

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 762

By Senator Barrett

[Introduced February 13, 2024; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §21-17-3 and §21-17-4 of the Code of West Virginia, 1931, as
 2 amended, all relating to the issuance of occupational licenses or other authorization to
 3 practice; removing certain qualifications required to obtain occupational licenses or other
 4 authorization to practice based on licensure in another state; removing certain residency
 5 requirements required to obtain occupational licenses or other authorization to practice
 6 based on licensure in another state; and removing certain residency requirements required
 7 to obtain occupational licenses or other authorization to practice based on work
 8 experience in another state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. REVIEW AND CREDENTIAL ACKNOWLEDGEMENT PROCEDURES
ACT

§21-17-3. Occupational license or other authorization to practice.

1 (a) Notwithstanding any other law, the board shall issue an occupational license or other
 2 authorization to practice to a person upon application, if all the following apply:

3 (1) The person holds a valid occupational license or other authorization to practice in
 4 another state in a lawful occupation with a similar scope of practice ~~and with education,~~
 5 ~~experience, and examination requirements for licensure or authorization to practice similar to~~
 6 ~~those of this state,~~ as determined by the board in this state;

7 (2) The person has held the occupational license or other authorization to practice in the
 8 state where he or she holds a valid license or other authorization to practice for at least one year;

9 (3) The person has met all educational and examination requirements for occupational
 10 licensure or other authorization to practice in the state where he or she holds a valid license;

11 (4) The person is in good standing with the board in every other state where he or she
 12 holds a valid license;

13 ~~(5) The person has established residency as a West Virginia resident as defined by § 11-~~

14 ~~21-7(a) of this code~~

15 ~~(6)~~ (5) The person does not have a disqualifying criminal record as determined by the
16 board in this state;

17 ~~(7)~~ (6) The person has never had his or her license or other authorization to practice
18 revoked by the board in another state because of negligence or intentional misconduct related to
19 the person's work in the occupation;

20 ~~(8)~~ (7) The person did not surrender an occupational license or other authorization to
21 practice because of negligence or intentional misconduct related to the person's work in the
22 occupation in another state;

23 ~~(9)~~ (8) The person does not have a complaint, allegation, or investigation pending before a
24 board in another state. If the person has a complaint, allegation, or investigation pending, the
25 board in this state shall may not issue or deny an occupational license or other authorization to
26 practice to the person until the complaint, allegation, or investigation is resolved; and

27 ~~(10)~~ (9) The person pays all applicable fees and meets all applicable bonding requirements
28 in this state.

29 (b) If West Virginia requires an occupational license to lawfully work in a profession, and
30 another state does not issue an occupational license for the same profession and instead issues
31 another authorization to practice, West Virginia shall issue an occupational license to the person if
32 the person otherwise satisfies subsection (a) of this section.

33 (c) Any person issued a license under this article ~~must~~ shall comply with all relevant
34 continuing education requirements to renew a license established by the board and any other rule
35 promulgated by the board as provided by § 21-17-8 of this code.

§21-17-4. Work experience.

1 Notwithstanding any other law, the board shall issue an occupational license or other
2 authorization to practice to a person upon application based on work experience in another state, if
3 all the following apply:

4 (1) The person worked in a state that does not use an occupational license or other
5 authorization to practice that regulates a lawful occupation, but West Virginia uses an occupational
6 license or other authorization to practice that regulates a lawful occupation with a similar scope of
7 practice, as determined by the board;

8 (2) The person worked for at least two years in the lawful occupation and has acquired
9 experience demonstrating knowledge and proficiency in the occupation similar to that which may
10 be achieved through compliance with the education and examination requirements to practice in
11 this state, as determined by the board;

12 (3) The person has taken and passed any required national examinations to lawfully
13 practice the occupation or use a title in connection with an occupation in another state; and

14 (4) The person satisfies § 21-17-3(a)(5), ~~§ 21-17-3(a)(6)~~, and § 21-17-3(a)(109) of this
15 code.

NOTE: The purpose of this bill is to modify the requirements for an applicant to obtain an occupational license or authorization to practice based on licensure or work experience in another state.

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