WEST VIRGINIA CODE: §30-9-7

§30-9-7. Issuance of certificate; certificates issued prior to July 1, 2001.

(a) The board shall issue an original certificate to an applicant who demonstrates that:

(1) He or she has met one of the following qualifications for a certificate:

(A) He or she meets the qualifications for a certificate set forth in §30-9-8 of this code;

(B) He or she holds an out-of-state certificate and meets the requirements of §30-9-9 of this code;

(C) He or she holds an out-of-state certificate, does not meet the requirements of §30-9-9 of this code but does meet the requirements of §30-9-10 of this code; or

(D) He or she holds a substantially equivalent foreign designation that meets the requirements of §30-9-11 of this code.

(2) He or she has submitted an application, in writing, on a form prescribed by the board: *Provided*, That the application must require an applicant to list all states in which he or she has applied for or holds an out-of-state certificate and any past denial, revocation, or suspension of an out-of-state certificate;

(3) He or she has paid the appropriate fee prescribed by the board;

(4) He or she has submitted to a state and national criminal history record check, as set forth in this subdivision:

(A) This requirement is found not to be against public policy;

(B) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation;

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

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

(ii) 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 certificate.

(D) The results of the state and national criminal history record check may not be released to

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or by a private entity except:

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

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

(iii) Pursuant to a court order.

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

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

(G) The board may propose rules to implement the provisions of this section for legislative approval in accordance with §29A-3-1 *et seq.* of this code. The rules must be consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact as authorized by 42 U. S. C. §14611, *et seq.*

(b) Certificates will initially be issued for a period to expire on June 30 following the date of issue.

(c) A certificate issued by the board prior to July 1, 2001, will for all purposes be considered a certificate issued under this section: *Provided*, That a person holding a certificate issued prior to July 1, 2001, must renew the certificate pursuant to §30-9-12 of this code.

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