

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 443

By Senator Tarr

[Introduced February 13, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §30-32-11a, relating to authorizing the West Virginia Board of Examiners for
 3 Speech-Language Pathology and Audiology to conduct criminal background checks on
 4 applicants seeking initial licenses; requiring applicants seeking initial license to submit to
 5 national and state criminal record background check as condition of eligibility for license;
 6 mandating such applicants to submit fingerprints and authorize board, West Virginia State
 7 Police, and Federal Bureau of Investigation to use records submitted to screen applicants;
 8 prohibiting release of background check results; providing for exceptions; establishing
 9 background check records are not public records; obligating applicants to complete
 10 background check after application for license; requiring applicants to pay costs of
 11 fingerprinting and background check; and authorizing rulemaking and emergency
 12 rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 32. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

§30-32-11a. Criminal History Record Checks.

1 (a) The West Virginia Board of Examiners for Speech-Language Pathology and Audiology
 2 may require state and national criminal history record checks for the purpose of issuing licenses.
 3 The West Virginia Board of Examiners for Speech-Language Pathology and Audiology shall
 4 require an applicant, including speech-language pathologists, audiologists, speech-language
 5 pathology, hearing aid dealers, and audiology assistants, as a condition of eligibility for provisional
 6 and initial license to submit to a state and national criminal history record check as set forth in this
 7 section.

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

- 10 (1) Submitting fingerprints for the purposes set forth in this subsection; and
- 11 (2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of

12 Investigation to use all records submitted and produced for the purpose of screening the applicant
13 for a license.

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

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

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

19 (3) Pursuant to a court order.

20 (d) The criminal history record check and related records are not public records for the
21 purposes of §29B-1-1 et seq.

22 (e) The applicant shall ensure that the criminal history record check is completed as soon
23 as possible after the date of the original application for licensure.

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

26 (g) The board may propose rules or amendments to existing rules for legislative approval,
27 pursuant to the provisions of §29A-3-1 et seq., or may promulgate emergency rules, pursuant to
28 §29A-3-15, to comply with the provisions of this section.

NOTE: The purpose of this bill is to authorize the Board of Examiners of Speech-Language Pathology and Audiology to mandate applicants for initial and provisional license as a speech-language pathologist, audiologist, or speech-language pathology or audiology assistant to submit to a criminal background check as a condition of licensure.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.