

WEST VIRGINIA CODE: §30-28A-4

§30-28A-4. Compact privilege.

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

- (1) Hold a license in the home state;
 - (2) Have a valid United States Social Security number or national practitioner identification number;
 - (3) Have no encumbrance on any state license;
 - (4) Be eligible for a compact privilege in any member state in accordance with §30-28A-4(d), §30-28A-4(f), §30-28A-4(g), and §30-28A-4(h) of this code;
 - (5) Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two years have elapsed from the date of such completion;
 - (6) Notify the commission that the licensee is seeking the compact privilege within a remote state or states;
 - (7) Pay any applicable fees, including any state fee for the compact privilege;
 - (8) Complete a criminal background check in accordance with §30-28A-3(a)(5) of this code;
 - (A) The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;
 - (9) Meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a compact privilege; and
 - (10) Report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.
- (b) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of §30-28A-4(a) of this code to maintain the compact privileges in the remote state.
- (c) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
- (d) Occupational therapy assistants practicing in a remote state shall be supervised by an

occupational therapist licensed or holding a compact privilege in that remote state.

(e) A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(f) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with §30-28A-4(f)(1) of this code.

(g) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of §30-28A-4(a) of this code to obtain a compact privilege in any remote state.

(h) If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until the following occur:

(1) The specific period of time for which the compact privilege was removed has ended;

(2) All fines have been paid and all conditions have been met;

(3) Two years have elapsed from the date of completing requirements for §30-28A-4(h)(1) and §30-28A-4(h)(2) of this code; and

(4) The compact privileges are reinstated by the commission, and the compact data system is updated to reflect reinstatement.

(i) If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the data system.

(j) Once the requirements of §30-28A-4(h) of this code have been met, the licensee must meet the requirements in §30-28A-4(a) of this code to obtain a compact privilege in a remote state.