WEST VIRGINIA CODE: §64-5B-1

§64-5B-1. Office of Inspector General.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16B-4-5 of this code, modified by the Office of Inspector General to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2025, relating to the Office of Inspector General (nursing home licensure, 71 CSR 15), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16B-10-11 of this code, relating to the Office of Inspector General (delegation of medication administration and health maintenance tasks to approved medication assistive personnel, 71 CSR 17), is authorized with the following amendment:

On page 3, subsection 2.14 by striking the period inserting in lieu thereof a comma and the following, "this includes a dial-up insulin pen."

And,

On page 13, subsection 9.2, following the period by inserting the following "Selecting or setting the amount on a dial-up insulin pen to an amount prescribed is ministerial in nature and is not deemed an exercise of clinical or judgment decision-making."

(c) The legislative rule filed in the State Register on May 28, 2025, authorized under the authority of §16B-5-5 of this code, relating to the Office of Inspector General (assisted living residences, 71 CSR 21), is authorized with the following amendments:

On page 4, by striking out all of subdivision 2.23.1 and inserting in lieu thereof a new subdivision 2.23.1. to read as follows: "A serious injury resulting from a fall, accident, or other event;";

On page 6, after subsection 2.36., by adding two new subsections, designated 2.37. and 2.38., to read as follows: “2.37. Serious injury. — means to cause an injury requiring medical attention beyond routine first aid, including fractures, lacerations requiring closure, burns, or any condition resulting in limited mobility or functional restriction.

“2.38. Videoconferencing. – Real-time, two-way audiovisual communication between the resident and one or more individuals through technology designed for interactive conversations, such as computers, tablets, or smartphones equipped with approved software or applications. Videoconferencing does not include security cameras, monitoring devices, doorbell cameras, surveillance systems, hidden cameras, live-stream or continuously operating video feeds, recording devices, or any equipment used for observation rather than interactive communication.”;

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On page 18, subdivision 4.6.1. by striking out the word "volunteers" and inserting in lieu thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-1 et seq.";

On page 18, paragraph 4.6.1.b. by striking out the word "volunteer" and inserting in lieu thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-1 et seq.";

On page 23, subsection 5.2.11., by striking out the word "The" and inserting in lieu thereof the words: "Except as may be provided in subsection 5.3.10. of this rule, the";

And,

On page 24, after subdivision 5.3.9., by adding a new subdivision, designated 5.3.10. to read as follows: "5.3.10. A resident may have and utilize videoconferencing equipment and technology in their private room if all of the following conditions exist:

5.3.10.a. The resident makes the facility aware of the equipment and videoconferencing technology;

5.3.10.b. The facility allows or authorizes the videoconferencing technology, software and equipment;

5.3.10.c. The resident is made aware and adheres to the facility policies regarding use of videoconferencing, including required notice or signage to those entering the room of a resident that is utilizing videoconferencing, how to handle breaches of privacy in live videoconferencing and recorded and stored media, and times in which privacy of the resident or others may dictate non-usage;

5.3.10.d. There is a notice posted to those entering facility that videoconferencing equipment and technology may be in use in residents' apartment or room; and

5.3.10.e. Similar to the acceptance and use of a telephone, the resident must actively allow or accept incoming videoconferencing or initiate outgoing videoconferencing for each use. A resident shall not have or be authorized to use uninterrupted video feed on a full-time basis or hidden cameras.

(d) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16-64-7 of this code, modified by the Office of Inspector General to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2025, relating to the Office of Inspector General (syringe services program licensure, 71 CSR 24), is authorized.

(e) The legislative rule filed in the State Register on May 29, 2025, authorized under the authority of §27-9-1 of this code, relating to the Office of Inspector General (behavioral health centers licensure, 71 CSR 25), is authorized with the following amendment:

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On page 2, by inserting a new subsection 2.7. to read as follows: "2.7. The director shall deem the license of a child placing agency providing behavioral health services within the scope of its license as described in 78CSR02."

And,

Renumber the remaining subsections accordingly.

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