Τ	H. B. 4128
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3 4 5 6	(By Delegates Howell, Canterbury, Kump, Eldridge, Barill, Fragale, Campbell, Staggers, Storch and Hamilton)
7	[Introduced January 14, 2014; referred to the
8	Committee on Government Organization then the Judiciary.]
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10	A BILL to amend and reenact $$30-1-5$$ of the Code of West Virginia,
11	1931, as amended, relating to requiring boards of examination
12	or registration to maintain a list of disciplinary actions on
13	a public access website; and when Attorney General to provide
14	link to such lists.
15	Be it enacted by the Legislature of West Virginia:
16	That §30-1-5 of the Code of West Virginia, 1931, as amended,
17	be amended and reenacted to read as follows:
18	ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF
19	EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.
20	§30-1-5. Meetings; quorum; investigatory powers; duties.
21	(a) Every board referred to in this chapter shall hold at
22	least one meeting each year, at such time and place as it may
23	prescribe by rule, for the examination of applicants who desire to
24	practice their respective professions or occupations in this state
25	and to transact any other business which may legally come before
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- 1 it. The board may hold additional meetings as may be necessary,
- 2 which shall be called by the secretary at the direction of the
- 3 president or upon the written request of any three members. A
- 4 majority of the members of the board constitutes a quorum for the
- 5 transaction of its business.
- (b) The board is authorized to <u>may</u> compel the attendance of
- 7 witnesses, to issue subpoenas, to conduct investigations and hire
- 8 an investigator and to take testimony and other evidence concerning
- 9 any matter within its jurisdiction. The president and secretary of
- 10 the board $\frac{1}{2}$ and $\frac{1}{2}$ are authorized to $\frac{1}{2}$ administer oaths for these
- 11 purposes.
- 12 (c) Every board referred to in this chapter has a duty to
- 13 shall investigate and resolve complaints which it receives and
- 14 shall, within six months of the complaint being filed, send a
- 15 status report to the party filing the complaint by certified mail
- 16 with a signed return receipt and within one year of the status
- 17 report's return receipt date issue a final ruling, unless the party
- 18 filing the complaint and the board agree in writing to extend the
- 19 time for the final ruling.
- 20 (d) Every board shall provide public access on a website to
- 21 the record of the disposition of the complaints which it receives
- 22 in accordance with the provisions of chapter twenty-nine-b of this
- 23 code. If a board cannot afford to provide this public access on a
- 24 website, the Attorney General shall provide a link to this

1 information on the consumer protection division website, together
2 with a link to the website of all other boards subject to this
3 chapter. Every board has a duty to shall report violations of
4 individual practice acts contained in this chapter to the board by
5 which the individual may be licensed and shall do so in a timely
6 manner upon receiving notice of such violations. Every person
7 licensed or registered by a board has a duty to shall report to the
8 board which licenses or registers him or her a known or observed
9 violation of the practice act or the board's rules by any other
10 person licensed or registered by the same board and shall do so in
11 a timely manner. Law-enforcement agencies or their personnel and
12 courts shall report in a timely manner to the appropriate board any
13 violations of individual practice acts by any individual.

(e) Whenever a board referred to in this chapter obtains information that a person subject to its authority has engaged in, is engaging in or is about to engage in any act which constitutes or will constitute a violation of the provisions of this chapter which are administered and enforced by that board, it may apply to the circuit court for an order enjoining the act. Upon a showing that the person has engaged, is engaging or is about to engage in any such act, the court shall order an injunction, restraining or order or other order as the court may deem appropriate.

NOTE: The purpose of this bill is to require boards of

examination or registration to maintain a list of disciplinary actions on a public access website. It also provides that if a board cannot afford this, then the Attorney General shall have a link to this information on the Consumer Protection Division website, as well as a link to such lists of other boards.

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