

WEST VIRGINIA CODE: §16-49-3

§16-49-3. Prescreening and criminal background checks.

- (a) Except as otherwise permitted in this article, the department, covered provider, or covered contractor may not employ or engage an applicant prior to completing the background check process.
- (b) If the applicant has a negative finding on any required prescreening registry or database, the employer shall notify the individual of such finding.
- (c) If the applicant has a negative finding on any required prescreening registry or database, that individual may not immediately be engaged by the department, covered provider, or covered contractor.
- (d) If the applicant does not have a negative finding in the prescreening process, the applicant shall submit to fingerprinting for a state and federal criminal history record information check.
- (e) The State Police shall notify the secretary of the results of the criminal history record information check.
- (f) If the secretary's review of the criminal history record information reveals that the applicant does not have a disqualifying offense, the secretary shall provide written notice to the bureau, covered provider, or covered contractor that the individual may be engaged.