

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4599

By Delegates Burkhammer and Worrell

[Introduced January 20, 2026; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16B-15-10, relating to modifying the West Virginia Clearance for Access:
3 Registry and Employment Screening Act ("WV Cares") background check variance
4 process; providing for portability requirements; providing for durational validity;
5 establishing a review timeline; creating supervision relief; refining disqualifying offenses;
6 providing for a single fitness record; providing for due process and confidentiality; and
7 providing for a timeline.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15. WEST VIRGINIA CLEARANCE FOR ACCESS: REGISTRY AND
EMPLOYMENT SCREENING ACT.**

<u>§16B-15-10.</u>	<u>Miscellaneous</u>	<u>provisions</u>	<u>concerning</u>	<u>CARES.</u>
1	<u>(a) Portability requirements –</u>			
2	<u>(1) For purposes of this article, a granted variance shall follow an individual, not the</u>			
3	<u>employer.</u>			
4	<u>(2) Any licensed provider may rely on the active variance in the registry.</u>			
5	<u>(b) Durational validity. –</u>			
6	<u>(1) Variances issued pursuant to this article shall remain valid through the normal five-year</u>			
7	<u>recheck cycle.</u>			
8	<u>(2) A new variance review shall only be required if:</u>			
9	<u>(A) The Record of Arrest and Prosecution (RAP) Back feature reports a new disqualifying</u>			
10	<u>event; or</u>			
11	<u>(B) A material misrepresentation is discovered.</u>			
12	<u>(c) Review timeline – The Office of Inspector General shall complete variance reviews</u>			
13	<u>within 30 days of submission, unless exceptional cause is documented.</u>			
14	<u>(d) Supervision relief. –</u>			

15 (1) Employees with an active variance pending renewal may continue working without
16 mandatory continuous supervision, unless the Record of Arrest and Prosecution
17 (RAP) Back feature identifies new charges.

18 (2) Providers shall retain discretion to use individualized safety plans.

19 (e) Refined disqualifying offenses – The Department of Human Services shall revise the
20 list of disqualifying offenses to ensure only those directly related to abuse, violence, fraud, or
21 safety-sensitive risks remain disqualifying.

22 (f) Single fitness record. –

23 (1) Under the provisions of this article, the Secretary issues a standardized Fitness
24 Variance Determination viewable in the WV CARES registry.

25 (2) The Office of Health Facility Licensure and Certification (OHFLAC), the West Virginia
26 Bureau for Medical Services (BMS), and the West Virginia Administrative Services Organization
27 (ASO) shall accept the provisions of subsection (1) of this section as sufficient proof of eligibility.

28 (g) Due process and confidentiality. –

29 (1) All appeal rights remain intact.

30 (2) An employer shall only see the determination status/conditions, and not the underlying
31 offense details.

32 (h) Rules and timelines – The West Virginia Office of Inspector General (WV CARES),
33 OHFLAC, BMS, and the ASO shall update their respective rules, Memorandum of Understandings
34 (MOUs), and Information Technology (IT) systems within 180 days to reflect portability, expedited
35 timelines, and narrowed disqualifiers.

36 (i) The provisions of this section shall become effective from passage.

NOTE: The purpose of this bill is to modify the West Virginia Clearance for Access: Registry and Employment Screening Act ("WV Cares") background check variance process.

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