

H. B. 4131

(By Delegates Howell, Canterbury,
Gearheart, Arvon, Border, Kump,
Eldridge, Barill, Fragale, Campbell
and Staggers)

[Introduced January 14, 2014; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §30-1-6 of the Code of West Virginia,
1931, as amended, relating to requiring certain boards of
examination or registration to conduct a nationwide criminal
background check on all applicants for license or registration
and renewal; and providing that fees charged for the criminal
background check may not exceed the actual costs of the
criminal background check.

Be it enacted by the Legislature of West Virginia:

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

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

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

(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.

1 (f) A board licensing persons for the practice of medicine and
2 surgery and podiatry, physician assistants, dentistry, pharmacy,
3 nursing, osteopathic physicians and surgeons, registered
4 professional nurses, psychiatry, psychology or certified public
5 accounts shall conduct a nationwide criminal background search
6 consisting of the National Instant Criminal Background Check System
7 and any other federal criminal background check. The fees charged
8 by a board for the criminal background check may not exceed the
9 actual cost of the criminal background check.

10 ~~(f)~~ (g) A board may deny an applicant an authorization to
11 practice in this state if an applicant's authorization to practice
12 in another jurisdiction has been revoked. The denial may be made
13 by the board without a hearing unless the applicant requests a
14 hearing within thirty days of the denial. A hearing must be
15 conducted pursuant to the provisions of this article or the
16 provisions contained in the rules of the board.

NOTE: The purpose of this bill is to require certain boards of examination or registration to conduct a nationwide criminal background check on all applicants for license or registration and renewal. The bill also provides that fees charged for the criminal background check may not exceed the actual costs of the criminal background check.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.