WEST VIRGINIA CODE: §30-34-6B

§30-34-6b. Criminal history record checks.

(a) The West Virginia Board of Respiratory Care Practitioners may require state and national criminal history record checks for the purpose of issuing licenses. The West Virginia Board of Respiratory Care Practitioners shall require a new licensee to submit to a state and national criminal history record check, as set forth in this section, at the time of initial licensure.

(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 license.

(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 ensure that the criminal history record check is completed as soon as possible after the date of the original application for privilege to practice.

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

(g) The board may propose rules or amendments to existing rules for legislative approval, pursuant to the provisions of §29A-3-1 *et seq*. of this code, or may promulgate emergency rules, pursuant to §29A-3-15 of this code, to comply with the provisions of this section.

WV Legislature