

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 240

BY SENATOR WOODRUM

[Introduced January 16, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-1-12 and §30-1-13 of the Code of West Virginia, 1931, as
2 amended; and to amend said code by adding thereto a new section, designated as §30-
3 1-12a, all relating to professions and occupations; providing for provisions applicable to
4 all state boards of registration; requiring records of a board's proceedings to open to public
5 inspection; prohibiting disclosure of personally identifiable information and exceptions;
6 requiring each board to place and maintain the roster on its website the names and office
7 addresses of all persons licensed, or registered; and practicing in this state the profession
8 or occupation to which such board relates.

Be it enacted by the Legislature of West Virginia:

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

**§30-1-12. Record of proceedings; register of applicants; certified copies of records prima
facie evidence; report to Governor and Legislature; public access.**

1 (a) The secretary of every board shall keep a record of its proceedings and a register of
2 all applicants for license or registration, showing for each the date of his or her application, his or
3 her name, age, educational and other qualifications, ~~place of residence~~ mailing address, whether
4 an examination was required, whether the applicant was rejected or a certificate of license or
5 registration granted, the date of this action, the license or registration number, all renewals of the
6 license or registration, if required, and any suspension or revocation thereof. ~~The books and~~
7 ~~register of the board shall be open to public inspection at all reasonable times, and the~~ The books
8 and register, or a copy of any part thereof, certified by the secretary and attested by the seal of
9 the board, shall be prima facie evidence of all matters recorded therein.

10 (b) The record of the board's proceedings shall be open to public inspection at all
11 reasonable times and copies provided upon oral or written request after payment of a reasonable
12 fee, as determined by the board in accordance with the provisions of §29B-1-3 of this code.

13 (c) The register of applicants shall be made available only upon written request on a form
14 prescribed by the board. The form shall require the requester to provide at least the following
15 information:

16 (1) Legal identity;

17 (2) Purpose for which the register is sought;

18 (3) A telephone number where the requester may be contacted by the board; and

19 (4) Whether copies of the register are requested.

20 If requested, copies of the register shall be provided after payment of a reasonable fee,
21 as determined by the board in accordance with the provisions of §29B-1-3 of this code.

22 The board may deny a request that the register, or copies thereof, be made available or
23 provided if it determines, in its discretion, that the request is made for an improper purpose.

24 ~~(b)~~ (d) On or before January 1 of each year in which the Legislature meets in regular
25 session, the board shall submit to the Governor and to the Legislature a report of its activities for
26 the preceding two years, containing the following information for that period:

27 (1) The total receipts and disbursements for each year;

28 (2) A list of amounts received in each year for the following categories of receipts:

29 (A) License applications, registrations, and renewals;

30 (B) Examination fees, if applicable;

31 (C) Other fees, including late fees, copying charges, and fees for printed certificates;

32 (D) Fines or penalties;

33 (E) Expense reimbursements from disciplinary actions; and

34 (F) Grants, special appropriations, or other sources of revenue not from fees;

35 (3) A list of amounts spent in each year for the following categories of expenditures:

36 (A) Personal services;

37 (B) Board member per diem compensation;

38 (C) Travel expenses and automobile mileage;

39 (D) Professional contracts;

40 (E) Rent;

41 (F) Office supplies;

42 (G) Postage;

43 (H) Entertainment and hosting;

44 (I) Insurance; and

45 (J) Bank costs;

46 (4) A complete list of the names of all persons newly licensed or registered;

47 (5) A table or list showing numbers of licensees or registrants by West Virginia county of
48 practice or, for out-of-state licensees or registrants, by state of residence, and by specialty, if
49 appropriate to the particular profession;

50 (6) Complaints filed and investigations opened by the board, with a brief classification of
51 the nature of the complaint, together with the dates of compliance with the time requirements of
52 §30-1-5(c) of this code, and the disposition, if any;

53 (7) In addition to complaints reported under the preceding ~~subsection~~ subdivision,
54 complaints resolved and investigations closed by the board, with a brief classification of the nature
55 of the complaint, together with the dates of compliance with the time requirements of §30-1-5(c)
56 of this code, and the disposition, if any; and

57 (8) Copies of the agendas for, and minutes of, board and committee or subcommittee
58 meetings.

59 The report shall be certified by the president and the secretary of the board, and a copy
60 of the report shall be filed with the Secretary of State and with the legislative librarian.

61 ~~(e)~~ (e) To promote public access, the secretary of every board shall ensure that the
62 address and telephone number of the board are included every year in the state government
63 listings of the Charleston area telephone directory. Every board shall ~~regularly evaluate the~~
64 ~~feasibility of adopting additional methods of providing public access, including, but not limited to,~~

65 ~~listings in additional telephone directories, toll-free telephone numbers, facsimile and computer-~~
66 ~~based communications~~ maintain a website that provides at least the following information:

67 (1) Name of each board member;

68 (2) Names of all board staff;

69 (3) Contact information for each board member and for board staff, including office
70 telephone number, office location, and office mailing address;

71 (4) A secure electronic means of contacting each board member and each staff member;

72 (5) The roster of licensed or registered practitioners;

73 (6) Copies of approved meeting minutes for meeting held during the preceding year;

74 (7) A schedule of regular meeting days for each calendar year; and

75 (8) Notice of each upcoming board meeting.

§30-1-12a. Prohibition against disclosure of personally identifiable information;

exceptions.

1 (a) Definitions. —

2 "Personally identifiable information" or "PII" means any information that identifies, or can
3 be used to identify, locate, contact, or impersonate a particular individual.

4 "Sensitive PII" means those elements of PII that must receive heightened protection due
5 to legal or policy requirements, including, but not limited to:

6 (1) Social Security numbers;

7 (2) Credit card numbers;

8 (3) Health and medical data;

9 (4) Driver's License numbers; and

10 (5) Individual financial account numbers.

11 (b) A board may not disclose PII or sensitive PII of applicants, licensees, registrants, or
12 other individuals except as necessary to comply with West Virginia or federal law, court order, or
13 subpoena.

§30-1-13. Roster of licensed or registered practitioners.

1 The secretary of every board shall prepare and maintain a complete roster of the names
2 and office addresses of all persons licensed, or registered, and practicing in this state the
3 profession or occupation to which such board relates, arranged alphabetically by name and also
4 by the cities or counties in which their offices are situated. Each board shall make the roster
5 available upon request to any member of the public and shall also place and maintain the roster
6 on its website.