WEST VIRGINIA CODE: §30-20A-2

§30-20A-2. Applicable law.

The practices licensed under the provisions of this article and the Board of Physical Therapy are subject to §30-1-1 et seq. and §30-20A-1 et seq. of this code and any rules promulgated hereunder.

(a)The board has all the powers and duties set forth in this article, by rule, §30-1-1 et seq. of this code, and elsewhere in law.

(b)The board shall:

(1) Hold meetings, conduct hearings, and administer examinations;

(2) Establish requirements for licenses and permits;

(3) Establish procedures for submitting, approving, and rejecting applications for licenses and permits;

(4) Determine the qualifications of any applicant for licenses and permits;

(5) Prepare, conduct, administer, and grade examinations for licenses;

(6) Determine the passing grade for the examinations;

(7) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examination and the pass and fail rate;

(8) Hire, discharge, establish the job requirements, and fix the compensation of the executive secretary;

(9) Maintain an office, and hire, discharge, establish the job requirements, and fix the compensation of employees, investigators, and contracted employees necessary to enforce the provisions of this article;

(10) Investigate alleged violations of the provisions of this article, legislative rules, orders, and final decisions of the board;

(11) Conduct disciplinary hearings of persons regulated by the board;

(12) Determine disciplinary action and issue orders;

(13) Institute appropriate legal action for the enforcement of the provisions of this article;

(14) Maintain an accurate registry of names and addresses of all persons regulated by the

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board;

(15) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(16) Establish the continuing education requirements for licenses;

(17) Issue, renew, combine, deny, suspend, restrict, revoke, or reinstate licenses and permits;

(18) Establish a fee schedule;

(19) Take all other actions necessary and proper to effectuate the purposes of this article;

(20) Propose rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code to implement provisions of this article, including:

(A) Establish standards and requirements for licenses and permits;

(B) Establish procedures for examinations and re-examinations;

(C) Establish requirements for third parties to prepare and administer examinations and re-examinations;

(D) Establish educational and experience requirements;

(E) Establish the passing grade on examinations;

(F) Establish standards for approval of courses and curriculum;

(G) Establish procedures for the issuance and renewal of licenses and permits;

(H) Establish a fee schedule;

(I) Establish continuing education requirements for licenses;

(J) Establish the procedures for denying, suspending, restricting, revoking, reinstating, or limiting the practice of licensees and permittees;

(K) Adopt a standard for ethics;

(L) Establish requirements for inactive or revoked licenses or permits;

(M) Any other rules necessary to effectuate the provisions of this article; and

(N) All of the board’s rules in effect January 1, 2020, shall remain in effect until they are amended or repealed, and references to provisions of former enactments of this section are

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interpreted to mean provisions of this article;

(21) All fees and other moneys, except administrative fines, received by the board shall be deposited in a separate special revenue fund in the State Treasury designated the West Virginia Board of Physical Therapy Fund which is continued. The fund is used by the board for the administration of this article. Except as may be provided in §30-1-1 et seq. of this code, the board retains the amount in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund;

(22) Any amounts received as fines pursuant to this article shall be deposited into the General Revenue Fund of the State Treasury.

(c)The board may:

(1) Contract with third parties to administer examinations required under the provisions of this article;

(2) Sue and be sued in its official name as an agency of this state; and

(3) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

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