WEST VIRGINIA CODE: §30-34A-4

§30-34A-4. Compact privilege requirements.

(a)(1) Hold and maintain an active home state license as a respiratory therapist;

(2) Hold and maintain an active credential from the National Board for Respiratory Care (or its successor) that would qualify them for licensure in the remote state in which they are seeking the privilege;

(3) Have not had any adverse action against a license within the previous two years;

(4) Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

(5) Pay any applicable fees, including any state and commission fees and renewal fees, for the compact privilege;

(6) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege;

(7) Report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken;

(8) Report to the commission, when applying for a compact privilege, the address of the licensee’s domicile and thereafter promptly report to the commission any change in the address of the licensee’s domicile within thirty days of the effective date of the change in address; and

(9) Consent to accept service of process by mail at the licensee’s domicile on record with the commission with respect to any action brought against the licensee by the commission or a member state, and consent to accept service of a subpoena by mail at the licensee’s domicile on record with the commission with respect to any action brought or investigation conducted by the commission or a member state.

(b) The compact privilege is valid until the expiration date or revocation of the home state license unless terminated pursuant to adverse action. The licensee must comply with all of the requirements of subsection (a) above, to maintain the compact privilege in a remote state. If those requirements are met, no adverse actions are taken, and the licensee has paid any applicable compact privilege renewal fees, then the licensee will maintain the licensee’s compact privilege.

(c) A licensee providing respiratory therapy in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for the type of respiratory therapist license the licensee holds. Such procedures, actions, processes, and the

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circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the state respiratory therapy licensing authority or other government agency.

(d) If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in that remote state until the compact privilege is no longer limited or restricted by that state.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in all remote states 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 license is no longer encumbered due to the adverse action.

(f) Once a licensee with a restricted or limited license meets the requirements of subsection (e)(1) and (2), the licensee must also meet the requirements of subsection a to obtain a compact privilege in a remote state.

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