WEST VIRGINIA CODE: §30-27A-2

§30-27A-2. Definitions.

As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

"Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a member state's laws which is imposed by a state licensing authority or other regulatory body against a cosmetologist, including actions against an individual's license or authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on a license affecting an individual's ability to participate in the cosmetology industry, including the issuance of a cease and desist order.

"Authorization to practice" means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the state licensing authority in that remote state.

"Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a member state's state licensing authority.

"Background check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant's home state.

"Charter member state" means member states who have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in §30-27A-13 of this code.

"Commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the Cosmetology Licensure Compact Commission, as defined in §30-27A-9 of this code, and which shall operate as an instrumentality of the member states.

"Cosmetologist" means an individual licensed in their home state to practice cosmetology.

"Cosmetology", "cosmetology services", and the "practice of cosmetology" mean the care and services provided by a cosmetologist as set forth in the member state's statutes and regulations in the state where the services are being provided.

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"Current significant investigative information" means:

(1) Investigative information that a state licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding fraud or the practice of cosmetology; or

(2) Investigative information that indicates that a licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the licensee has been notified and had an opportunity to respond.

"Data system" means a repository of information about licensees, including, but not limited to, license status, investigative information, and adverse actions.

"Disqualifying event" means any event which shall disqualify an individual from holding a multistate license under this compact, which the commission may by rule or order specify.

"Encumbered license" means a license in which an adverse action restricts the practice of cosmetology by a licensee, or where said adverse action has been reported to the commission.

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of cosmetology by a state licensing authority.

"Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

"Home state" means the member state which is a licensee's primary state of residence, and where that licensee holds an active and unencumbered license to practice cosmetology.

"Investigative information" means information, records, or documents received or generated by a state licensing authority pursuant to an investigation or other inquiry.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of cosmetology in a state.

"Licensee" means an individual who currently holds a license from a member state to practice as a cosmetologist.

"Member state" means any state that has adopted this compact.

"Multistate license" means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee's home state, which authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to this compact.

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"Remote state" means any member state, other than the licensee’s home state.

"Rule" means any rule or regulation promulgated by the commission under this compact which has the force of law.

"Single-state license" means a cosmetology license issued by a member state that authorizes practice of cosmetology only within the issuing state and does not include any authorization outside of the issuing state.

"State" means a state, territory, or possession of the United States and the District of Columbia.

"State licensing authority" means a member state’s regulatory body responsible for issuing cosmetology licenses or otherwise overseeing the practice of cosmetology in that state.

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