WEST VIRGINIA CODE: §16b-15-3

§16B-15-3. 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 Inspector General of the results of the criminal history record information check.

(f) If the director’s review of the criminal history record information reveals that the applicant does not have a disqualifying offense, the director shall provide written notice to the department's bureau, covered provider, or covered contractor that the individual may be engaged.

(g) An applicant shall submit to a subsequent required prescreening and background check 90 days prior but no later than 60 days to the expiration date of the clearance. The director shall review and provide approval prior to any lapse in clearance or approval.

WV Legislature