

1 (a) Boards may require an applicant for an authorization to
2 practice under this chapter to submit to a state and national
3 criminal background check. This requirement is found not to be
4 against public policy.

5 (b) Before implementing subsection (a) of this section, the
6 board shall propose rules for legislative approval in accordance
7 with article three, chapter twenty-nine-a of this code. The rule
8 shall set forth the requirements and procedures for the criminal
9 background check and must be consistent with standards established
10 by the Federal Bureau of Investigation and the National Crime
11 Prevention and Privacy Compact as authorized by 42 U.S.C.A. §14611,
12 et seq.

13 (c) The criminal background check shall be based on
14 fingerprints submitted to the West Virginia State Police for
15 forwarding to the Federal Bureau of Investigation.

16 (d) The applicant shall meet all requirements necessary to
17 accomplish the state and national criminal background check,
18 including:

19 (1) Submitting fingerprints for the purposes set forth in
20 subsection (b) of this section; and

21 (2) Authorizing the board, the West Virginia State Police and
22 the Federal Bureau of Investigation to use all records submitted
23 and produced for the purpose of screening the applicant for an
24 authorization to practice.

1 (e) The results of the state and national criminal background
2 check may not be released to any party except as provided in this
3 article or the legislative rules promulgated in accordance with
4 this article.

NOTE: The purpose of this bill is to authorize licensing boards to require applicants to submit to criminal background checks. The bill declares the background checks do not violate public policy. The bill requires the background checks to be consistent with federal standards and provides rule-making authority. The bill also includes a confidentiality provision.

NOTE: This section is new; therefore, it has been completely underscored.