

Legislative Rule-Making Review Committee

Senate Judiciary Committee Room

Minutes for Wednesday, December 10, 2025

9:00 a.m. to 9:00 p.m.

Senate

Rucker, Chair	Present
Helton	Present
Matin	
Maynard	Present
Thorne	Present
Woelfel	
Smith, Nonvoting	

House

Smith, Chair	
Fehrenbacher	Present
Chiarelli	Present
Hornby	Present
Kyle	Present
Young	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, December 10, 2025. The meeting was called to order by the Chair, Senator Rucker. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Robert Akers, House Counsel; Dennie Morgan, House Counsel; Charlie Roskovensky, House Counsel; Adair Burgess, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Rucker recognized Delegate Fehrenbacher for the purpose of a motion to approve the committee minutes from October 8, 2025. The motion was adopted.

1. Robert Akers, House Counsel, explained his abstract on the proposed rule by **Division of Forestry, *Certification of Managed Timberlands*, [22 CSR 06](#)**.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

2. Robert Akers, House Counsel, explained his abstract on the proposed rule by **Department of Environmental Protection, *Requirements Governing Water Quality Standards*, [47 CSR 02](#)**, and responded to questions from the Committee.

With leave of the Committee, Johnathan Rorror, Acting Deputy Cabinet Secretary for the Department of Environmental Protection, responded to questions from the Committee.

With leave of the Committee, Mindy S. Neil, Environmental Resources Program Manager 3 for the Department of Environmental Protection, responded to questions from the Committee.

With leave of the Committee, Scott Mandirola, Tech Expert with the West Virginia Water Coalition, responded to questions from the Committee.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

3. Robert Akers, House Counsel, explained his abstract on the proposed rule by **Department of Environmental Protection, *Carbon Dioxide Sequestration Fee Schedule*, [47 CSR 09B](#)**, and responded to questions from the Committee.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

4. Dennie Morgan, House Counsel, explained his abstract on the proposed rule by **Board of Examiners of Psychologists, *Requirements for Licensure as a Psychologist and/or a School Psychologist*, [17 CSR 03](#)**.

With leave of the Committee, Dr. Jeffery Harlow, Executive Director of the Board of Examiners of Psychologists, responded to questions from the Committee.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

5. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by **Office of Inspector General, *Nursing Home Licensure*, [71 CSR 15](#)**.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

6. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by **Office of Inspector General, *Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel*, [71 CSR 17](#)**.

Delegate Fehrenbacher moved to amend the bill on page 3, subsection 2.14 by striking the period inserting 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 a clinical or judgment decision making.”

The motion was adopted.

On motion of Delegate Fehrenbacher, the rule was approved as amended.

7. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by **Office of Inspector General, *Assisted Living Residences*, [71 CSR 21](#)**, and responded to questions from the Committee.

Delegate Fehrenbacher moved to amend the rule on page 4, by striking out the entirety of subdivision 2.23.1. ~~A fall, an accident, or another event seriously injures or threatens the life of the resident;~~ and inserting in lieu thereof a new 2.23.1 to read as follows, “A serious injury resulting from a fall, accident or other event;”

And,

On page 5, by inserting a new subdivision 3.32 to read as follows: “2.32 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.”

And,

On page 18, subdivision 4.6.1 by striking out the word, “volunteer” and inserting in lieu thereof the words, “uncompensated direct access personnel as defined in 16B-15-1 et seq. ”

And,

On page 18, subparagraph 4.6.1.b by striking out the word, “volunteer” and inserting in lieu thereof the words “uncompensated direct access personnel as defined in 16B-15-1 et seq.”

And,

On page 23, subdivision 5.2.11, before the word “All”, by inserting the words “Except as may be provided in section 5.3.10 of this rule,”;

And,

On page 24, after subdivision 5.2.11., by inserting a new subdivision 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;

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.;

The motion was adopted.

On motion of Delegate Fehrenbacher, the rule was approved as amended.

8. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by **Office of Inspector General, *Syringe Services Program Licensure, 71 CSR 24***, and responded to questions from the Committee.

On motion of Delegate Fehrenbacher, the agency agreed to modifications were adopted.

On motion of Delegate Fehrenbacher, the rule was approved as modified.

9. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by **Office of Inspector General, *Behavioral Health Centers Licensure, 71 CSR 25***.

Delegate Fehrenbacher moved to amend the bill 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 78CSR2.”;

And,

Renumber the remaining subdivision accordingly.

The motion was adopted.

On motion of Delegate Fehrenbacher, the rule was approved as amended.

Chairman Rucker announced that the next Legislative Rule-Making Review Committee meeting will be held in January.

With no further business to come before the Committee, Delegate Fehrenbacher moved to adjourn. The motion was adopted.