WEST VIRGINIA CODE: §30-28A-3

§30-28A-3. State participation in the compact.

(a) To participate in the compact, a member state shall:

(1) License occupational therapists and occupational therapy assistants;

(2) Participate fully in the commission's data system, including, but not limited to, using the commission's unique identifier as defined in the rules of the commission;

(3) Have a mechanism in place for receiving and investigating complaints about licensees;

(4) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(5) Implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(A) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the Federal Bureau of Investigation criminal records search, and shall use the results in making licensure decisions;

(B) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;

(6) Comply with the rules of the commission;

(7) Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(8) Have continuing competence or education requirements as a condition for license renewal.

(b) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

WV Legislature

(c) Member states may charge a fee for granting a compact privilege.

(d) A member state shall provide for the state's delegate to attend all Occupational Therapy Compact Commission meetings.

(e) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state: *Provided,* That the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.

(f) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

WV Legislature