

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 240

By Senator Woodrum

[Passed March 11, 2023; in effect 90 days from
passage]

1 AN ACT to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended; to
2 amend said code by adding thereto a new section, designated as §30-1-12a; and to amend
3 and reenact §30-1-13 of said code, all relating to professional licensing boards' collection
4 and dissemination of certain records and information; providing for public access to the
5 record of each board's proceedings; providing for public access to each board's register of
6 applicants; stating information that must be provided in order to access the register of
7 applicants; giving each board discretion to deny requests for the register of applicants;
8 requiring each board to maintain a website that provides certain information about the
9 board; defining terms; prohibiting the disclosure of sensitive personally identifiable
10 information; providing that boards shall not be prohibited from providing information related
11 to the qualifications and practice of licensees and registrants; providing that certain
12 personal information of licensed practitioners shall not be disclosed; and requiring the
13 roster of licensed practitioners to be posted on each board's website.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

**§30-1-12. Record of proceedings; register of applicants; certified copies of records prima
facie evidence; report to Governor and Legislature; public access.**

1 (a) The secretary of every board shall keep a record of its proceedings and a register of all
2 applicants for license or registration, showing for each the date of his or her application, his or her
3 name, age, educational and other qualifications, mailing address, whether an examination was
4 required, whether the applicant was rejected or a certificate of license or registration granted, the
5 date of this action, the license or registration number, all renewals of the license or registration, if
6 required, and any suspension or revocation thereof. The books and register, or a copy of any part
7 thereof, certified by the secretary and attested by the seal of the board, shall be prima facie

8 evidence of all matters recorded therein.

9 (b) The record of the board's proceedings shall be open to public inspection at all
10 reasonable times and copies provided upon oral or written request after payment of a reasonable
11 fee, as determined by the board in accordance with the provisions of §29B-1-3 of this code.

12 (c) The register of applicants shall be made available upon written request on a form
13 prescribed by the board. The form shall require the requester to provide at least the following
14 information:

- 15 (1) Legal identity;
- 16 (2) Purpose for which the register is sought;
- 17 (3) A telephone number where the requester may be contacted by the board; and
- 18 (4) Whether copies of the register are requested.

19 If requested, copies of the register shall be provided after payment of a reasonable fee, as
20 determined by the board in accordance with the provisions of §29B-1-3 of this code.

21 The board may deny a request that the register, or copies thereof, be made available or
22 provided if it determines, in its discretion, that the request is made for an improper purpose.

23 (d) On or before January 1 of each year in which the Legislature meets in regular session,
24 the board shall submit to the Governor and to the Legislature a report of its activities for the
25 preceding two years, containing the following information for that period:

- 26 (1) The total receipts and disbursements for each year;
- 27 (2) A list of amounts received in each year for the following categories of receipts:
 - 28 (A) License applications, registrations, and renewals;
 - 29 (B) Examination fees, if applicable;
 - 30 (C) Other fees, including late fees, copying charges, and fees for printed certificates;
 - 31 (D) Fines or penalties;
 - 32 (E) Expense reimbursements from disciplinary actions; and

- 33 (F) Grants, special appropriations, or other sources of revenue not from fees;
- 34 (3) A list of amounts spent in each year for the following categories of expenditures:
- 35 (A) Personal services;
- 36 (B) Board member per diem compensation;
- 37 (C) Travel expenses and automobile mileage;
- 38 (D) Professional contracts;
- 39 (E) Rent;
- 40 (F) Office supplies;
- 41 (G) Postage;
- 42 (H) Entertainment and hosting;
- 43 (I) Insurance; and
- 44 (J) Bank costs;
- 45 (4) A complete list of the names of all persons newly licensed or registered;
- 46 (5) A table or list showing numbers of licensees or registrants by West Virginia county of
- 47 practice or, for out-of-state licensees or registrants, by state of residence, and by specialty, if
- 48 appropriate to the particular profession;
- 49 (6) Complaints filed and investigations opened by the board, with a brief classification of
- 50 the nature of the complaint, together with the dates of compliance with the time requirements of
- 51 §30-1-5(c) of this code, and the disposition, if any;
- 52 (7) In addition to complaints reported under the preceding subdivision, complaints resolved
- 53 and investigations closed by the board, with a brief classification of the nature of the complaint,
- 54 together with the dates of compliance with the time requirements of §30-1-5(c) of this code, and
- 55 the disposition, if any; and
- 56 (8) Copies of the agendas for, and minutes of, board and committee or subcommittee
- 57 meetings.

58 The report shall be certified by the president and the secretary of the board, and a copy of
59 the report shall be filed with the Secretary of State and with the legislative librarian.

60 (e) To promote public access, the secretary of every board shall ensure that the address
61 and telephone number of the board are included every year in the state government listings of the
62 Charleston area telephone directory. Every board shall maintain a website that provides at least
63 the following information:

64 (1) Name of each board member;

65 (2) Names of all board staff;

66 (3) Contact information for each staff member, including office telephone number, office
67 location, and office mailing address;

68 (4) A secure electronic means of contacting each staff member;

69 (5) The roster of licensed or registered practitioners;

70 (6) Copies of approved meeting minutes for meeting held during the preceding year;

71 (7) A schedule of regular meeting days for each calendar year; and

72 (8) Notice of each upcoming board meeting.

**§30-1-12a. Prohibition against disclosure of personally identifiable information;
exceptions.**

1 (a) Definitions. —

2 "Personally identifiable information" or "PII" means any information that identifies, or can
3 be used to identify, locate, contact, or impersonate a particular individual.

4 "Sensitive PII" means those elements of PII that must receive heightened protection due to
5 legal or policy requirements, including, but not limited to:

6 (1) Social Security numbers;

7 (2) Credit card numbers;

8 (3) Health and medical data;

9 (4) Driver's License numbers; and

10 (5) Individual financial account numbers.

11 (b) A board may not disclose sensitive PII of applicants, licensees, registrants, or other
12 individuals except as necessary to comply with West Virginia or federal law, court order, or
13 subpoena.

14 (c) Nothing in §30-1-12 or §30-1-12a of this code shall prohibit a board from providing
15 information related to the qualifications and practice of licensees and registrants on the board's
16 website, including but not limited to educational and training qualifications, specialties, and
17 practice addresses.

§30-1-13. Roster of licensed or registered practitioners.

1 The secretary of every board shall prepare and maintain a complete roster of the names of
2 all persons licensed, or registered, and practicing in this state the profession or occupation to
3 which such board relates, arranged alphabetically by name. Each board shall make the roster
4 available upon request to any member of the public and shall also place and maintain the roster on
5 its website.