

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 4001

5 (By Delegates Morgan, Stephens, Hatfield,
6 Hartman, Staggers and Talbott)

7
8 [Passed March 6, 2012; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §30-1-6 of the Code of West Virginia,
11 1931, as amended, relating to professional licensing boards;
12 authorizing boards to establish fees by legislative rule
13 notwithstanding specific fees established in code; providing
14 for methods to notify licensees of proposal of fees in
15 legislative rules; clarifying the requirement to redact social
16 security numbers from records released to the public;
17 prohibiting discrimination against an applicant; and
18 establishing a denial of authorization to practice procedure.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §30-1-6 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted to read as follows:

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

24 **§30-1-6. Application for license or registration; examination fee;**
25 **establishment of application deadline and fees by**
26 **legislative rule; prohibiting discrimination.**

27 (a) An applicant for an authorization to practice under the

1 provisions of this chapter shall apply in writing to the proper
2 board and submit the applicable fees.

3 (b) Each board may establish, by legislative rule, a deadline
4 for an application for an examination.

5 (c) Notwithstanding the specific fees set forth in this
6 chapter, each board may set fees by legislative rule that are
7 sufficient to enable the board to effectively carry out its duties
8 and responsibilities. At least thirty days prior to proposing a
9 rule on fees, the board shall notify its membership of the proposed
10 rule by:

11 (1) Mailing a copy of the proposed rule to its membership; or

12 (2) Posting the proposed rule on its website and notifying its
13 membership of the website posting by:

14 (A) Mailing a postcard;

15 (B) Emailing a notice; or

16 (C) Placing a notice in its newsletter.

17 (d) In addition to any other information required by the
18 board, an applicant's social security number shall be recorded on
19 an application: *Provided*, That the board shall redact the social
20 security number on any copies provided to the public.

21 (e) A board may not discriminate against an applicant because
22 of political or religious opinion or affiliation, marital status,
23 race, color, gender, creed, age, national origin, disability or
24 other protected group status.

25 (f) A board may deny an applicant an authorization to practice
26 in this state if an applicant's authorization to practice in

1 another jurisdiction has been revoked. The denial may be made by
2 the board without a hearing unless the applicant requests a hearing
3 within thirty days of the denial. A hearing must be conducted
4 pursuant to the provisions of this article or the provisions
5 contained in the rules of the board.