WEST VIRGINIA CODE: §30-28-4A

§30-28-4a. West Virginia Board of Occupational Therapy criminal history record checks.

(a) The West Virginia Board of Occupational Therapy is authorized to require state and national criminal history record checks for the purpose of issuing compact privileges. The West Virginia Board of Occupational Therapy shall require an applicant, including occupational therapists and occupational therapy assistants, as a condition of eligibility for compact privilege, to submit to a state and national criminal history record check as set forth in this section.

(b) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(1) Submitting fingerprints for the purposes set forth in this subsection; and

(2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a compact privilege.

(c) The results of the state and national criminal history record check may not be released to or by a private entity except:

(1) To the individual who is the subject of the criminal history record check;

(2) With the written authorization of the individual who is the subject of the criminal history record check; or

(3) Pursuant to a court order.

(d) The criminal history record check and related records are not public records for the purposes of §29B-1-1 *et seq*. of this code.

(e) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(f) The board may propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 *et seq*. of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2026.

WV Legislature