

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 443

BY SENATOR TARR

[Passed March 13, 2025; in effect from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §30-32-11a, relating to authorizing the West Virginia Board of Examiners for
3 Speech-Language Pathology and Audiology to conduct criminal background checks on
4 applicants seeking initial compact privilege; requiring applicants seeking initial privilege to
5 submit to national and state criminal record background check as condition of eligibility for
6 compact privilege; mandating such applicants to submit fingerprints and authorize board,
7 West Virginia State Police, and Federal Bureau of Investigation to use records submitted
8 to screen applicants; prohibiting release of background check results; providing for
9 exceptions; establishing that background check records are not public records; obligating
10 applicants to complete background check immediately after application for privilege to
11 practice; requiring applicants to pay costs of fingerprinting and background check; and
12 authorizing rulemaking and emergency rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 32. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

§30-32-11a. Criminal history record checks.

1 (a) The West Virginia Board of Examiners for Speech-Language Pathology and Audiology
2 may require state and national criminal history record checks for the purpose of issuing licenses.
3 The West Virginia Board of Examiners for Speech-Language Pathology and Audiology shall
4 require an applicant for initial privilege to practice in a remote state under the Speech-Language
5 Pathologists and Audiologists Compact, including speech-language pathologists, audiologists,
6 and speech-language pathology and audiology assistants, to submit to a state and national
7 criminal history record check as set forth in this section.

8 (b) The applicant shall meet all requirements necessary to accomplish the state and
9 national criminal history record check, including:

10 (1) Submitting fingerprints for the purposes set forth in this subsection; and

11 (2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of
12 Investigation to use all records submitted and produced for the purpose of screening the applicant
13 for a license.

14 (c) The results of the state and national criminal history record check may not be released
15 to or by a private entity except:

16 (1) To the individual who is the subject of the criminal history record check;

17 (2) With the written authorization of the individual who is the subject of the criminal history
18 record check; or

19 (3) Pursuant to a court order.

20 (d) The criminal history record check and related records are not public records for the
21 purposes of §29B-1-1 *et seq.* of this code.

22 (e) The applicant shall ensure that the criminal history record check is completed as soon
23 as possible after the date of the original application for privilege to practice.

24 (f) The applicant shall pay the actual costs of the fingerprinting and criminal history record
25 check.

26 (g) The board may propose rules or amendments to existing rules for legislative approval,
27 pursuant to the provisions of §29A-3-1 *et seq.* of this code, or may promulgate emergency rules,
28 pursuant to §29A-3-15 of this code, to comply with the provisions of this section.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor