

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4001

(By Delegates Morgan, Stephens, Hatfield,
Hartman, Stagers and Talbott)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4001

(BY DELEGATES MORGAN, STEPHENS, HATFIELD,
HARTMAN, STAGGERS AND TALBOTT)

[Passed March 6, 2012; to take effect ninety days from passage.]

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

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.**

1 (a) An applicant for an authorization to practice under the
2 provisions of this chapter shall apply in writing to the proper
3 board and submit the applicable fees.

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

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

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

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

16 (A) Mailing a postcard;

17 (B) Emailing a notice; or

18 (C) Placing a notice in its newsletter.

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

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

27 (f) A board may deny an applicant an authorization to
28 practice in this state if an applicant's authorization to practice
29 in another jurisdiction has been revoked. The denial may be
30 made by the board without a hearing unless the applicant
31 requests a hearing within thirty days of the denial. A hearing
32 must be conducted pursuant to the provisions of this article or
33 the provisions contained in the rules of the board.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor