislative Consideration: The Legislature may wish to consider amending Wyoming Statute Title 30, Chapter
7.1 6 to address concerns related to board membership, eligibility requirements, and the intent of Board programs.



CHAPTER 8

Other States

Other states

As discussed in the Scope and Methodology section, evaluators surveyed five (5) comparator states: Vermont, Alaska, Montana, South Dakota, and North Dakota. Comparison was undertaken in order to obtain more information with respect to the organizational structure, funding, and administration of professional licensing boards in the other states.

Entities comparable to Wyoming's Pari-Mutuel Commission operate in the other states outside the structure of professional licensure boards and are commonly independent agency-like boards and commissions or are included the state's gaming commission. Further comparison of the Pari-Mutuel Commission to other states is therefore excluded from the rest of this discussion.

Structure In the comparator states, professional licensure boards are either supported or independent; none of the states were found to have both supported and independent boards under their operating structures. Professional licensure boards in Vermont, Alaska, Montana, and South Dakota are all supported, while professional licensure boards in North Dakota operate independently without any agency support.

Two operating models were observed in the other states for supported boards. In Vermont, Alaska, and Montana, all licensure groups are structured under an umbrella agency similar to Wyoming's Department of Administration and Information (A&I), Professional Licensing Boards Division (Division) that aid in the administration and regulation of the professional licensure boards.

In these states, all of the licensure groups comparable to those included in the scope of this audit are structured under the state's umbrella agency with only a few exceptions. In Vermont, the Board of Medicine operates under the Department of Health, and

speech language pathologists and audiologists are licensed through the Department of Education. In Alaska, the licensure for athletic trainers, radiologic technicians, and respiratory therapists is not regulated at all.

The following table provides additional information related to state umbrella agencies.

Table 8.1
Other States' Umbrella Agencies

Umbrella Agency	Scope of Authority
Vermont's Office of Professional Regulation (Secretary of State's Office)	Aids in the administration and regulation of 45 professional licensure groups. Does <u>not</u> include the Board of Medicine or speech language pathologists and audiologists.
Alaska's Department of Commerce, Division of Professional Licensing	Aids in the administration and regulation of 40 professional licensure groups. Does <u>not</u> include athletic trainers, radiologic technicians, or respiratory therapists.
Montana's Department of Labor, Business Standards Division	Aids in the administration and regulation of 36 professional licensure groups.

Source: Legislative Service Office from information surveyed from other states

The various professional licensure groups included under the operating authority of the other states' umbrella agencies are comparable to those professions listed under Wyoming's Title 33. The number of licensure groups serviced by each umbrella agency far exceeds the number of licensure groups serviced by the Division and correspondingly, agency staff numbers in other states are also far greater. In Vermont, for example, approximately 30 agency staff are employed by Vermont's Office of Professional Regulation and service the 45 licensure groups.

A second operating model for supported boards was observed in South Dakota, in which the professional licensure boards are supported by several departments and not by one umbrella licensing agency. Boards are structured under departments that regulate other comparable areas of public interest. For example, the boards for barbers, cosmetology, and architects operate under the Department of Labor; boards for medical professional licensure operate under the Department of Health; the boards of

psychology and mental health professionals operate under the Department of Social Science; and the board for veterinary Medicine operates under the Department of Agriculture. These boards are considered a part of the department under which they operate and no different from any other division under that department in terms of accountability.

Non-board regulated professional licensure groups. In Vermont and Alaska, the umbrella agencies administer and regulate various professional licensure groups without the involvement of a board. Vermont utilizes an advisory model under which two licensed members of the profession advise the director of the umbrella agency on matters related to the profession, including assistance with administrative rules, investigating complaints, and taking disciplinary action against licensees. Alaska's non-board-regulated licensure groups are regulated solely by the umbrella agency without specified input from industry professionals. Listed in the table below are the licensure groups in Vermont and Alaska that operate without a board.

Table 8.2
Licensure Groups without a Board

Vermont	Alaska
Nursing Home Administrator	Nursing Home Administrator
Occupational Therapy	Speech-Language Pathologists
Respiratory Care	Permits to euthanize domestic animals
Physical Therapists	Morticians
Hearing Aid Dispensers	Hearing Aid Dispensers
Athletic Trainers	Dietitians
Licensed Midwife	
Dietitians	

Source: Legislative Service Office from information surveyed from other states

In Vermont, determination of licensure group's regulation without a board is legislatively driven. Licensure groups can be legislatively established from inception without the oversight of a board or the legislature may move the licensure from board regulation to an advisory model following a sunrise or sunset audit. Sunrise and sunset audits related to professional licensure boards in Vermont are explained in further detail in the "Continual Auditing" section below.

While the legislature considers all factors when determining if a licensure group should operate without a board, low licensure revenues for any one board is cited as the primary driver to regulate a licensure group under their advisory model.

Many of the licensure groups in Vermont and Alaska that are regulated by the umbrella agency without a board are some of Wyoming's smallest licensure groups. In FY2011, licensee counts in Wyoming for some of these groups were: midwives (3), hearing aid dispensers (39), athletic trainers (56), and nursing home administrators (82).

Unfortunately, no response was received from Alaska to discuss consideration made to regulate certain licensure groups without a board. However, under Alaska statute, if a program is terminated as a result of a sunset audit, the umbrella agency continues activities of the board. It is not known, however, if any of the licensure groups in Alaska that are regulated without a board were previously board regulated and terminated as a result of sunset audit.

Continual auditing Unlike Wyoming's boards and commissions, several states do require annual financial audits. In addition to financial audits, other states require auditing in the form of sunset and sunrise audits.

Sunset audits are completed in both Alaska and Vermont for the professional licensure boards. Each program is scheduled to terminate on a specified date unless legislative action is taken to reinstate them. Prior to the scheduled termination date, the activities of the board are reviewed to include determination as to whether the boards and programs have demonstrated a public need for continued existence. Interestingly, during these audits, consideration must be given to the extent to which the board duplicates the activities of another government agency or the private sector.

Montana does not have a standing auditing program for their boards; however, in 2011 an interim study was initiated to complete sunset audits on 33 of the professional and occupational licensing boards, including 18 of the boards from the scope of this audit. The focus of the committee was to review and determine whether each board serves their public purpose. To date, it has been the recommendation of the committee to retain all licensing

boards reviewed; however, sunset reviews for these boards are scheduled in 2013-2014.

Vermont's sunrise audit program for their professional licensure boards is a formalized process by which professions or occupations wishing to receive state certification of licensure can propose their request to the legislature. After completion of an application, Vermont's umbrella agency completes a sunrise audit which includes research and review of the components of occupation or profession seeking regulation, a public hearing, and other fact-finding measures to determine if the group seeking licensure meets uniform statutory criteria. Primarily, the criteria require state licensure of an occupation or practice when unregulated practice can harm or endanger the health, safety, or welfare of the public.

Issue-related board reporting. Montana Code 37-1-107 requires joint meetings between boards that regulate professions with related issues every two years to discuss issues related to both boards, such as dual licensure requirements. The umbrella department is then required to report to a legislative interim committee with respect to findings and conclusions of each meeting. More specifically, "*the department shall report to the interim committee responsible for monitoring boards with regard to attendance and issues of concern addressed by the boards.*"

This type of mechanism within uniform statutes creates a vehicle for self-reporting various issues to the legislature. Rather than placing the onus for accountability directly on the legislature, this type of statutory requirement allows licensure boards to discuss potentially substantive issues related to overlap, duplication, joint licensure, and consolidation. Legislatures may decide to act on various issues brought forth by licensure boards.

Statute Uniformity In each state reviewed, comparable statutory language to Wyoming's Title 33, "*Professions and Occupations,*" is present to provide governance to each area of discipline. However, within every state where professional licensure is administered under an umbrella agency similar to the Division, uniform statutes and regulations exist applying to the administration and regulation of all licensure groups.

From a statutory construction perspective, in Montana and Alaska the uniform provisions applying to all boards are located within the comparable Title 33 of their statutes while Vermont situates the uniform statutory language under the title for the umbrella agency.

The uniform statutes outline the general duties and powers of the boards, duties and powers of the umbrella agency, and provisions applicable to the regulation of the licensure groups, including disciplinary procedures and appeal processes, confidentiality of records, issuance of temporary licenses, and fees.

Duties and powers of the umbrella agency. Uniform statutes set forth the duties of the umbrella agency and statutory relationship between the umbrella agency and the board. The duties and authorities span areas of administration, fiscal, legal, investigatory, and clerical. This model of regulation establishes clear duties, authorities and powers of the umbrella agency, making contracts or agreements unnecessary. Listed in the following table are the specific statutory duties of the umbrella agency observed in the other states.

Table 8.3
Duties of the Umbrella Agency

Statutory Provision	Vermont	Montana	Alaska
Send, receive, and process application for licenses	X	X	X
Issue, record, renew, and reinstate all licenses as ordered	X	X	X
Revoke or suspend licenses as ordered	X	X	X
Compile and maintain statistical data for each board	X	X	X
Answer routine inquiries			X
Standardize applications, licenses, and other related forms	X	X	X
Notify the public and board members of meetings and examinations; arrange for meeting locations	X		X

Statutory Provision	Vermont	Montana	Alaska
With the assistance of the boards, establish schedule of license renewal dates to distribute work generated from renewals	X	X	
Contract for or administer and grade examinations		X	X
Provide inspection, enforcement, and investigative services to the boards	X	X	X
Contract for substance abuse services for licensees			X
Notify relevant state, federal and local agencies and appropriate bodies of disciplinary cases		X	
Maintain all files and records of the boards, including minutes of meetings	X	X	X
Arrange payment of expenses incurred by the board " <i>within the limits of the funds appropriated to them</i> "	X		
Assist the boards in adopting, amending, and repealing rules	X		
Provide other administrative services which are necessary or desired within resources	X		X
Purchase supplies	X	X	X
Arrange for printing and advertising	X	X	X
Employ additional help			X
Collect and deposit all fees	X	X	X
Assess costs of the Department to the boards on an equitable basis		X	
Standardize policies and procedures	X	X	

Statutory Provision	Vermont	Montana	Alaska
Prepare and submit a budget with consultation from the boards	X		

Source: Legislative Service Office from information surveyed from other states

As illustrated in the table above, many commonalities exist between the states in the duties and authorities prescribed for their umbrella agencies. Furthermore, while some duties may not be specifically prescribed, duties may be interpreted by the umbrella agency as being included in their general powers.

Duties and powers of the boards. The states with umbrella agencies also have uniform statutory provisions establishing the duties and powers of all boards. Each state grants authority to their boards to set and enforce standards governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within the board's jurisdiction. These broad authorities provide the general framework for the boards and specific provisions pertaining to particular professions or occupations are then outlined by statute within the chapters comparable to Wyoming's Title 33 and supplemented by administrative rule.

Disciplinary authorities were also consistently observed in the uniform authorities granted to the boards in the other states. Generally, each state grants uniform authority to investigate, hold hearings, and take disciplinary actions against licensees; however, the breadth of powers vary. Of interest is that all three states with umbrella agencies grant subpoena power. However, the power is granted to the boards in Montana and Vermont and directly to the umbrella agency in Alaska.

Administrative duties, such as taking minutes and records of proceedings, as well as board appointment and composition criteria, were also found to be common uniform statutory provisions amongst the other states. For example, Alaska's uniform licensing statutes provide that all board members are appointed for staggered terms of four years, shall serve until a successor is appointed, and limits membership to two successive terms.

Fees, rates, and financial oversight. Similar to Wyoming, all states' professional licensure groups, except non-board regulated licensure groups in Vermont, are statutorily required to be financially self-sufficient, including boards that operate under an umbrella agency, independent boards, and boards that operate under a non-umbrella state agency. The one exception is the non-board regulated licensure groups in Vermont which are statutorily allowed to share costs. Even Alaska's licensure groups that are regulated by the umbrella agency without a board are statutorily required to be financially self-sufficient.

Also similar to Wyoming, established licensure fees must be commensurate with the cost of regulation. In all three states that operate under an umbrella entity, the state agency has an active role in establishing fees as well as reviewing fees to ensure that those established by the boards are sufficient to support the regulation of the licensure group.

In Vermont, uniform administrative licensure fees are set forth in statute, and in Montana, uniform administrative fees for all licensure types are established by the umbrella agency. Administrative fees include late fees, replacement fees, verification fees, temporary permittee license fees, and application fees. In these states, the licensure board only sets the actual license fees for the specific license types and the umbrella agency is charged with periodic fee review to ensure revenues are adequate.

Also in Vermont and Montana, authority is granted to the umbrella agency to report instances of financial insolvency of any of the boards which aids in appropriate budgetary oversight controls. For example, in Montana when the umbrella agency identifies a board's inability to operate in a cost-effective manner, they must provide notice and make recommendations to the appropriate legislative interim committee and suspend all duties related to that board except renewal of licenses.

In Alaska, the umbrella agency is responsible for adopting regulation to establish all licensure fees and only considers the boards' recommendations concerning fees before revising fee schedules. This process has resulted in over 400 individual fee types established to meet the financial self-sustaining regulatory structure of the individual licensure programs. Current legislation has been introduced in Alaska to fundamentally change their

current fee operating model in three areas: **1)** Revenues would be permitted to balance over multiple biennia; **2)** Fee types could be consolidated within a program; and **3)** Appropriations from the General Fund would be made to offset the cost of professional licensing and lower licensure fees.

Fee capping statutes were not discovered in any of the other states, although similar to Wyoming, other states report that hearing costs can unexpectedly diminish resources and necessitate sharp fee increases to balance the self-sustaining funding structure. To manage fees, Montana's umbrella agency attempts to set fees to cover costs and maintain a fund balance equal to a fiscal year budget amount and fund balances for each board are statutorily limited to 200% of the annual appropriation for the Board. Instead of capping fees, Montana's structure of capping fund balances while establishing minimum operating fund balances all while mandating fees that support fiscal independence sets the framework for fiscal solvency while balancing criticisms of excessive fees. If fund balances exceed the statutory maximum, the boards in Montana may opt to either issue refunds or to reduce license fees in the upcoming year.

To further manage fees, Montana recommends its boards explore cost containment measures for administrative costs. Specifically, boards are encouraged to consider telephone conference meetings over in-person meeting when feasible as well as whether to pay for board members to attend conferences around the country.

As previously stated above, all costs to regulate licensure groups, including administrative costs of the umbrella agencies, are 100% derived from the revenues of the licensure groups. Even in Vermont, which permits cost sharing between licensure groups that are administered without a board, all costs for services provided by the umbrella agency are fully funded from licensure revenues. Most of the other states do not have the need for a rate schedule or formal agreements as a result of the uniform statutory provisions defining relationships between the umbrella agency and the boards. Additionally, umbrella agencies do not service independent boards in combination with supported boards.

In all the states in which the licensure boards operate under an umbrella agency similar to the Division, the specific duties and type of services provided to the boards is prescribed in the uniform statutes. Therefore services provided to boards are the

same with the only variances occurring in services specific to a profession. Accordingly, the other states use a similar method as the Division to distribute costs of the umbrella agency between the licensure groups. Consideration is given to the total cost of the umbrella agency and then divided proportionally amongst the licensure groups based on actual time spent on administration.

South Dakota has the only state agency discovered which utilizes a specified rate schedule for indirect costs. South Dakota's Department of Labor which supports the Boards of Barbers and Cosmetology and licensure of Architects uses the US Department of Labor rate schedule to calculate indirect costs for administrative, investigative, legal, and financial services as part of their cost distribution model.

Overlap There appears to be a pattern of board consolidation related to those states that administer the licensure groups under an umbrella agency. States that have an umbrella agency (Vermont, Montana, and Alaska) have consolidated more of the professional licensure boards identified in the audit as having potential overlap compared to North Dakota and South Dakota, who operate boards independently or with the support of multiple agencies.

Additionally, in Vermont and Alaska several of the boards identified in the audit scope as having overlap functions operate without a board altogether.

Detailed in the following table are the eight potential overlapping licensure boards and their structure in the other states.

**Table 8.4
Other States- Overlap Boards**

State	Barbers & Cosmetology	Hearing Aid Specialists & Speech Pathology	Psychology & Mental Health Professions	Physical Therapy & Occupational Therapy
Vermont	Combined	No Board (Hearing Aid Specialists)	Separate	No Board (Both)
Alaska	Combined	No Board (Both)	Separate	Combined*
Montana	Combined	Separate	Separate	Separate
North Dakota	Separate	Separate	Separate	Separate
South Dakota	Separate	Separate	Separate	Combined*

Source: Legislative Service Office from information surveyed from other states

*South Dakota licenses Physical and Occupational Therapists under the Board of Medicine

Vermont has had combined boards for the licensure of barbers and cosmetologists since at least 1998 and report there are no issues stemming from the different licensure requirements. In Montana, the boards for barbers and cosmetology were legislatively combined in 2003. This change was brought about as a result of insufficient barber licensee counts to sustain a full-time board and staff.

Alaska is the only state in which a separate combined board regulates the licensure of physical therapists and occupational therapist. According to representatives from the state, the physical therapy board was established first and it was a legislative decision to add the licensure of occupational therapists which did not have a licensure board at a later date.

To address overlap of licensure of hearing aid specialist with audiologists, legislation was passed in Montana that exempts licensed audiologists who sell, dispense, or fit hearing aids from licensure requirements of hearing aid specialists. To further address issues of overlap amongst all boards, Montana code requires joint meetings for those boards that have licensees with dual licensure or that regulate similar disciplines, including but not limited to health care boards, mental health care boards, and therapeutic boards.

Similarities were also observed in the other states in the consolidation of regulation of midwives and podiatrists within other licensure groups. The regulation of midwife licensure was combined with other licensure types in the majority of the other states. The licensure of midwives falls under the regulatory powers of the Board of Nursing in South Dakota, under the Board of Alternative Healthcare in Montana, and is regulated without a board in Vermont. Alaska is the only state in which a separate board regulates midwife licensure; however, it is noteworthy that Alaska had 53 licensed midwives in FY2011 compared to 3 in Wyoming, although their licensure fee is currently \$1,459 for 2 years and has been as high as \$2,500.

All states have taken a variety of approaches to the licensure types regulated by the Board of Medicine; however, licensure of podiatrists was frequently observed as regulated by the Board of Medicine. In Vermont, Montana, and Alaska the Boards of Medicine included podiatry licensure within their scope of authority. However, other disciplines are also licensed and regulated by the Board of Medicine in these states. In Vermont the Board of Medicine regulates anesthesiologists and radiologist assistants. In Montana the Board of Medicine also licenses nutritionists, acupuncturists, and emergency medical technicians. It should also be noted that in two of the five states, the Board of Medicine is supported by the Department of Health, including Vermont, which has a licensure umbrella entity for the other professional licensing types.

Outmodedness The other states were reviewed for comparator advisory councils to the four outmoded councils identified in the scope of this audit: Education Planning and Coordination Council; Advisory Council for Innovative Education; Governor's Domestic Violence Elimination Council; and Governor's Food Council.

No comparable councils to Wyoming's Education Planning and Coordination Council or Advisory Council for Innovative Education were discovered for any of the other states reviewed. However, councils for initiatives in education exist in the other states but vary in terms of focus such as North Dakota's Educational Technology or Alaska's Council on Educational Opportunity for Military Children.

Comparable active councils on domestic violence are found in a majority of the other states. In addition to these councils, most

other states have a Domestic Violence Fatality Review Commission that individually reviews each domestic violence fatality and provides technical assistance and advisory information to the states they service. It is noteworthy that Wyoming is one of only nine states that do not participate in the national domestic violence fatality review initiative coupled with an inactive council on domestic violence.

Comparable councils on food safety are found in Vermont, Alaska, and Montana. The food councils in Vermont and Alaska are active with current strategic plans, meeting minutes, or initiatives. The current action of Montana's Food Safety Advisory Council is not clear; however, recent legislation was passed in 2013 to conduct a food policy modernization project with the assistance of the Food Safety Advisory Council as a steering committee.

CHAPTER 9

Conclusion

A recurrent theme in the administration of both supported and independent boards is a need for consistent oversight. While Title 33 includes various provisions with respect to licensure boards, Wyoming does not have a uniform set of statutes regulating common areas of administration.

Consistency is needed both within the Professional Licensing Board Division (Division) and some independent boards to develop formalized rules, policy, and procedure, particularly in respect to meeting requirements, fee distribution, compensation, personnel, contract authority, penal authority, and committee duties. Clear guidance would allow for consistent administrative services to boards. Three independent boards: the Board of Medicine; Board of Barber Examiners; and the Board of Cosmetology each have policies and procedures in place that could service as a model for the Division.

The lack of a consistent audit presence is also troubling related to licensure boards. Currently, licensure boards in Wyoming do not receive continual audit oversight. Boards are not a part of the Statewide Single Audit, as their expenditures do not reach the materiality level to be included in the audit plan. Furthermore, the Division does not conduct formalized internal audits or contract for independent audits of internal controls unless specifically requested by board members.

Specifically, the lack of audit oversight is troubling in light of some questionable expenditures revealed by a sample of board expenditures; however, it is important to note that, due to the lack of statutory authority, the Division also lacks the explicit authority to review and audit the boards they serve.

Additionally, the Division does not use formal agreements for providing administrative or fiscal services to supported and independent boards. The method it uses for calculating costs for fiscal services creates overcharges for independent boards. The lack of agreements that specifically detail how costs for administrative and fiscal fees are determined creates a lack of

protection for licensure boards and the Division. Without formal agreements, parties are not liable to each other for services provided, nor are they technically liable to each other for compensation for services.

Evaluators identified two areas of additional concern: the potential overlap between two licensure boards and the potential outmodedness of another entity.

- The Board of Barber Examiners and Board of Cosmetology both share administrative staff and the practice acts of both boards are very similar. As a result, it is worthwhile to consider the consolidation of these two boards.
- The Wyoming Education Planning and Coordination Council (WEPCCC) is not fulfilling its statutory duties with respect to meeting and other requirements. As a result, it is a candidate for possible repeal or modification.

Finally, The Miners' Hospital Board is currently addressing issues related to past problems with its Third Party Administrator (TPA) contract. The new Executive Director has taken steps to ensure that overpayments and inaccurate claims do not occur in the future. Progress reports to the Management Audit Committee will help to provide feedback to the Legislature related to the Board's progress.

Overall, the Division appears to provide adequate and efficient services to its clientele (based on board surveys), but should take additional steps to develop detailed and relevant rules, agreements, and internal controls in order to be consistent and transparent in its processes.

AGENCY RESPONSE

Wyoming Boards and Commissions





STATE OF WYOMING
DEPARTMENT OF ADMINISTRATION
AND INFORMATION
Director's Office

Matthew H. Mead
Governor

Dean Fausset
Director

June 12, 2013

The Honorable David Miller, Chairman
Senator Tony Ross
Senator Phil Nicholas
Senator Stan Cooper
Senator Floyd A. Esquibel
Senator Wayne Johnson

The Honorable John Schiffer, Vice Chairman
Representative Michael K. Madden
Representative Cathy Connolly
Representative Thomas Lockhart
Representative Sue Wallis

Dear Committee Members,

The following responses are provided as a result of the audit on the Wyoming Boards and Commissions, as requested by your committee.

Recommendation 2.1 (MFLC): Not applicable

Recommendation 2.1: *"The Division should develop written, comprehensive, and formal policies that specifically annotate significant processes and controls related to its role in processing financial transactions for supported and independent boards. In addition, it should promulgate a tailored cash handling policy which addresses segregation of duties and timely deposits."*

A&I Response: The agency agrees with this recommendation and will begin the development of policies.

Recommendation 2.2: *"The Division should promulgate rules to provide specific guidance on administrative and fiscal services it provides as annotated in W.S. 9-2-1707(b)(iii)(A-D)."*

A&I Response: The agency partially agrees with this recommendation. It is the agency's opinion that state statutes, rules and policies that are already in existence govern the types of allowable expenditures. However, the agency is of the opinion that more specific guidance on the administrative and fiscal services provided could be designated in the agreements created between the Division and each board. In addition, the Division will update the Accounting Manual to be specific to the fiscal policies governing the boards' expenditures.

Recommendation 2.3: Not applicable

Recommendation 2.4: Not applicable



Recommendation 2.5: Not applicable

Recommendation 2.6: Not applicable

Recommendation 2.7: *“The Department of Administration and Information should update The State of Wyoming Personnel Rules (Chapter 15, Section 2) to include a detailed description of allowable purchases for service recognition awards. The current rule defines a “recognition award” as a “plaque” (currently valued at \$46.65, according to the Department). There is no mention, however, of crystal jars (currently valued at \$99.50, according to the Department). The updated rules should also include monetary caps for allowable recognition awards. Finally, the Department should ensure that wording with respect to services awards in its Accounting Manual is consistent with wording in the revised rules.*

A&I Response: The agency partially agrees with this recommendation. The agency plans to review employee recognition and to determine the types of awards which are appropriate for recognition of service. The agency is reviewing the personnel rules to streamline and reduce the rules, of which Chapter 15 will be reviewed to determine the types of awards which are appropriate for recognition of service. A&I will be working with the Attorney General’s Office to determine what is appropriate to place in rules and what could possibly be placed in the State Compensation Policy, which deals with leave and benefits to ensure consistency across all state agencies. The Accounting Manual will be adjusted accordingly.

Recommendation 2.8: *“The Division should include specific guidance in its fiscal policies and procedures identifying non-allowable expenditures to include specific criteria for staff travel.”*

A&I Response: The agency partially agrees with this recommendation. The individual boards must approve staff travel and those same boards fund that travel. The agency agrees to review the travel portion of the Accounting Manual when it is revised for the boards to more clearly identify non-allowable expenditures for staff travel.

Recommendation 3.1 (MFLC): Not applicable

Recommendation 3.2 (MFLC): Not applicable

Recommendation 4.1: *“The Division should create agreements for providing administrative and fiscal services to supported and independent boards. Agreements should include specific detail (such as fee tables) with respect to how costs for services are calculated. The Division should also develop a complete and detailed description of how administrative, fiscal, and cost allocation billings are calculated and provide this information to all licensure boards. In addition, it should provide detailed invoices to supported and independent licensure boards explaining quarterly billings.”*

A&I Response: The agency agrees with this recommendation and will begin the process of creating the agreements. The agency has a document that details how administrative and cost allocation billings are calculated. However, this document needs to be updated to address outdated portions, as well as to add the detail of the fiscal allocation. The Division will provide the methodology for all allocation of services as an appendix to the agency agreements.

Recommendation 4.2: *“The Division should continue to develop a more equitable method to calculate costs for the part-time fiscal position prior to the new fiscal year billing. Possible*

options for the new method include: 1) Tracking time spent per board on fiscal duties, similarly to the methodology used to calculate administrative charges; 2) Basing costs on the actual number of WOLFS transactions processed; and 3) Using a combination of time spent and cost per transaction for fiscal charges.”

A&I Response: The agency agrees with this recommendation. The agency has already initiated analysis of the possible methods of allocation and will have the change in allocation method in place for the start of Fiscal Year 2014.

Recommendation 5.1 (MFLC): Not applicable

Recommendation 5.2 (MFLC): Not applicable

Recommendation 6.1: *“The Division should work with the Department of Enterprise Technology Services to explore the possibility of using the Educator Credentialing System for licensure boards prior to moving forward with inquiries into the cost and design of integrated databases. In addition, it should continue to discuss the current quote and Statement-of-Work from Gannett Peak with Department of Enterprise Technology Services for feedback with respect to needs expressed by the Board of Psychology.”*

A&I Response: The agency agrees with this recommendation and will initiate discussion with the Department of Enterprise Technology Services regarding the Educator Credentialing System. The agency will continue discussions with the Department of Enterprise Technology Services regarding the Gannett Peak quote and Statement-of-Work.

Recommendation 6.2: *“Prior to soliciting potential vendors, the Division should first contact the purchasing office within the Department of Administration and Information for guidance and to ensure that inquiries outside of discussions with DETS are not contrary to the state’s procurement statutes and rules.”*

A&I Response: The agency agrees with this recommendation and does follow the policies of the Procurement Office. The Division initiated discussion with Gannett Peak in an attempt to determine other avenues that might be available. The Department of Enterprise Technology Services was not continuing support of the existing database management system and the Educator Credentialing System had not been introduced at the time of discussion with Gannett Peak.

Recommendation 7.1: Not applicable

Recommendation 7.2: Not applicable

Recommendation 7.3: Not applicable

Sincerely,



Dean Fausset
Director



Wyoming Board of Medicine

Serving the public and practitioners since 1905

130 Hobbs Avenue, Suite A • Cheyenne, WY 82002

Phone: 307-778-7053 • Fax: 307-778-2069 • Toll free within Wyoming: 800-438-5784

Email: wyomedboard@wyo.gov • Website: <http://wyomedboard.state.wy.us>



Matthew H. Mead
Governor

June 11, 2013

Via e-mail (gerald.hoppmann@wyoleg.gov)

Hon. David Miller, Chairman
Hon. John Schiffer, Co-Chairman
Management Audit Committee
c/o Mr. Gerald W. Hoppmann, Program Evaluation Manager
LSO Program Evaluation Section
213 State Capitol
Cheyenne, WY 82002

RE: **Boards and Commissions Audit**
Wyoming Board of Medicine
Findings and Recommendations - Response

Dear Chairman Miller, Co-Chairman Schiffer, and Committee Members:

We have received confidential findings that resulted from the LSO Program Evaluation Section's audit of Wyoming State Boards and Commissions, including the Board of Medicine. The Board is pleased to respond to the two Recommendations pertaining to its operations:

Recommendation 2.3:

Three independent boards use internal controls which should be strengthened

Three independent boards (Board of Cosmetology, Board of Barber Examiners, and Board of Medicine) do not have a formal system or workflow for processing financial transactions, even though each board has two staff persons. For example, one user enters and validates financial documents in WOLFS, which are then printed. At that time, physical signature approvals are obtained. The document is then processed and finalized by either the other staff person or the initial user in WOLFS.

Because of a lack of a formal workflow in WOLFS, it is possible for the person who approves the document in WOLFS to make changes to the physical document prior to finalizing the document in WOLFS. Given the fact that each board has at least two staff, a more formalized workflow could be established in WOLFS.

More specifically, the internal control ensures that if the initial user validates the document, that same initial user also submits the document into the workflow system in WOLFS. Then the approver can take the document from the approval worklist for approval without the ability to change the document in the system.

According to the Wyoming State Auditor, these boards are the only entities that use the informal method, which increases the risk for fraud or inappropriate expenditure.

**Recommendation
2.3**

The Board of Cosmetology, Board of Barber Examiners, and Board of Medicine should work with the Wyoming State Auditor to formalize workflow in WOLFS.

Board of Medicine
Response

The Board accepts Recommendation 2.3, and will consult with both the Wyoming State Auditor and the Department of Audit for assistance in developing a procedure that addresses the concerns raised above.

Recommendation 2.6:

*Questionable
expenditures*

Although the majority of expenditures reviewed from Table 2.1 were acceptable, evaluators identified three (3) transactions that were questionable. In addition, Division overpayments related to payroll were identified.

“Historic” Board of Medicine Photographs: In BFY 2011, professional portraits were taken of Board of Medicine members. The portraits cost \$350.

The Executive Director stated that Board funds were used to pay for professional photography services for “*historic purposes.*” He further stated that professional photos were taken *to memorialize the membership of the board, much as composite photographs of members of the Wyoming Senate and House of Representatives are professionally prepared for each Legislature. In the past we have attempted to*

take these photographs ourselves, but the quality was marginal, so the decision was made to use a professional who had the proper equipment.”

It is questionable though, how this purchase is for the “public good.”

Recommendation 2.6 The Board of Medicine should discontinue its practice of using Board money to take official portraits of members.

Board of Medicine
Response

In its initial response to the auditors’ inquiry about this expense, the Board gave background on the taking of group photographs of the Board: “For many years the Board has had [group] photographs taken for inclusion in the Physician Directory. ...the photographs were discontinued in the 2008 edition of the Directory ...” The Board’s Executive Director made the decision, however, to continue the tradition of taking a group photograph of the Board from time to time.

The Board accepts Recommendation 2.6, and will discontinue group photographs of the members of the Board of Medicine.

The Board also appreciates the auditors’ positive comments regarding its Policies and Procedures manual and the Board-specific training that is provided to new Board of Medicine members.

If any additional information is needed from the Board of Medicine, please let me know and we will respond as quickly as possible.

Sincerely,



Kevin D. Bohnenblust
Executive Director

Cc: Board Members



WYOMING

EXECUTIVE DIRECTOR

Betty Abernethy

2515 Warren Ave., Suite 302
Cheyenne, WY 82002

BOARD OF COSMETOLOGY

STATE OF WYOMING

Matthew H. Mead, Governor

(307) 777-3534
Fax (307) 777-3681

June 11, 2013

Final comments – Legislative Management Council Audit

After thoroughly reading the draft report sent to me by Gerald Hoppmann, I would like to make just a few comments.

- Potential overlap between the Board of Barber Examiners and the Board of Cosmetology; Administratively there is very little difference in how we handle day to day operations for these two Boards. Mainly the differences are renewal dates of licenses, fees and application requirements.

Functionality of the Boards themselves is similar, but the practice is very different. They both cut hair, but that is about all that is similar in practice. Barbering is an age old profession based at the center of our rural communities. The licensee's feel they are being pushed out of that place by the advancement of the cosmetology industry. Merging these boards would be a savings in license fees for the Barbers, but I feel the negative feelings they will have won't make the savings worth much.

I am not sure that merging the Boards would be a financial savings to the State of Wyoming since they are both self funded Boards and do not rely on the general fund. The decision to merge or not by the Wyoming legislature will not affect the administration of the Boards actions but could very well change the dynamics of the professions.

I hope that if a merge does happen, the Boards will have the ability to help draft the new practice act to make it workable for both professions to keep their separate identities as professions.

- The creation of reasonable requirements for a cross over or joint license would be a benefit for both boards, but especially the practice of Barbering. Requiring a Cosmetologist with 2000 hour of training to go for an additional 750 hours for shaving is excessive. There are many qualified, licensed individuals that would like to carry both licenses and should be able to prove that they are qualified. Testing is the best way to do that and we have that process already in place. This would be a win for all involved especially our more rural communities that no longer have a licensed Barber.

- Internal administrative procedures are going through a complete review and adjustments made as recommended. We will schedule a meeting with the Auditor's office to see how we can improve our fiscal workflow. Once we establish this we will be more than happy to provide the updated information.

I hope we have provided the information needed for a complete look at what we do for administration of these two boards as well as the importance of the boards.

Consumer safety is of the utmost priority of these boards. The cosmetology industry, especially esthetics or the study of skin borderlines the practice of medicine in many ways. We will continue work hard to make sure we are meeting the necessary standards to keep the consumers safe in Wyoming.

Betty Abernethy
Executive Director



Governor
Matthew H. Mead

Wyoming Pari-Mutuel Commission

Energy II Building, 951 Werner Court, Suite 335
Casper, WY 82601
Phone: (307) 265-4015 Fax: (307) 265-4279

Executive Director
Charles E. Moore

COMMISSIONERS

Robert Atherton, President Joe Tully, Vice President
Bill Dobbs Jacqueline Crow Patti Bergstrom Mantha Phillips Danny Glick

June 6, 2013

Management Audit Committee
Wyoming Legislative Service Office
213 State Capitol
Cheyenne, WY 82601

Re: Formal Response to Audit Report

Committee Members:

I would like to thank the Committee in advance for your work and due diligence. I have found this process very helpful and informative.

Questionable Expenditures: The evaluators identified three (3) transactions that were questionable.

Belt Buckles (Pari-Mutuel Commission): The buckle purchases were for retiring Commissioners (3) were intended as acknowledgment and appreciation for their eight (8) years of service. The Commission has always likened the purchases to acknowledgement plaques (retirement of service recognition) which is customary throughout State Government. While this has been a practice which started prior to my directorship, I assure you the Commission has a very clear understanding of the concern. The Commission does see via the management audit, this does not fit the definition of "benefit of the State" and are not essential for an agency to carry out its duties. Since receiving the audit review any further practice which falls into this category will discontinue.

Cash Handling Policies: The evaluators identified the lack of formalized cash handling policies.

Cash Handling Policies: The Commission staff is in the process of developing comprehensive policies for handling, receipting and depositing cash. Please see the attached four (4) documents which relate to the handling of funds received by the Commission.

Additional policies are being developed and will be forwarded to your attention as completed.

Internal Controls: The Commission discussed at our May 10, 2013 meeting the internal controls needed regarding legislative changes (Enrolled Act #46, House 2013). These controls will include receipting, tracking revenue, verification, and disbursements of funds collected.

Once we have formalized the above mentioned policies I will forward them to your Committees' attention.

This process was insightful and helpful. I commend all of you for your hard work and dedication in making Wyoming a better place.

Respectively submitted,

A handwritten signature in black ink that reads "Charles E. Moore". The signature is written in a cursive, flowing style.

Charles E. Moore
Executive Director Wyoming Pari-Mutuel Commission

Cc/ Commissioners Wyoming Pari-Mutuel Commission



Wyoming Pari-Mutuel Commission

LIVE RACE MEET CASH COLLECTION PROCEDURES

DEPOSIT OF CASH RECIEPTS

All cash receipts (including cash, checks or money orders) shall be deposited in a timely and accurate manner. The importance of prompt deposit, adequate records, segregation of duties and reconciliation must be recognized by any Wyoming Pari-Mutuel Commission employee working with cash. The agency employee must provide documentation for all deposits to establish proper audit trail.

An independent employee of the Wyoming Pari-Mutuel Commission must review and approve the daily deposits before making the bank deposit.

PROCEDURES & GUIDELINES

1. Properly record (Cash Receipt Log) and safeguard all funds and restrictively endorse all checks &/or money orders upon receipt.
2. Reconcile daily receipts log to actual receipts. Must complete and balance the "Daily Cash Sheet" with the "Cash Receipt Log". These two accounting documents must be reviewed daily and have a signature from a designated commission employee, other than the employee handling the cash, before being deposited.
3. All funds received will be kept in a safe environment and within a locked container.
4. Prepare bank deposit slip, reconcile it with actual receipts and make deposit. All cash received must be deposited to the designated bank account for the State of Wyoming Treasurers Daily Account for the Wyoming Pari-Mutuel Commission.
5. Provide validated deposit slips and other supporting documents to the Accounts Receivable Staff regarding activities from the Live Racing Meet on a weekly basis.
6. The Accounts Receivable Staff shall utilize the Cash Receipt Log and Daily Cash Sheet to verify transactions were recorded correctly.

**Energy II Building, 951 Werner Court, Suite 335
Casper, WY 82601
Phone: (307) 265-4015 Fax: (307) 265-4279**



Governor
Matthew H. Mead

Wyoming Pari-Mutuel Commission

Energy II Building, 951 Werner Court, Suite 335
Casper, WY 82601
Phone: (307) 265-4015 Fax: (307) 265-4279

Executive Director
Charles E. Moore

DAILY CASH SHEET TOTAL RECEIPTS

DATE: _____

Owner Fees: _____

Trainer Fees: _____

Jockey Fees: _____

Other Fees: _____

Total Fees: _____

Actual Cash and Checks received

Total Cash: _____

Total Checks: _____

Total: _____

Daily Total: _____

Actual Total: _____

Over: _____

Short: _____

Explanation for over or short: _____

Licensing Employee

Signature: _____ Date: _____

Designated Commission Employee:

Signature: _____ Date: _____

**WYOMING PARI-MUTUEL COMMISSION
CASH COUNT SHEET ~ LIVE RACE MEET**

TRACK _____ **DATE OF COUNT** _____

STARTING CASH IN DRAWER \$ _____

Currency

_____ X 1.00 = _____

_____ X 5.00 = _____

_____ X 10.00 = _____

_____ X 20.00 = _____

_____ X 50.00 = _____

_____ X 100.00 = _____

Total Currency \$ _____

Coin

_____ X .01 = _____

_____ X .05 = _____

_____ X .10 = _____

_____ X .25 = _____

_____ X .50 = _____

_____ X 1.00 = _____

Total Coins \$ _____

TOTAL CASH: \$ _____

TOTAL CHECKS: \$ _____

TOTAL CASH AND CHECKS: \$ _____

LESS STARTING CASH \$ _____

TOTAL TO ACCOUNT FOR: \$ _____

OVERAGE OR (SHORTAGE): \$ _____

Initials of Wyoming Pari-Mutuel Employee Making Count: _____

Office of the Governor

June 12, 2013

Senator John Schiffer, Chairman
Management Audit Committee
State Capitol
Cheyenne, Wyoming 82002

Dear Senator Schiffer:

I have reviewed the draft report and recommendation related to the Wyoming Education Planning and Coordination Council (WEPCCC). I concur with the facts as presented in the report. I support the recommendation provided, with some elaboration.

It is important for our state's public education providers to collaborate and cooperate with regard to the students they serve. Transitions in public education – from preschool or home to kindergarten; from elementary school to middle or junior high; from middle school to high school; and from high school to career – are critical times which impact the success of students.

Wyoming should work to ensure that our public education institutions function as a system. I believe there are examples of improvement in the system. The current effort of the community colleges and the University of Wyoming to collaborate on matters of college completion is one example. Efforts underway in many communities to connect preschool providers with kindergarten readiness standards show promise.

I note that the University of Wyoming has a new President in Robert Sternberg, who assumes his duties this summer. We will have a new Director of the Department of Education. Current Community College Commission Director Jim Rose has served admirably in his role as Interim Director of the Department of Education. He has gained insight into the opportunities for improved communication and collaboration. These leadership roles offer some promise in the goal to create a strong system with transition supports for our students.

I support the conclusion that the current WEPCCC statute should be repealed. I support a continuing discussion with the legislature to look for an appropriate avenue through which we can formalize the efforts to create a seamless education system in Wyoming.

Sincerely,



Matthew H. Mead
Governor



WYOMING

June 7, 2013

MINERS' HOSPITAL BOARD

2001 W. Lakeway Road, Suite B • Gillette, WY 82718
(866) 808-3004 • Fax: (307) 685-6847 • Local: (307) 685-6827

Gerald W. Hoppmann
Legislative Service Office
Program Evaluation Manager

Concerning: Draft finding on the Wyoming Miners' Hospital Board.

Mr. Hoppmann, I have shared your findings with my board chairman, Don Stauffenberg. Don and I agree that the findings were mostly accurate and that you and the Audit committee understood many of the challenges the board has been facing.

With that being said, I would like to correct a couple of items. The first one mentioned on page 4, first paragraph: "Residency requirements mandate that an eligible miner must be a current resident, meet non-resident requirements, or have been injured....." There are no requirements for non-residents as non-residents are not eligible for Miners' Board Benefits. W.S. 30-6-102 (b) (i) and W.S. 30-6-102 (e) (ii).

The second correction would refer to page 5, last paragraph: "Medical necessity letters from hearing aid providers are reviewed by the Executive Director, who is now responsible for monitoring and approving funds for hearing aid claims." The letter of medical necessity and the Executive Director's pre-authorization only refers to miners that have previously received funds for hearing aids from the board. First time hearing aid claims are based on medical necessity from the miner's hearing specialist or audiologist.

Don and I would like clarity on the statement in the review, reference page 3, second paragraph; "Historically, the Miners' Hospital Board has reported ample fund balances at the end of a biennium, demonstrating sufficient funding is available for these programs, **which creates a high risk situation for improper payments.**" Would you please explain what is meant by the wording in bold?

Don and I would like the audit committee to recognize the fact that the board tried to pass Rule changes in late 2012 and were denied by the LSO. The intent of the Rule change was to further define "miner" and to limit services to miners that were age 50 and older and physically unable to work as a miner. The board wanted to direct the funds to those miners who suffer the most medical problems from their employment in a mine. The board recognized that our usage rate has been very high and is growing at an alarming rate. The Rule change was denied by the LSO because they believed the changes we wanted to make violated W.S. 30-6-102. I have attached a copy of that failed Rule change.

Don and I appreciate the time spent by the audit committee and commend them on their understanding of our programs. From the review presented, I especially appreciate the committee's understanding that I took over the Executive Director position with no one to train me in my duties and enlighten me on the State processes. It truly has been baptism by fire. The committee's recommendations are respected, understood and will be carried out.

Respectfully submitted
Mary Ellen Young
Executive Director



WYOMING

MINERS' HOSPITAL BOARD

2001 W. Lakeway Road, Suite B • Gillette, WY 82718
(866) 808-3004 • Fax: (307) 685-6847 • Local: (307) 685-6827

June 11, 2013

Gerald W. Hoppmann
Legislative Service Office
Program Evaluation Manager

Concerning: Concerns with current Rules and Statute.

As a follow up to our discussion yesterday, June 10th, I have attached to this e-mail, and will send a hard copy, a document I have built called Board Evolution. The document explains the history of the board, history of our programs and a listing of actions taken since 2009 to more closely adhere to W.S. 30-6-101 and 30-6-102 and to better control our programs. I have found this to be very beneficial to new members as well as legislatures that may not be familiar with our board.

I am going to list areas within our Statute that concern the Miners' Hospital Board (MHB).

30-6-101 (a) (i) One (1) member of the Sweetwater County Memorial Hospital Board appointed by a majority vote of the county commissioners or the county commissioners shall appoint a designee if a Sweetwater County Memorial Hospital Board member cannot serve;

30-6-101 (a) (iii) One (1) member of the Campbell County Memorial Hospital Board appointed by a majority vote of the county commissioners or the county commissioners shall appoint a designee if the a Campbell County Memorial Hospital Board member cannot serve.

Concern:

Although the number of board members from the respective Hospital Boards has been cut back, the problem we still see is lack of interest and long term participation from these members. In Sweetwater County the SWMH board member may lose their position on their Hospital Board if they are not reappointed by their county commissioners. In Campbell County the CCMH board member may lose their position on their Hospital Board if they are not reelected during a public vote. We have never had a county Hospital Board member go one full term. Although we have seen several Hospital Board members that have shown an interest in the board's activities, we have also seen many that have not. The board questions if this requirement is still necessary and whether or not the board would be better served to open these two positions up to people with a mining background or possibly a medical background.

30-6-102 (b) (i) Serve disabled or incapacitated miners in this state with emphasis on pulmonary/respiratory, hearing loss, cardiac and musculoskeletal conditions of miners due to labor in the mining industry;

Second follow up to audit questions

Concern:

The board has struggled with defining disabled or incapacitated. Does a person need to be deemed permanently disabled? Do we need to have the miner fill out a short term or long term disability form prior to receiving any benefits from the MHB? The wording "due to labor in the mining industry" would seem to indicate that the health condition would be a Worker's Compensation claim. If the health concern is covered by Worker's Compensation, then there is no need for financial benefits from MHB. The board has taken the stand that we will not process claims for any obvious injury or ailment not related to employment, such as motor vehicle or recreational vehicle accidents, off the job sports injuries, slips and falls at home and acute respiratory issues just to name a few. Many of the ailments we allow are accrued over a long period of time, such as hearing loss, cardiac problems from shift work, chronic respiratory issues from their environment, and musculoskeletal conditions from long term wear and tear on a miner's body.

There is also the concern of claims that fall into any of the four health categories but are not necessarily related to working as a miner. The board sees a lot of claims for sleep studies and sleep apnea and we pay them because they fall into the respiratory category. The board has determined that the four health conditions need to be studied to determine what diagnoses in these four health concerns are being experienced by miners due to their employment.

30-6-102 (e) (ii) "Miner" means a resident of Wyoming who has worked in a mine in this state or a contiguous state who is or was employed at a coal or other mine or at a processing or conversion facility contiguous to the mine and dependent upon the output of that mine as feedstock. "Miner" shall include the operator of the mine or plant if the operator works on a continuing or irregular basis;

Concern:

The board has several concerns with eligibility and the definition of "worked in a mine". The board tried to pass a Rule change in 2012 to better define "worked" and "miner" that would have detailed the type of work that would be required, but the Rule change was denied by the LSO as over-riding the Statute. In that same Rule change the MHB tried to limit services to miners age 50 and above since they are our highest usage category and would normally involve those miners that had worked longer.

In 2009 when the Rules were changed to require 12 consecutive months of employment, it was understood by the board that this meant full time employment. The problem being the Rule change was written with no hourly or daily minimum. Since the current Rules do not state required number of hours worked, in essence a catering person could deliver sandwiches once a month, for 12 consecutive months and technically be eligible for MHB benefits.

The board also has concerns about the word "resident". It seems that many miners live in Wyoming while they are working here and may have dual Residency, but are Residents of only one state. The MHB is considering expanding on the definition of Resident to copy that of the Wyoming Game and Fish. In 2012 we did start requiring every miner send us a copy of their Wyoming driver's license. Those that did not

Second follow up to audit questions

provide this had their registrations and benefits terminated.

The wording "processing or conversion facility" has also shown to be misunderstood by many. Originally when our Third Party Administrator (EBMS) was handling registrations, they allowed for Power Plant workers and other entities to be registered for our benefits. The board has had long discussions on exactly what was the definition of a processing or conversion facility and many miners had their registrations terminated due to the board's decision that their employer did not qualify to receive benefits.

It is felt that the wording "Contiguous State" was originally put in the Statue to address those miners that lived in Sheridan, WY and worked in Decker, MT. One issue the board sees is the fact that the mine in Montana, or any contiguous state, does not contribute financially to the money in the MHB fund. While the board would like to ensure our resident miners are offered benefits, there is a very vague line to offer this to all miners that fall under this wording. The biggest concern with contiguous state miners is the fact that miners could mine in any neighboring state, move to Wyoming, become a resident and then be eligible for our benefits. It is felt that this was definitely not the intent of the origination of the Miners' Hospital Fund. The board is working on Rule changes currently to address this and other concerns that I have mentioned. The board will wait until after the audit review and the Interim Study is complete.

Currently we have contracted out to a Third Party Administrator, Employee Benefit Management Services (EBMS) in Billings, MT to pay all our claims, staff a call line, send membership cards and house all this data. I have been working with the state Department of Enterprise Technology to be able to shift this contracted service to an in-house responsibility. We have been working with George Couch in Cheyenne. He feels that we would be able to do this but the timeline is looking like 2016. The start-up cost would be significant, but the annual expense would be much less than what we are currently paying and we would have better control of the disbursement of the funds.

Respectfully submitted
Mary Ellen Young
Executive Director



APPENDICES

Wyoming Boards and Commissions



APPENDIX A-1

Active Licenses

Supported Boards											
Board	03	04	05	06	07	08	09	10	11	12	Percent Change
Architects	1,047	1,004	1,029	1,093	1,126	1,181	1,218	1,202	1,238	1,242	18.6%
Athletic Training	-	-	-	-	-	-	-	19	55	63	232%
Chiropractic Examiners	183	196	193	196	195	195	196	193	187	191	4.4%
Dental Examiners	749	771	794	826	852	865	892	909	946	967	29%
Dietetics	-	-	-	-	-	-	-	-	-	79	N/A
Embalming	186	178	180	180	177	177	178	175	180	175	-6%
Euthanasia	-	11	18	16	20	18	21	25	28	33	200%
Hearing Aid Specialists	45	39	37	39	39	41	37	37	38	41	-8.9%
Mental Health Professions	1,328	1,398	1,438	1,530	1,615	1,667	1,729	1,762	1,838	1,907	44%
Midwifery	-	-	-	-	-	-	-	-	2	6	200%
Optometry	151	151	151	151	156	158	156	153	153	154	2%
Physical Therapy	798	796	813	821	810	815	851	864	903	938	17.5%
Podiatry	35	36	34	33	27	26	27	27	28	28	-20%
Psychology	185	184	191	192	199	209	212	215	220	236	27.6%
Radiologic Technologist	585	636	646	625	649	648	645	671	692	688	17.6%

Board	03	04	05	06	07	08	09	10	11	12	Percent Change
Respiratory Care	-	236	293	293	303	313	314	313	335	329	39.4%
Speech Pathology and Audiology	199	200	209	216	234	252	265	281	303	321	61.3%
Veterinary Medicine	607	613	617	628	612	623	643	647	669	690	13.7%

Source: Legislative Service Office from information provided by the Division.

Independent Boards											
Board	03	04	05	06	07	08	09	10	11	12	Percent Change
Barbers											
Barber				326		321		322		365	12%
Barber Shop				170		169		159		167	-2%
Cosmetology											
Personal				4,226		4,748		4,511		4,619	9.3%
Independent Contractor				600 (1 year)		1,356		1,625		1,650	22% (without BY05/06)
Salon				1,317		1,434		1,424		1,565	18.8%
School				17		16		27		21	23.5%
Medicine											
Physician	2,353	2,447	2,439	2,412	2,444	2,592	2,805	2,753	3,031	3,092	31.4%
Physician's Assistant	139	130	137	147	162	180	No data	224	224	245	76.3%
Nursing Home Administrators	68	60	62	64	62	59	58	62	60	64	-6%
Occupational Therapy	302	310	330	337	351	364	384	404	427	446	48%

Source: Legislative Service Office from information provided by the Division.

APPENDIX A-2

License Type Fee Changes

Independent Boards													
Board	License Type	02	03	04	05	06	07	08	09	10	11	12	Percent Change
Architects	<i>Architect</i>												
	Initial Fee ^	\$200					\$275				\$375		87.5%
	Renewal Fee	\$120					\$175						45.8%
Athletic Training	<i>Athletic Trainer</i>												
	Initial Fee*									\$600			0%
	Renewal Fee									\$600			0%
Chiropractic Examiners	<i>Chiropractor</i>												
	Initial Fee*	\$500											0%
	Renewal Fee	\$100					\$200						100%
Dental	<i>Dental</i>												
	Initial Fee#	\$250						\$300					20%
	Renewal Fee	\$125			\$175		\$185						48%
	<i>Anesthesia</i>												
	Initial Fee<	\$400	\$500										25%
	Renewal Fee	\$100						\$250					150%
	<i>Hygiene</i>												
	Initial Fee#	\$130						\$150					15%
	Renewal Fee	\$65			\$85			\$95					46%
	<i>Hygiene Expanded</i>												
	Initial Fee*	\$150											0%
	Renewal Fee	\$10			\$20								100%
	<i>Dental Assistant Radiology</i>												
Initial Fee+	\$10			\$15							\$30	200%	
Renewal Fee	\$10			\$15								50%	

Board	License Type	02	03	04	05	06	07	08	09	10	11	12	Percent Change
Veterinary Medicine													
	<i>Veterinarian</i>												
	Initial Fee*	\$300											0%
	Renewal Fee	\$300										\$65	-78.3%
	<i>Artificial Insemination and/or Embryo Transfer</i>												
	Initial Fee*	\$100										\$50	-50%
	Renewal Fee	\$50										\$30	-40%
	<i>Embryo Transplant</i>												
Initial Fee*	\$100												0%
Renewal Fee	\$50											\$30	-40%

Source: Legislative Service Office from information provided by the Division.

- *Application fee
- #Examination fee
- <Administration fee
- †License/Permit fee
- ^Application and license/permit fee combined

Independent Boards														
Board	License Type	02	03	04	05	06	07	08	09	10	11	12	Percent Change	
Barbers														
	<i>Barber</i>													
	Initial Fee ⁺	\$60											0%	
	Renewal Fee	Unknown											N/A	
	<i>Shop</i>													
	Initial Fee ⁺	\$60												0%
	Renewal Fee	Unknown											N/A	
	<i>Mobile Shop</i>													
	Initial Fee ⁺	\$150											\$250	67%
	Renewal Fee	Unknown											N/A	
	<i>School</i>													
	Initial Fee ⁺	\$100												0%
Renewal Fee	Unknown											N/A		

Board	License Type	02	03	04	05	06	07	08	09	10	11	12	Percent Change
Cosmetology													
	<i>Personal</i>												
	Initial Fee ⁺	\$18	\$25					\$36			\$48		167%
	Renewal Fee	Unknown for this period										\$96	N/A
	<i>Independent Contractor</i>												
	Initial Fee ⁺							\$50			\$75		50%
	Renewal Fee	Unknown for this period										\$75	N/A
	<i>Salon</i>												
	Initial Fee ⁺	\$35	\$50					\$65			\$75		114.3%
	Renewal Fee	Unknown for this period										\$75	N/A
<i>School</i>													
Initial Fee ⁺	\$150	\$150						\$200			\$200		33.3%
Renewal Fee	Unknown											N/A	
Medicine													
	<i>Physician</i>												
	Initial Fee*	\$350						\$400			\$600		71.4%
	Renewal Fee	\$200						\$250					25%
<i>Physician's Assistant</i>													
Initial Fee*	\$100						\$200				\$100		0%

	Renewal Fee	\$50					\$100				\$50		0%
Nursing Home Administrators													
	<i>Nursing Home Administrators</i>												
	Initial Fee*	\$250											0%
	Renewal Fee	\$300											0%
Occupational Therapy													
	<i>Occupational Therapist</i>												
	Initial Fee*	\$125											0%
	Renewal Fee	\$110											0%
	<i>Occupational Therapy Assistant</i>												
	Initial Fee [†]	\$50											0%
	Renewal Fee	\$60											0%

Source: Legislative Service Office information provided by the Division

*Application fee

[†]License/Permit fee

APPENDIX B-1

Selected Statutes and Rules: Board of Barber Examiners

CHAPTER 7 - BARBERS

ARTICLE 1 - GENERAL PROVISIONS

33-7-101. Definitions.

(a) As used in this act:

(i) "Barbering" means the practice upon any person or persons of any of the following acts (when done for cosmetic purposes, and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment except for the immediate family); provided, any person or persons operating a beauty salon or practicing cosmetology and its related fields exclusively shall be exempt from the provisions of this act: shaving or treating the beard or cutting the hair, singeing, shampooing or dyeing the hair, permanent waving or applying hair tonics, massaging, applying cosmetic preparations, antiseptics, powder, oil, clay or lotions, to the scalp, face or neck;

(ii) "Board" means the state board of barber examiners;

(iii) "School of barbering" means a place licensed under this act where barbering is taught to students;

(iv) "Student" means a person duly enrolled and regularly attending a licensed school of barbering for the purpose of receiving instruction on and learning the practices of barbering;

(v) "Unprofessional" means acting in an extreme manner not conforming to current standards of the barbering industry;

(vi) "This act" means W.S. 33-7-101 through 33-7-211.

33-7-102. State board of barber examiners; created; designation; composition; appointment, qualifications and term of members.

(a) There is created the "state board of barber examiners", which shall consist of three (3) persons, each of whom shall be a resident citizen of the state of Wyoming and the holder of a valid registration certificate as a registered barber which has been annually renewed for the period of not less than five (5) years immediately preceding the date of his appointment and shall not be either directly or indirectly connected with any barber school or college. The members of the board shall be appointed by the governor. The governor may remove any member of the board as provided in W.S. 9-1-202. The term of

office for each member appointed hereafter shall be three (3) years. Each term shall terminate on March 1 of the last calendar year of that term.

(b) Effective July 1, 1979, appointments and terms shall be in accordance with W.S. 28-12-101 through 28-12-103.

33-7-103. State board of barber examiners; election of officers; duties of secretary-treasurer; disposition of money received.

(a) The board shall elect a president, vice-president and a secretary-treasurer at the first annual meeting from its members. The secretary-treasurer shall keep the books, temporary funds and records of the board.

(b) Each fee required shall be paid in advance and shall be received and collected as provided by law. The state treasurer shall place two percent (2%) of the money in the general fund and the remainder in a separate account. The money so received and placed in the account may be used by the members of the board in defraying their actual expenses and per diem allowance as hereinafter provided in carrying out the provisions of this act.

33-7-104. State board of barber examiners; powers and duties; compensation.

The board shall furnish suitable quarters and adopt and use a common seal for the authentication of its orders and records. To assist in implementing this act, the board may employ personnel as it deems necessary and fix their duties and remuneration. Each member of the board shall receive as salary the sum paid each day to legislators, or an equivalent hourly wage, together with per diem and mileage allowance as allowed to state employees, when actually engaged in board activities. The entire costs and expenses of carrying out this act shall be paid only out of the fees collected in the administration of this act.

33-7-105. State board of barber examiners; meetings.

One (1) annual meeting shall be held at a time and place designated by the president of the board. Other meetings shall be held as called by the president of the board, or by the president upon the written request of two (2) members of the board.

33-7-106. State board of barber examiners; to furnish printed matter.

All certificates of registration, permits, licenses or other printed matter necessary to carry out the provisions of this act shall be provided and issued by the board, and at no expense to the state.

33-7-107. Repealed by Laws 1985, ch. 136, § 2.

33-7-108. Shop license; barber school license; fee; renewal; application; inspection fees; nontransferable.

(a) No person, association, partnership or corporation shall operate or conduct a barbershop or barber school without a valid, unexpired license. Licenses shall be issued by the secretary of the board of barber examiners or the board's designee. The annual license fee shall be set by the board pursuant to W.S. 33-1-201 for each shop or school, payable in advance, but if not paid on or before July 31 of each year, a late fee set by board rule and regulation shall be assessed. The licenses shall be conspicuously displayed at all times, and no license shall be issued until all sanitary regulations required by W.S. 33-7-101 through 33-7-211 or prescribed by the board have been complied with. Applications for new shops or schools or for shops or schools changing locations shall be made in writing on forms furnished by the board, and shall contain information required by the board. An inspection fee for a new shop or school or for a shop or school changing location shall be set by the board pursuant to W.S. 33-1-201. A shop or school license is not transferable.

(b) Registered barbers, cosmetologists, manicurists or nail technicians, estheticians and hair stylists licensed under W.S. 33-12-119 through 33-12-140 may engage in the practice for which they are licensed in the same shop if the shop is licensed under subsection (a) of this section and under W.S. 33-12-119 through 33-12-140.

33-7-109. Persons addicted to intoxicating liquors or narcotics.

(a) No person addicted to the use of intoxicating liquors or drugs to an extent to render him unfit to practice or teach barbering shall be entitled to any license, nor shall any such person work or be employed in any barbershop.

(b) Repealed By Laws 2005, ch. 42, § 2.

33-7-110. Sanitary inspection.

(a) The board of barber examiners shall make a sanitary inspection of each barbershop and school at least annually.

(b) Barbershops in the state of Wyoming shall be open to such county health officers, members of the board, its inspectors or representatives at any time during business hours.

33-7-111. Sanitary requirements; rules.

(a) Repealed By Laws 2005, ch. 42, § 2.

(b) Repealed By Laws 2005, ch. 42, § 2.

(c) The board may promulgate rules regarding the operation of barbershops and schools to prevent the spread of infectious and contagious diseases.

33-7-112. Penalty.

Any violation of this act constitutes a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), imprisonment for not more than ninety (90) days, or both.

ARTICLE 2 - CERTIFICATE OF REGISTRATION

33-7-201. Certificates required; license required for shops and schools.

(a) No person shall practice or attempt to practice barbering without a certificate to practice as a registered barber. No person shall operate a barbershop or school unless it is at all times under the direct supervision and management of a registered barber. No person shall employ another as a barber unless the person so employed holds an unexpired certificate of registration or permit issued by the board.

(b) No person, association, partnership, or corporation shall establish or operate a barbershop or school of barbering in the state without first securing and holding a license from the board. Application for a license shall be made in writing on forms furnished by the board. The board may require to be furnished information reasonably necessary for its purposes. The board shall establish by rule and regulation standards for licensing barbershops and schools.

33-7-202. Repealed by Laws 1985, ch. 136, § 2.

33-7-203. When granted without examination.

(a) An applicant for a registered barber certificate, who is qualified and currently holds a registered barber certificate in another state or country, upon submitting an application to the board, with proof that he meets or exceeds the requirements to receive a registered barber certificate in this state as prescribed by board rule and regulation, and upon payment of the required fee, may receive a registered barber certificate by endorsement without examination in this state subject to the following:

(i) An applicant from another state or country which does not require a board examination or who has not graduated from a state approved program shall not obtain a certificate by endorsement; and

(ii) An applicant who holds a valid, unexpired barbers license or certificate from another state that does not require a board examination and who has graduated from a barber school or college, upon application and payment of the required fee may be issued a temporary permit to practice as a barber under the supervision of a registered barber in this state until the next examination scheduled by the board. Each applicant may receive only one (1) temporary permit.

(b) Repealed By Laws 2005, ch. 42, § 2.

(c) Repealed By Laws 2005, ch. 42, § 2.

33-7-204. Fees.

(a) The board shall establish and collect fees pursuant to W.S. 33-1-201 for the certificates, licenses, permits and examinations indicated:

- (i) Registered barber's examination;
- (ii) Certificate of registration, initial or renewal;
- (iii) Duplicate certificate;
- (iv) Temporary permit to practice;
- (v) Restoration fee, certificate of registration;
- (vi) Barbershop license;
- (vii) Barber school license.

(b) Certificates of registration for barbers and barbershop and barber school licenses expire on July 1 following their issuance. Any person who qualifies for a certificate under W.S. 33-7-209 or a barbershop or barber school license as prescribed by board rule and regulation and pays required fees shall be issued a certificate or renewal.

(c) Repealed by Laws 1985, ch. 136, § 2.

(d) The board may declare forfeit the examination fee of any applicant who fails to appear for examination at two (2) successive meetings of the board for the examination of applicants.

(e) Repealed By Laws 2005, ch. 42, § 2.

(f) Repealed By Laws 2005, ch. 42, § 2.

(g) The board shall establish and collect fees to recover costs for publication and distribution of registers, lists and booklets, for records and affidavits processed, and for educational programs.

33-7-205. Restoration following expiration or retirement.

Any formerly registered barber whose certificate of registration has expired may within five (5) years of the date of expiration have his certificate restored immediately upon payment of the restoration fee in addition to other renewal fees. Any registered barber who retires from the practice of barbering for more than five (5) years may not renew his certificate of registration. Any registered barber whose certificate has expired and who does not qualify for a certificate by endorsement as provided in W.S. 33-7-203

shall be required to pass the board administered examination and pay all related examination and certification fees as set forth in board rule and regulation.

33-7-206. Display.

Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair. Every holder of a barbershop or barber school license shall display it in a conspicuous place for public viewing.

33-7-207. Refusal to issue or renew; revocation; suspension; denial.

(a) The board may revoke, suspend, deny, or refuse to issue or renew any certificate of registration or barbershop or barber school license, or may otherwise censure the holder of a certificate of registration or barbershop or barber school license for any of the following causes:

- (i) Making a false statement on an application to the board;
- (ii) Gross malpractice or gross incompetency;
- (iii) Repealed By Laws 2005, ch. 42, § 2.
- (iv) Advertising by means of knowingly false or deceptive statements;
- (v) Advertising, practicing, or attempting to practice, under a trade name other than one's own;
- (vi) Repealed By Laws 2005, ch. 42, § 2.
- (vii) Unprofessional conduct; and
- (viii) Violation of any of the provisions of this act or board rule and regulation.

(b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

33-7-208. Notice and hearing for revocation.

(a) Except as provided in W.S. 33-7-207(b), the board may refuse to renew or may revoke, deny or suspend any license or certificate of registration issued under this act as provided in W.S. 33-7-107 after twenty (20) days written notice and an opportunity for a hearing pursuant to the provisions of W.S. 16-3-101 through 16-3-115.

(b) Hearing and notice requirements shall be conducted pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115.

33-7-209. Qualifications for registration as barber; examination.

(a) A certificate of registration to practice barbering shall be issued upon passage of a board administered or board approved examination, and upon meeting all requirements set forth by board rule and regulation, to any person who files a completed application, accompanied by the required fees and documentation and who:

(i) Has graduated from an approved barber school or college, has an education equivalent to the completion of the second year of high school and is at least seventeen (17) years of age;

(ii) Has a valid, unexpired license as a barber from another state or country which has licensing requirements for barbers that meet or exceed the requirements for certification in Wyoming; or

(iii) Is a cosmetologist or hair stylist licensed under W.S. 33-12-119 through 33-12-140, has completed seven hundred fifty (750) hours of training at an approved barber school or college and passed an examination conducted by the board to determine his fitness for practice.

(b) Repealed By Laws 2005, ch. 42, § 2.

(c) An applicant for a certificate of registration to practice as a registered barber who fails to pass an examination conducted by the board, may be examined at the next examination.

33-7-210. Application for examination.

Each applicant for an examination shall make application to the board on blank forms prepared and furnished by the board and shall submit proper credentials and all required fees as required by the board no less than fifteen (15) days before the examination is to be given.

33-7-211. Time and character of examinations.

The examination required under W.S. 33-7-209(a) shall be conducted at a time and place chosen by the board and given at least once every six (6) months. Examinations shall not be confined to any specific method or system, may consist of oral, written and performance examinations, and shall be of the scope and character to disclose that any person passing the examination is qualified to receive a registered barber certificate. Examinations shall be held in the presence of at least one (1) member of the board or a qualified examiner as determined by board rule and regulation.



APPENDIX B-2

Board of Cosmetology

CHAPTER 12 - COSMETOLOGY

33-12-119. Citation.

This act shall be known and may be cited as the "Wyoming Cosmetology Act".

33-12-120. Definitions.

(a) As used in this act:

- (i) "Applicant" means the person, persons or entity applying for a license, examination or appointment;
- (ii) "Application" means a form prescribed by the board used for making a request for licensure, examination or appointment;
- (iii) "Board" means the state board of cosmetology;
- (iv) "Cosmetologist" means a person who engages in the practice of cosmetology as defined by this act and rules of the board and who is licensed as a cosmetologist under this act;
- (v) "Practice of cosmetology" means any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the hair, skin and nails of the human body for cosmetic purposes;
- (vi) "Esthetician" means a person who engages in the practice of esthetics as defined by this act and rules of the board and who is licensed as an esthetician under this act;
- (vii) "Practice of esthetics" means any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the skin of the human body for cosmetic purposes;
- (viii) "Hair stylist" means a person who engages in the practice of hair styling as defined by this act and rules of the board and who is licensed as a hair stylist under this act;
- (ix) "Practice of hair styling" means any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the hair for cosmetic purposes;

- (x) "Instructor" means a person licensed to teach cosmetology or any practices thereof in a school of cosmetology as defined by this act and rules of the board;
- (xi) "License" means a current document recognizing the cosmetologist, manicurist or nail technician, esthetician, hair stylist, instructor, salon or school has met the qualifications required for doing business in this state;
- (xii) "Manicurist or nail technician" means a person who engages in the practice of manicuring or nail technology as defined by this act and rules of the board and who is licensed as a manicurist or nail technician under this act;
- (xiii) "Practice of manicuring or nail technology" means any single practice or service or a combination of practices or services performed for others for the improvement and beautification of the nails and for cosmetic purposes;
- (xiv) "Model" means a person who volunteers to allow a licensed cosmetologist, manicurist or nail technician, esthetician, hair stylist or student enrolled in a cosmetology school to perform cosmetology services without cost;
- (xv) "Patron" means a paying customer in a cosmetology salon or school;
- (xvi) "Salon" means any place licensed under this act in which cosmetology is practiced;
- (xvii) "School" means any place licensed under this act where cosmetology is taught to students;
- (xviii) "Student" means a person enrolled in a school licensed under this act;
- (xix) "Unprofessional" means acting in an extreme manner not conforming to current standards of the cosmetology industry;
- (xx) "This act" means W.S. 33-12-119 through 33-12-140.

33-12-121. Board; membership; appointment; qualifications; term of office; vacancies; removal.

(a) The board shall consist of five (5) members appointed by the governor. Each member shall be a cosmetologist licensed in Wyoming, and at least one (1) shall be an instructor licensed in Wyoming. Each member of the board shall be a resident of Wyoming with at least five (5) years experience as a cosmetologist in Wyoming immediately preceding the appointment. Appointments shall represent various geographical areas of Wyoming. The term of each appointee shall be three (3) years, unless sooner removed from the board, or until a successor is appointed. The terms shall be staggered so that the terms of not more than two (2) members expire each year. The members of the board holding office on the effective date of this act shall serve as members for the remainder of their respective terms.

(b) No member of the board shall be affiliated with or hold interest in any cosmetology school while serving as a member of the board.

(c) Vacancies shall be filled for the unexpired term. The governor shall remove any board member whose cosmetology license has been suspended or revoked. The governor may remove any board member as provided in W.S. 9-1-202.

33-12-122. Election of board officers.

The board shall meet after each appointment and elect one (1) of their members as president, one (1) vice-president, and one (1) recording secretary.

33-12-123. Duties of board members.

(a) Within the limitations and authority granted by this act, the board shall:

(i) Develop rules setting uniform and reasonable standards of competency for the practice and teaching of cosmetology, manicuring or nail technology, esthetics or hair styling, for the operation of salons and schools, and procedures for its own conduct;

(ii) Administer examinations to determine competency for licensure of cosmetologists, manicurists or nail technicians, estheticians, hair stylists and instructors;

(iii) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this act and board rules;

(iv) Determine and administer appropriate disciplinary action against all individuals found to have violated this act or rules promulgated hereunder as provided by W.S. 33-12-135;

(v) Annually inspect, or appoint persons to inspect, all salons and schools for proper licensure of the salon, school and all cosmetologists, manicurists or nail technicians, estheticians, hair stylists whether practicing as a proprietor, employee or independent contractor, or instructors practicing or teaching and for the purpose of determining compliance with the provisions of this act and board rules;

(vi) Determine fees as authorized by W.S. 33-12-139;

(vii) Employ an executive director and approve such additional staff as may be necessary to administer and enforce the provisions of this act and board rules.

33-12-124. Meetings.

A majority of the board constitutes a quorum for meetings and the transaction of business. The act of the majority of members of the board shall be the act of the board. The board shall meet as often as needed, but not less than four (4) times a year. The meetings shall be held in accordance with W.S. 16-4-401 through 16-4-407. The board shall keep permanent records of its meetings.

33-12-125. Assistants; inspectors; salaries.

(a) The board may employ and fix the duties and remuneration of inspectors, clerical or administrative assistants as deemed necessary to implement this act or the rules of the board.

(b) Board members shall receive as salary the sum paid each day to legislators, or an equivalent hourly wage, together with per diem and mileage allowance as allowed to state employees, when actually engaged in official board duties.

33-12-126. Executive director; duties; accountability; compensation.

The board shall employ an executive director who shall be responsible for the administration of this act and rules of the board, and other duties as the board may direct. The executive director shall be a cosmetologist licensed in Wyoming and qualified by education and experience. The executive director may act in the board's behalf during the period between meetings on matters of licensure, applications for examination and other administrative functions. The executive director shall be responsible for the coordination and security of board examinations, shall assist the board members with adoption of rules and regulations, shall assist in legislative matters, shall attend board meetings and assist in implementation of board decisions. The annual salary of the executive director shall be determined by the state personnel division. The executive director shall receive mileage and per diem allowance for expenses incurred in the performance of official duties as provided for other state employees.

33-12-127. Licenses required; failure to comply; fines.

(a) From and after the effective date of this act, no person shall engage in the practice or instruction of cosmetology, manicuring or nail technology, esthetics or hair styling and no place shall be maintained and operated for the practice or teaching of cosmetology, manicuring or nail technology, esthetics or hair styling except under a license issued in compliance with this act and the rules adopted pursuant to this act.

(b) No school or salon shall employ, hire or in any manner allow any individual to practice or teach cosmetology, manicuring or nail technology, esthetics or hair styling unless that individual has a current license to practice or teach the applicable specific practice of cosmetology, manicuring or nail technology, esthetics or hair styling.

(c) The licenses required in subsections (a) and (b) of this section shall:

(i) Be issued in the name of the licensed cosmetologist, manicurist or nail technician, esthetician, hair stylist, instructor, owner of the salon or owner of the school;

(ii) State the licensing and expiration dates; and

(iii) Be displayed at all times in a conspicuous place in the principal office, place of business or employment of the licensee.

(d) Any person who practices or teaches cosmetology, manicuring or nail technology, esthetics or hair styling for compensation, or who carries on any business, practice or operation governed by this act, without the applicable license when a license is required, is guilty of a misdemeanor punishable, upon conviction, by a fine of not more than seven hundred fifty dollars (\$750.00).

(e) Upon request of a licensee, the board may issue a certificate to the licensee to practice activities authorized under the license as an independent contractor within a salon. The board may charge an additional fee for the issuance of the certificate as established pursuant to W.S. 33-12-139.

33-12-128. Form; expiration; renewal of license.

The board shall prescribe the form and expiration date of licenses. Licenses may be renewed by submitting the required application for renewal and fee to the board before the license expiration date. If a cosmetologist, manicurist or nail technician, esthetician, hair stylist or instructor license is allowed to expire, the license may be renewed within a period of ninety (90) days after the expiration date, but after the expiration of ninety (90) days from the date the license expired the license shall lapse.

33-12-129. Expired and lapsed licenses; relicensure.

If a salon or school license is allowed to expire a reinstatement fee for late renewal shall be imposed. A cosmetologist, manicurist or nail technician, esthetician, hair stylist or instructor license which has lapsed may be reinstated subject to payment of a reinstatement fee in addition to license fees for the lapsed period. Any person whose license has lapsed for five (5) years or more, and who does not qualify for licensure by endorsement, shall be required to complete a refresher course of one hundred (100) hours at a licensed school before applying for examination and shall then be required to take the board examination.

33-12-130. Licensure by examination.

(a) An applicant for admission to board examination shall meet the following requirements:

- (i) Be a graduate of a cosmetology, manicuring or nail technology, esthetics or hair styling school and have met training requirements comparable to those set forth in board rules;
 - (ii) Submit proper credentials as required by the board no less than fifteen (15) days before the examination is to be given;
 - (iii) Pay the required fee for examination.
- (b) The board shall issue a license to persons successfully passing the board licensing examination.

33-12-131. Time, place and scope of examinations.

- (a) Examinations shall be held at least six (6) times a year at a time and place designated by the board. The examinations shall be conducted by the board or a majority thereof.
- (b) The examinations shall not be confined to any specific method or system, may consist of written, oral and performance examinations and shall be of such scope and character as to disclose that any person passing the examination is qualified to receive a cosmetologist, manicurist or nail technician, esthetician, hair stylist or instructor license.

33-12-132. Licensure by endorsement.

An applicant for a license to practice or instruct cosmetology, manicuring or nail technology, esthetics or hair styling in Wyoming who is a qualified and currently licensed cosmetologist, manicurist or nail technician, esthetician, hair stylist or instructor in another state, upon submitting an application to the board, a certification from the board or licensing agency of the state in which the applicant is licensed, proof of meeting the requirements of this section and payment of the required fee, may receive a cosmetologist, manicurist or nail technician, esthetician, hair stylist or instructor license by endorsement without examination in this state. An applicant from another state which does not require a board examination for licensure, or an applicant who did not attend a cosmetology, manicuring or nail technology, esthetics or hair styling school meeting requirements of the rules of the board and the licensing entity of the state in which the school is located, shall not obtain a Wyoming license by endorsement. An applicant from another state who has not practiced cosmetology, manicuring or nail technology, esthetics or hair styling full time for at least one (1) year prior to application shall obtain a Wyoming license by endorsement only if he was licensed under requirements which the board determines to be at least equal to those established pursuant to this act.

33-12-133. Foreign applicants.

Applicants licensed or trained in a foreign country shall present an English translation of the requirements they met in that country. The credentials shall be presented to the board for consideration,

and a determination as to what requirements are necessary to obtain a license in Wyoming shall be made.

33-12-134. Promulgation of rules.

(a) The board shall prescribe rules to implement this act in accordance with the Wyoming Administrative Procedure Act.

(b) The board shall prescribe sanitation rules necessary to prevent the spread of infectious and contagious diseases. All sanitation rules shall be subject to approval of the department of health.

(c) Notwithstanding any other provision of this act, the board may adopt rules which prescribe reduced qualifications and examination requirements for persons seeking to engage solely in services for the improvement and beautification of the hair, skin or nails. The license issued shall state the limited nature of services which may be performed by the licensee.

(d) In adopting rules defining the professions licensed under this act the board may clarify definitions provided in statute and address new practices but shall not otherwise expand those activities which constitute the practice of a profession licensed under this act.

33-12-135. Powers to revoke, refuse, suspend, refuse to renew licenses; grounds; procedures.

(a) The board may refuse to issue a license under this act or censure, revoke, suspend or refuse to renew a license issued pursuant to this act after not less than twenty (20) days notice and a hearing, held pursuant to the provisions of W.S. 16-3-101 through 16-3-115, for any of the following acts:

(i) Any violation of this act or any rule of the board;

(ii) Any infection control violation as defined by this act or rules of the board;

(iii) Unprofessional or dishonest conduct as defined by this act or rules of the board;

(iv) A judicial disposition of guilt or a plea of nolo contendere relative to a criminal offense which adversely relates to the practice or instruction of cosmetology, nail technology, esthetics or hair styling;

(v) Use of any prohibited product as defined by this act or rules of the board;

(vi) Use of intoxicating liquor or drugs to such an extent as to render the individual unfit to practice or teach cosmetology, manicuring or nail technology, esthetics or hair styling;

(vii) Fraud, cheating or unfair practices in passing an examination;

- (viii) Advertising by means of statements known to be false or deceptive; or
 - (ix) Failure of any person, salon or school to display required licenses and inspection certificates.
- (b) Repealed by Laws 2005, ch. 98, § 2.
- (c) The board may require the attendance of witnesses and the production of books, records or papers it determines necessary for any investigation of any violation of this act or rule of the board. Any member of the board may administer oaths to witnesses appearing to testify before the board or before any board member.
- (d) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

33-12-136. Right of entry.

Any member of the board, its agents or assistants may enter into and inspect any school or salon at any time during business hours.

33-12-137. Annual report to governor.

The board shall report to the governor respecting all receipts, expenditures and activities of the board as required by W.S. 9-2-1014.

33-12-138. Publications.

(a) The board shall:

- (i) Provide a copy of appropriate statutes and rules to every licensed cosmetologist, manicurist or nail technician, esthetician, hair stylist, salon and school. Additional copies shall be made available upon payment of a fee for the publication;
- (ii) Prepare and maintain a current list of the names and addresses of all cosmetologists, manicurist or nail technicians, estheticians, hair stylists, salons and schools licensed in Wyoming, the names and addresses of the members of the board and their terms of office. The list shall be available for inspection and copying and for reproduction in whole or in part upon payment of the cost of reproduction.

33-12-139. Fees; disposition of fees.

(a) Fees for the following shall be determined by the board pursuant to W.S. 33-1-201:

- (i) Examinations;
- (ii) Cosmetologist license;
- (iii) Instructor license;
- (iv) Salon license;
- (v) School license;
- (vi) Endorsement fee;
- (vii) License reinstatement;
- (viii) Online testing;
- (ix) Manicurist or nail technician license;
- (x) Esthetician license;
- (xi) Temporary location license;
- (xii) Independent contractor certificate; and
- (xiii) Hair stylist license.

(b) The board shall set fees sufficient to recover costs for the publication and distribution of registers, lists and booklets, for records and affidavits processed, and for educational programs.

(c) Each fee required shall be paid in advance and shall be received and collected as provided by law. The state treasurer shall place two percent (2%) of the money in the state's general fund, and the remainder in a separate account.

33-12-140. Exemptions.

(a) Nothing in this act shall prohibit services rendered by licensed physicians, nurses, dentists, podiatrists, chiropractors, physical therapists, morticians or barbers when exclusively engaged in the practice of their respective professions.

(b) The provisions of this act shall not apply to employees, volunteers and residents of hospitals, health care facilities, nursing homes, senior citizen centers, convalescent or boarding homes or other similar facilities who render services to residents or members of these facilities on the premises.

(c) The provisions of this act shall not apply to persons engaged in demonstrating the use of any cosmetic or beauty aid or equipment for the purpose of offering for sale to the public such cosmetic or beauty aid or equipment, or to a person engaged in the business of or receiving compensation for facial makeup applications only.

APPENDIX C-1

Survey Result Summary- Independent Boards

Question Q1:A Type of Administrative Services Provided					
<i>Responses included the following types of services- Count:</i>		<i>Blank/No Response- 7</i>	Budget Access/ Reporting- 1	Complaint Intake- 26	Complaint Processing- 26
Coordinating Investigations- 26	Coordinating Rule Promulgation- 28	Coordinating Statutory Revisions- 22	Managing Licensure Database-26	Meeting Administration- 26	Processing Travel and Per-Diem- 28
Q1:B How are Services Provided					
<i>Division</i>		<i>Internal Staff</i>		<i>Other</i>	<i>No Response</i>
14		175		4	23
Q1:C Combined Customer Service Rating for All Administrative Services for all responses in Q1:A provided by all sources in Q1:B					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
59.72% (129/216)	20.83% (45/216)	7.87% (17/216)	0.46% (1/216)	0% (0/216)	11.11% (24/216)
Q2:A Type of Accounting Services Provided					
<i>Responses included the following types of services- Count:</i>				Blank/No Response- 7	Budget Preparation- 22
Establishing Contracts- 22	Managing Board Finances- 22	Monitoring Contracts- 22	Processing Board Expenditures- 23	Processing Board Revenue- 24	Reporting Board Finances- 23
Q2:B How those services are provided					
<i>Division</i>		<i>Internal Staff</i>		<i>Both</i>	<i>No Response</i>
30		119		1	15
Q2:C Customer Service Rating For All Accounting Services for all responses in Q2:A provided by all sources in Q2:B					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
63.03% (104/165)	16.36% (27/165)	12.73% (21/165)	.61% (1/165)	0% (0/165)	7.27% (12/165)

Q3: Overall, how satisfied are you with the administrative Services (selected in Question #1) provided to your Board					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
58.06% (18/31)	16.13% (5/31)	12.90% (4/31)	3.23% (1/31)	0% (0/31)	9.68% (3/31)
Q4: Overall, how satisfied are you with the Accounting services (Selected in Question #2) provided to your board?					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
51.61% (16/31)	12.90% (4/31)	16.13% (5/31)	3.23% (1/31)	0% (0/31)	16.13% (5/31)
Q5: How Satisfied are you with the opportunity to offer feedback related to administrative services (selected in #1) that are provided					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
61.29% (19/31)	12.90% (4/31)	12.90% (4/31)	0% (0/31)	0% (0/31)	12.90% (4/31)
Q6: How satisfied are you with the opportunity to offer feedback related to accounting services (selected in #2) that are provided?					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
51.61% (16/31)	3.23% (1/31)	25.81% (8/31)	0% (0/31)	0% (0/31)	19.35% (6/31)
Q7: Please describe the process by which you decided to utilize the administrative and/or accounting services from the Division					
<i>Responses varied</i>					
Q8: What was the process by which terms of service were decided for the administrative and/or accounting services from the Division					
<i>Responses varied</i>					
Q9: How satisfied are you with the process used by the Division to determine rates paid by the Board for administrative and/or accounting services					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
0%	0%	12.90% (4/31)	0% (0/31)	0% (0/31)	87.10% (27/31)
Q10: Have you attended any type of Board member training provided by the Attorney General?					
<i>Percent that received training</i>			<i>Percent that have not received training (includes 2 no responses)</i>		
39% (12/31)			61% (19/31)		
Q11: In general, what is your opinion of potentially establishing a uniform set of statutes that Govern certain board/commission functions?					

<i>Responses varied</i>
Pros and Cons of Consolidating the Boards for Barbers Examiners and Cosmetology
<i>Responses varied</i>

Source: Legislative Service Office from information provided by the surveys.



APPENDIX C-2

Survey Result Summary- Supported Boards

Question Q1:A: Type of Administrative Services Provided					
<i>Responses included the following types of services- Count:</i>			<i>Blank/No Response- 3</i>	<i>Complaint Intake- 36</i>	<i>Complaint Processing- 34</i>
Coordinating Investigations- 36	Coordinating Rules Promulgation- 37	Coordinating Statutory Revisions- 37	Managing Licensure Database- 39	Meeting Administration- 37	Processing Travel and Per-Diem- 35
Q1:B Combined Customer Service All Administrative Services for all responses in Q1:A					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
40.14% (118/294)	30.61% (90/294)	18.03% (53/294)	2.72% (8/294)	6.12% (18/294)	2.38% (7/294)
Q1:C Type of Accounting Services Provided					
<i>Responses included the following types of services- Count:</i>			<i>Blank/No Response- 87</i>	<i>Budget Preparation- 33</i>	
Establishing Contracts- 18	Managing Board Finances- 36	Monitoring Contracts- 18	Processing Board Expenditures- 34	Processing Board Revenue- 32	Reporting Board Finances- 36
Q1:C Combined Customer Service for All Accounting Services for all responses in Q1:C					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
28.91% (85/294)	15.99% (47/294)	13.61% (40/294)	6.12% (18/294)	5.78% (17/294)	29.59% (87/294)
Q2: Overall, how satisfied are you with the administrative Services (selected in Question #1) provided to your Board.					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
48.94% (23/47)	23.40% (11/47)	6.38% (3/47)	8.51% (4/47)	2.13% (1/47)	10.64% (5/47)
Q3: Overall, how satisfied are you with the Accounting services (Selected in Question 1) provided by the Division?					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>

36.17% (17/47)	31.91% (15/47)	6.38% (3/47)	8.51% (4/47)	4.26% (2/47)	12.77% (6/47)
Q4: How Satisfied are you with the opportunity to offer feedback related to administrative services (selected in #1) that are provided.					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
36.17% (17/47)	25.53% (12/47)	25.53% (12/47)	2.13% (1/47)	0%	10.64% (5/47)
Q5: How Satisfied are you with the opportunity to offer feedback related to Accounting services (selected in #1) that are provided.					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
29.79% (14/47)	25.53% (12/47)	21.28% (10/47)	8.51% (4/47)	0%	14.89% (7/47)
Q6: How satisfied are you with the process used by the Division to determine rates paid by the Board for administrative and accounting Services.					
<i>Extremely Satisfied</i>	<i>Satisfied</i>	<i>Neutral</i>	<i>Dissatisfied</i>	<i>Extremely Dissatisfied</i>	<i>No Response</i>
17.02% (8/47)	25.53% (12/47)	29.79% (14/47)	2.13% (1/47)	8.51% (4/47)	17.02% (8/47)
Q7: Please describe the process by which you decided to utilize the administrative and/or accounting services from the Division.					
<i>Responses varied</i>					
Q8: In your Opinion, is there a possibility in the future that your Board may become independent from the Division? Please explain.					
<i>Yes</i>		<i>No</i>		<i>Unsure</i>	<i>No Response</i>
10.64% (5/47)		31.91% (15/47)		46.81% (22/47)	10.64% (5/47)
Q9: Do you believe overlap exists between your board and any other Boards?					
<i>Speech Pathology/Hearing Aid Specialist</i>			<i>Psychology/ Mental Health Professionals</i>		
<i># of Yes</i>	<i># of No</i>	<i># of Unsure or N/A</i>	<i># of Yes</i>	<i># of No</i>	<i># of Unsure or N/A</i>
4	3	0	1	6	2
Q10: What are the Pros and Cons of a possible consolidation of boards referenced in Question 9					
<i>Speech Pathology/Hearing Aid Specialist</i>			<i>Psychology/ Mental Health Professionals</i>		
<i># of Pros</i>		<i># of Cons</i>	<i># of Pros</i>		<i># of Cons</i>
10		9	2		13
Q 11: Have you had any type of training provided by the Attorney General?					

<i>Percent that received training</i>	<i>Percent that have not received training</i>
53% (25/47)	47% (22/47)
Q 12: In general, what is your opinion of potentially establishing a uniform set of statutes that govern certain boards/commission functions?	
<i>Responses varied</i>	

Source: Legislative Service Office from information provided by the surveys.



Recent Program Evaluations

Wyoming State Archives	May 2000
Turnover and Retention in Four Occupations	May 2000
Placement of Deferred Compensation	October 2000
Employees' Group Health Insurance	December 2000
State Park Fees	May 2001
Childcare Licensing	July 2001
Wyoming Public Television	January 2002
Wyoming Aeronautics Commission	May 2002
Attorney General's Office: Assignment of Attorneys and and Contracting for Legal Representation	November 2002
Game & Fish Department: Private Lands Public Wildlife Access Program	December 2002
Workers' Compensation Claims Processing	June 2003
Developmental Disabilities Division Adult Waiver Program	January 2004
Court-Ordered Placements at Residential Treatment Centers	November 2004
Wyoming Business Council	June 2005
Foster Care	September 2005
State-Level Education Governance	December 2005
HB 59: Substance Abuse Planning and Accountability	January 2006
Market Pay for State Employees	July 2006
Wyoming Drug Courts	July 2006
A&I HRD Role in State Hiring	December 2006
Kid Care CHIP: Wyoming's State Children's Health Insurance Program	June 2007
Wyoming Retirement System: Public Employee Plan	August 2007
WYDOT and General Fund Appropriations for Highways	May 2008
Wyoming Child Protective Services	September 2008
Department of Fire Prevention and Electrical Safety	December 2008

Office of Health Care Licensing and Surveys	July 2009
Victim Services Division: Phase I	August 2009
Victim Services Division: Phase II	February 2010
Reading Assessment and Intervention Program	February 2010
Office of State Lands & Investments: Management of State Trust Lands	June 2010
Proficiency Assessments for Wyoming Students (PAWS)	December 2010
Wyoming Unemployment Insurance Program	December 2010
Department of Administration and Information: Information Technology Division and Office of Chief Information Officer	July 2011
Wyoming Department of Health: Veterans' Home of Wyoming	November 2011
Wyoming Aeronautics Commission	September 2012

Evaluation reports can be obtained from:

Wyoming Legislative Service Office
 213 State Capitol Building Cheyenne, Wyoming 82002
 Telephone: 307-777-7881 Fax: 307-777-5466
 Website: <http://legisweb.state.wy.us>

