WEST VIRGINIA CODE: §30-27A-7

§30-27A-7. Adverse actions.

(a) A licensee's home state shall have exclusive power to impose an adverse action against a licensee's multistate license issued by the home state.

(b) A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information, or adverse action of a remote state.

(c) In addition to the powers conferred by state law, each remote state's state licensing authority shall have the power to:

(1) Take adverse action against a licensee's authorization to practice Cosmetology through the multistate license in that member state, provided that:

(A) Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

(B) For the purposes of taking adverse action, the home state's state licensing authority shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine the appropriate action.

(2) Issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice within that member state.

(3) Complete any pending investigations of a licensee who changes their primary state of residence during the course of such an investigation. The state licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described herein.

(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a state licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing state licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(5) If otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

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(6) Take adverse action against the licensee's authorization to practice in that state based on the factual findings of another remote state.

(d) A licensee's home state shall complete any pending investigation(s) of a cosmetologist who changes their primary state of residence during the course of the investigation(s). The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the data system.

(e) If an adverse action is taken by the home state against a licensee's multistate license, the licensee's authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose an adverse action against a licensee's multistate license shall include a statement that the cosmetologist's authorization to practice is deactivated in all member states during the pendency of the order.

(f) Nothing in this compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

(g) Joint Investigations.

(1) In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

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