



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Hearing Aid Dealers

TITLE-SERIES: 8-05

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Consideration of Prior Criminal Convictions in
Initial Licensure Determinations

CITE STATUTORY AUTHORITY: 30-26-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/29/2026 12:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: West Virginia Board of Examiners for Speech-Language Pathology and Audiology

ADDRESS: 99 Edmiston Way Ste 214, Box 11

EMAIL: wvbeslpa@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Changed name of title 8, added For Hearing Aid Dispensers to series 5, Sunset date changed to 8/1/2032, Added Examiner of Speech-Language Pathology and Audiology to §8-5-2-1, changes Dealers to Dispensers throughout the rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Changed name of title 8, added For Hearing Aid Dispensers to series 5, Sunset date changed to 8/1/2032, Added Examiner of Speech-Language Pathology and Audiology to §8-5-2-1, changes Dealers to Dispensers throughout the rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Pamela Coughlin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 8

LEGISLATIVE RULE

WV BOARD OF ~~HEARING AID DEALERS~~ EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

SERIES 5

CONSIDERATION OF PRIOR CRIMINAL CONVICTIONS
IN INITIAL LICENSURE DETERMINATIONS FOR HEARING AID DISPENSERS

§8-5-1. General.

1.1. Scope. -- This rule establishes procedures for consideration of prior criminal convictions in initial licensure determinations.

1.2. Authority. -- W. Va. Code §30-1-24 and W. Va. Code §30-26-3

1.3. Filing Date. -- ~~April 28, 2020.~~

1.4. Effective Date. -- ~~April 30, 2020.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2032 ~~April 30, 2030~~.

§8-5-2. Definitions.

2.1. "Board" means the West Virginia Board of ~~Hearing Aid Dealers~~ Examiners for Speech-Language Pathology and Audiology established pursuant to W. Va. Code §30-26-1 *et seq.*

2.2. "Initial licensure" means obtaining a license in West Virginia for the practice of hearing aid ~~dealing~~ dispensing and fitting for the first time.

2.3. "License" or "licensure" means the official authorization by the board to practice hearing-aid ~~dealing and fitting~~ dispensing.

2.4. "Unreversed", as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

§8-5-3. Rational nexus to the practice of hearing-aid ~~dealing and fitting~~. Dispensing.

3.1. The board may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the practice of hearing-aid ~~dealing and fitting~~ dispenser. In determining whether a criminal conviction bears a rational nexus to the practice of hearing-aid ~~dealing and fitting~~ dispensing, the board shall consider at a minimum:

3.1.1. The nature and seriousness of the crime for which the individual was convicted;

3.1.2. The passage of time since the commission of the crime;

3.1.3. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of a hearing-aid ~~dealer or fitter~~ dispenser; and

3.1.4. Any evidence of rehabilitation or treatment undertaken by the individual.

§8-5-4. Application after denial.

4.1. If an applicant has been denied licensure because of a prior criminal conviction, the board shall permit the applicant to apply for initial licensure if:

4.1.1. A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

4.1.2. The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

4.1.3. The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the board on a case by case basis.

§8-5-5. Petition for licensure eligibility determination.

5.1. An individual with a criminal record who has not previously applied for licensure may petition the board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license.

5.2. The petition shall be submitted on an application form prescribed by the board and shall include sufficient details about the individual's criminal record to enable the board to identify the jurisdiction where the conviction occurred, the date of the conviction and the specific nature of the conviction.

5.3. The applicant may submit with the petition for licensure eligibility evidence of rehabilitation, letters of reference, and any other information the applicant deems relevant to show fitness and the ability to practice hearing-aid ~~dealing and fitting~~ dispensing.

5.4. The board shall provide the determination within 60 days of receiving the petition and the applicable fee, as prescribed by the board, from the applicant.