WEST VIRGINIA CODE: §30-30-5

§30-30-5. Powers and duties of the board.

(a) The board has all the powers and duties set forth in this article, by rule, in §30-1-1 *et seq.* of this code and elsewhere in law.

(b) The board shall:

(1) Hold meetings;

(2) Establish requirements for licenses and permits;

(3) Establish procedures for submitting, approving, and rejecting applications for licenses and permits;

(4) Determine the qualifications of an applicant for licenses and permits;

(5) Maintain records of the examinations the board or a third party administers, including the number of persons taking the examinations and the pass and fail rate;

(6) Hire, discharge, establish the job requirements, and fix the compensation of the executive director;

(7) Maintain an office, and hire, discharge, establish the job requirements, and fix the compensation of employees, investigators, and contracted employees necessary to enforce this article;

(8) Investigate alleged violations of this article, legislative rules, orders, and final decisions of the board;

(9) Conduct disciplinary hearings of persons regulated by the board;

(10) Determine disciplinary action and issue orders;

(11) Institute appropriate legal action for the enforcement of this article;

(12) Maintain an accurate registry of names and addresses of all persons regulated by the board;

(13) Keep accurate and complete records of its proceedings, and certify the same as may be necessary and appropriate;

(14) Establish the continuing education requirements for licensees;

(15) Issue, renew, combine, deny, suspend, revoke, or reinstate licenses and permits;

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(16) Establish a fee schedule;

(17) Propose rules in accordance with §29a-3-1 *et seq.* of this code to implement this article; and

(18) Take all other actions necessary and proper to implement this article.

(c) The board may:

(1) Contract with third parties to administer the examinations required under this article;

(2) Sue and be sued in its official name as an agency of this state; and

(3) Confer with the Attorney General or his or her assistant in connection with legal matters and questions.

(d) The board is authorized to require state and national criminal history record checks for the purpose of issuing multistate licenses. The board shall require an applicant for a multistate license, as a condition of eligibility for a multistate license, to submit to a state and national criminal history record check as set forth in this subsection.

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

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

(B) 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 multistate license.

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

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

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

(C) Pursuant to a court order.

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

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

(5) The board may propose rules or amendments to existing rules for legislative approval to

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comply with the provisions of this subsection pursuant to the provisions of §29A-3-1 *et seq.* of this code.

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