

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4215

BY DELEGATE D. SMITH

[Passed February 27, 2026; in effect from passage]

1 AN ACT to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 to amend and reenact §64-5B-1 *et seq.* of the Code, and to amend the Code by adding
3 thereto a new article, designated §64-5C-1; relating to authorizing certain agencies of the
4 Department of Health, the Office of Inspector General, and the Department of Health
5 Facilities to promulgate legislative rules; authorizing the rules as filed, as modified, as
6 amended, and as amended and modified by the Legislative Rule-Making Review
7 Committee; directing certain agencies of the Department of Health to amend current
8 legislative rules; authorizing the Department of Health to promulgate a legislative rule
9 relating to water well regulations; authorizing the Department of Health to promulgate a
10 legislative rule relating to lead abatement licensing; authorizing the Department of Health
11 to promulgate a legislative rule relating to emergency medical services; authorizing the
12 Department of Health to promulgate a legislative rule relating to fees for services;
13 authorizing the Department of Health to promulgate a legislative rule relating to clinical
14 laboratory practitioner licensure; authorizing the Department of Health to promulgate a
15 legislative rule relating to distribution of state funds for support of local boards of health;
16 authorizing the Department of Health to promulgate a legislative rule relating to basic
17 public health service standards for local boards of health; directing the Department of
18 Health to amend a current legislative rule relating to expedited partner therapy; authorizing
19 the Department of Health to promulgate a legislative rule relating to diabetes self-
20 management education; and authorizing the Department of Health to promulgate a
21 legislative rule relating to the exemption from Certificate of Need; authorizing the Office of
22 Inspector General to promulgate a legislative rule relating to nursing home licensure;
23 authorizing the Office of Inspector General to promulgate a legislative rule relating to
24 delegation of medication administration and health maintenance tasks to approved
25 medication assistive personnel; authorizing the Office of Inspector General to promulgate
26 a legislative rule relating to assisted living residences; authorizing the Office of Inspector

27 General to promulgate a legislative rule relating to syringe services program licensure;
28 authorizing the Office of Inspector General to promulgate a legislative rule relating to
29 behavioral health centers licensure; and authorizing the Department of Health Facilities to
30 promulgate a legislative rule relating to patient rights at state-operated mental health
31 facilities

32 *Be it enacted by the Legislature of West Virginia:*

LEGISLATIVE RULES.

§64- 5 - 1. Department of Health.

1 (a) The legislative rule filed in the State Register on April 2, 2008, authorized under the
2 authority of §16-1-4 of this code, relating to the Department of Health (water well regulations, 64
3 CSR 19), is authorized with the amendment set forth below:

4 By striking out everything after the section 1 heading and inserting in lieu thereof to read
5 as follows:

6 1.1. Scope. — This legislative rule establishes the certification requirements for water
7 well drillers; pump installers, and the issuance of permits for water wells. The purpose is to protect
8 the public health, protect and prevent contamination in groundwater, and ensure fair and equitable
9 rules for the construction of water wells and installing pumps and pumping equipment in the State
10 of West Virginia.

11 1.2. Authority. — W. Va. Code §§16-1-4, 16-1-6(n), 16-1-9, and 16-1-9a.

12 1.3. Filing Date. — .

13 1.4. Effective Date. — .

14 1.5. Sunset Provision. — This rule shall terminate and have no further force or effect on
15 August 1, 2028.

§64-19-2. Application and Enforcement.

1 2.1. Application. — This rule applies to all water well drillers and pump installers where
2 the pump is situated in a water well or pulls water from a well.

3 2.2. Enforcement. — This rule shall be enforced by the Commissioner.

4 **64-19-3. Definitions.**

5 3.1. Application. — The Bureau's standard forms for applying for well driller and pump
6 installer certification, water well permit, or permit modification, including any additions, revisions,
7 or modifications to the form.

8 3.2. Apprentice. — A person working under the direction of a master or journeyman well
9 driller or a pump installer.

10 3.3. Bureau. — The Bureau for Public Health in the West Virginia Department of Health.

11 3.4. Casing. — Pipe or tubing, constructed of specific materials with specified dimensions
12 and weights, that is installed in a borehole during or after completion of the borehole to support
13 the side of the hole and thereby prevent caving, to allow completion of the well, to prevent
14 formation material from entering the well, and to prevent entry of undesirable water into the well.

15 3.5. Certified Well Driller. — An individual granted a written certificate by the
16 Commissioner to drill, construct, alter, or abandon water wells who meets the requirements of this
17 rule.

18 3.6. Commercial Well — A well that serves small businesses and facilities in which water
19 is the prime ingredient of the service rendered.

20 3.7. Commissioner. — The Commissioner of the West Virginia Bureau for Public Health
21 or his or her designee.

22 3.8. Continuing Education Hour. — One hour of participation in an organized continuing
23 education experience under the direction of a sponsor approved by the Commissioner for renewal
24 of a certification. One Continuing Education Hour is equal to one point.

25 3.9. Design Standards. — Those specifications, drawings, and other details promulgated
26 by the Commissioner to ensure proper location, design, construction, completion and
27 abandonment of water wells and installation or removal of water pumps as referenced in the

28 Bureau's rules, Water Well Design Standards, 64CSR46, and Public Water System Design
29 Standards, 64CSR77.

30 3.10. Dewatering Well. — A well used to lower groundwater levels to allow for
31 construction of footings, sewer lines, building foundations, dams, etc.

32 3.11. Hand Dug Well. — A manually excavated well of a permanent nature installed for
33 water supply.

34 3.12. Heat Pump or Geothermal Well. — Any well constructed to use the heat exchange
35 properties of either groundwater or of geologic material penetrated by the well.

36 3.13. Inactive Well. — A well that is no longer actively used. It shall have a sanitary well
37 cap and remain in a state of repair to prevent contamination from entering the well. It may be
38 used in the future or be properly abandoned.

39 3.14. Industrial Well. — A well used in industrial processing, fire protection, washing,
40 packing, or manufacturing of a product excluding food and beverages, or similar non-potable
41 uses.

42 3.15. Irrigation Well. — A well used to provide water for plants, livestock, or other
43 agricultural processes.

44 3.16. Journeyman Well Driller. — A person certified by the Commissioner to practice well
45 drilling under the general supervision of a master well driller.

46 3.17. Master Well Driller. — A person certified by the Commissioner to practice well
47 drilling including pump and pumping equipment installation, and removal, when maintenance or
48 repair of a well is required.

49 3.18. Person. — An individual, partnership, association, syndicate, company, firm, trust,
50 corporation, government corporation, institution, department, division, bureau, agency, federal
51 agency, or any other entity recognized by law.

52 3.19. Potable Water. — Water free from impurities in amounts sufficient to cause disease
53 or harmful physiological effects, with bacteriological, chemical, physical, and radiological quality
54 conforming to applicable rules and standards of the Bureau for Public Health.

55 3.20. Potable Water Well. — Any water well that provides potable water, other than a
56 public water supply for human consumption.

57 3.21. Public Water System. — Any water supply or system that regularly supplies or
58 offers to supply water for human consumption through pipes or other constructed conveyances,
59 if serving at least an average of 25 individuals per day for at least 60 days per year, or which has
60 at least 15 service connections, and includes:

61 3.21.1. Any collection, treatment, storage, and distribution facilities under the control of
62 the owner or operator of the system and used primarily in connection with the system; and

63 3.21.2. Any collection or pretreatment storage facilities not under such control which are
64 used primarily in connection with the system.

65 3.21.3. A public water system does not include a system which meets all of the following
66 conditions:

67 3.21.3.a. It consists only of distribution and storage facilities and does not have any
68 collection and treatment facilities;

69 3.21.3.b. It obtains all of its water from, but is not owned or operated by a public water
70 system that otherwise meets the definition;

71 3.21.3.c. It does not sell water to any person; and

72 3.21.3.d. It is not a carrier conveying passengers in interstate commerce.

73 3.22. Pump. — Any mechanical equipment or device used to transfer water from a well.

74 3.23. Pump Installation Contractor. — An entity that contracts or agrees to perform a
75 service or function related to any portion of installing a pump or pumping equipment into a water
76 well or public water supply in exchange for money or comparable compensation.

77 3.24. Pump Installer. — Any person who engages for compensation in pump or pumping
78 equipment installation, removal, alteration, or repair and who is certified by the Commissioner to
79 practice pump and pumping equipment installation to withdraw water from a well.

80 3.25. Pumping Equipment. — Equipment or related materials that are used or intended
81 to assist withdrawing groundwater from a well, including seals and other safeguards to protect
82 the water from contamination; associated fittings; intake and discharge piping; controls to provide
83 sanitary water storage facilities; and deliver water to a distribution piping system.

84 3.26. Test Wells (Exploratory/ Observation). — A well that is used to obtain information
85 on groundwater quantity; quality; aquifer characteristics; and availability of production water
86 supply for manufacturing, commercial, and industrial facilities.

87 3.27. Water Return Well. — A well constructed for returning water that has passed
88 through the heat pump system to the subsurface.

89 3.28. Water Well. — Any excavation or penetration in the ground, whether drilled, bored,
90 cored, driven, washed, jetted, hand dug, or otherwise constructed that enters or passes through
91 an aquifer for purposes that may include, but are not limited to, a potable water supply, exploration
92 for water, industrial, irrigation, commercial, dewatering, or geothermal heat pump wells, and water
93 return wells. This definition shall not include ground water monitoring activities, and all activities
94 for the exploration, development, production, storage, and recovery of coal, oil, and gas and other
95 mineral resources regulated under Chapters 22, 22a, or 22b of the W. Va. Code.

96 3.29. Water Well Contractor. — Any individual, partnership, syndicate, association,
97 company, firm, trust, corporation, or any other entity that contracts to drill, construct, alter, or
98 abandon water wells in the State of West Virginia.

99 3.30. Well Completion Report. — A record, accurately kept at the time of drilling, showing
100 the depth; thickness and character of the different strata penetrated; location of water-bearing
101 strata; water level; depth; size, type, and amount of casing installed; location of the well; owner;
102 driller; pump installer; date the well was completed; information on any permanent well pumping

103 equipment installed by the well driller or pump installer; and any other information required by the
104 Commissioner.

105 3.30.1. For geothermal and dewatering wells, one completion form, indicating well
106 locations, is required for a system regardless of the number of wells.

107 3.30.2. If wells vary in depth or geology, a single representative geologic log for each type
108 is required. Water bearing zones, any voids, and coal seams or voids, or both penetrated shall
109 be documented on the geologic log indicating appropriate depths.

110 3.31. Well Driller. — An individual who engages in water well drilling, construction,
111 alteration, or abandonment, or who supervises these activities.

§64-19-4. Permits to Install.

1 4.1. No person shall drill, construct, alter, or abandon a water well unless the
2 Commissioner, pursuant to this rule, has issued a valid permit, except where the emergency
3 procedures set forth in subsection 4.3 of this rule apply.

4 4.2. A permit to drill, construct, alter, or abandon a water well shall be obtained jointly by
5 the water well contractor and property owner. Application for the permit shall be made at least 15
6 calendar days prior to the actual well drilling, construction, alteration, or abandonment unless
7 emergency conditions prevail as set forth in subsection 4.3 of this rule.

8 4.3. The following applies to emergency water well permits:

9 4.3.1. The Commissioner may issue an emergency water well permit to minimize actual
10 or potential harm to human health, the environment, or property;

11 4.3.2. A certified well driller requesting an emergency permit under this section shall
12 contact the Commissioner no later than the next business day after the emergency occurs. The
13 certified well driller shall submit a completed water well permit application and a well completion
14 report to the Commissioner within five calendar days after the initial contact is made; and

15 4.3.2.a. The application shall include a clear and concise factual description of the nature
16 and scope of the emergency.

17 4.3.3. The Commissioner, upon issuance of an emergency permit, shall assign to the well
18 driller an emergency permit number and specify the date of approval. The well driller shall make
19 the approved permit available for any on-site inspection by authorized representatives.

20 4.4. Water wells shall be drilled, constructed, altered, or abandoned in accordance with
21 the Bureau's rules, Water Well Design Standards, 64CSR46, and Public Water Systems Design
22 Standards, 64CSR77. These standards constitute the minimum standards for the drilling,
23 construction, alteration, or abandonment of a water well, pump, and pumping equipment. Any
24 plans approved by the Commissioner pursuant to this rule shall be in substantial compliance with
25 this rule-mentioned standards. Where applicable, an underground injection control permit shall
26 be obtained from the West Virginia Department of Environmental Protection (DEP) in compliance
27 with DEP's rule, Underground Injection Control, 47CSR13, prior to construction for a water well.

28 4.5. Application for a permit to construct, alter, and abandon water wells shall be made to
29 the Commissioner on forms prescribed by the Commissioner. The master water well driller and
30 property owner shall jointly sign this application. By signing the application, the property owner
31 acknowledges that the information provided on the application is true; the property owner is
32 responsible for informing the certified well driller of the location of any known existing or proposed
33 on-site sewage systems and ensuring that these systems are in compliance with all applicable
34 state rules.

35 4.6. In cases where a water well contractor is changed, the applicable permits shall be
36 reissued to reflect these changes prior to construction. No additional permit fee is required.

37 4.7. In the event the permit application is denied, the Commissioner shall state, in writing,
38 the one or more reasons for denial and furnish it to the applicant within 15 calendar days from
39 receipt of the permit application.

40 4.8. A permit, unless revoked, is valid for a period of one year from the date of issuance.
41 In the event the construction or alteration is not completed within that time, the Commissioner
42 may extend the time limit upon written request by the permittee. If the water well is not constructed

43 within the appropriate period, a new well permit shall be obtained from the Commissioner prior to
44 the start of any well drilling activity pursuant to subsection 4.5 of this rule.

45 4.9. The Commissioner may revoke or deny a permit to install if the applicant or permittee
46 fails to comply with the provisions of the permit, any applicable provision of the rules, or orders
47 issued pursuant thereto. The revocation or denial shall be in writing and shall state the reasons
48 for revocation or denial.

49 4.10. Any person whose application for a permit to construct a water well system has
50 been revoked or denied, may, within 30 calendar days from receipt of the permit denial or
51 revocation, request a hearing in accordance with section 14 of this rule.

52 4.11. The following activities may be conducted by a certified well driller without an
53 individual permit issued by the Commissioner:

54 4.11.1. The repair of any well, including redevelopment, cleaning, or screen replacements,
55 provided that this does not include deepening of the well; and

56 4.11.2. Acidizing a well.

57 4.12. The Commissioner may inspect the well site, well logging, grouting, and provide for
58 taking of geologic or water samples, or both.

59 4.13. The Commissioner may charge a fee for each permitting service listed in Appendix
60 A of this rule.

61 4.14. Upon issuance of a permit, the Commissioner shall provide the owner and contractor
62 with information prepared by the Commissioner explaining the importance of water well sampling,
63 the procedures for sampling, and how the water can be tested to assure a safe supply of water.

§64-19-5. Records of Completed Water Wells.

1 5.1. Within 30 calendar days after the water well has been constructed, altered, or
2 abandoned, the certified well driller shall submit a completion report to the Commissioner. The
3 date of construction and time of completion is the date and time the rig is removed or pulled off
4 the borehole or well. The certified well driller who actually performed the construction, alteration,

5 or abandonment of the well or provided the on-site supervision of the well construction, alteration,
6 or abandonment shall sign the completion report. A master well driller is required to sign the
7 completion report when a journeyman well driller conducts the on-site supervision and drilling.

8 5.2. Completion reports shall be filed for pump installation. When the pumping equipment
9 is installed after the record of completion has been submitted, the record shall be amended by
10 the certified well driller or pump installer and resubmitted to the Commissioner within 30 calendar
11 days of installation of the pumping equipment. The certified well driller or pump installer who
12 actually performed the installation of the pump system shall sign the amended record of
13 completion.

14 5.2.a. A completion report is not required for the repair of pumps or the replacement of
15 pumps or pumping equipment if the depth of the setting and efficiency are not affected.

16 5.3. The contractor shall provide two copies of the completion report to the Commissioner
17 and one copy of the completion report to the owner.

**§64-19-6. General Provisions for well driller certifications of the proper class and pump
installer certifications.**

1 6.1. No person shall drill, construct, alter, or abandon any water well without possessing
2 a valid West Virginia certification of the proper class issued by the Commissioner and complying
3 with the applicable sections of this rule.

4 6.2. No person shall install, repair, or replace a well pump or well pumping equipment or
5 engage in that business without possessing a valid West Virginia certification of the proper class
6 issued by the Commissioner and complying with applicable sections of this rule. A property owner
7 may be allowed to install the pump system and sign the completion record if, prior to the
8 installation, the property owner passes an examination administered by the Commissioner with a
9 minimum score of 70 percent. This examination shall demonstrate the individual's knowledge of
10 the applicable rules.

11 6.3. Well drillers shall be classified into one of three classes: master well driller;
12 journeyman well driller; or an apprentice well driller.

13 6.3.1. A certified master well driller, after meeting the requirements of subsection 9.2 of
14 this rule, may:

15 6.3.1.a. Drill, construct, install, repair, replace, alter, or abandon water wells, including
16 public water supply wells;

17 6.3.1.b. Install or replace well pumping equipment and appurtenances, storage tanks and
18 connecting lines between a well and storage tank;

19 6.3.1.c. Perform yield and drawdown testing of wells and supervise journeymen well
20 drillers and apprentices;

21 6.3.1.d. Sign permit applications and certify that a well has been drilled, constructed,
22 installed, repaired, modified, altered, or abandoned in conformance with all applicable state and
23 well drill and pump installation standards;

24 6.3.1.e. Qualify as a candidate to be appointed to the Advisory Board;

25 6.3.1.f. Supervise journeymen and apprentices; and

26 6.3.1.g. Perform field observations to verify qualifications of applicants for all certifications
27 covered by this rule.

28 6.3.2. A certified journeymen well driller, after meeting all of the requirements of
29 subsection 9.2 of this rule, may:

30 6.3.2.a. Drill, construct, install, repair, replace, alter, or abandon a well, except a public
31 water system's supply wells;

32 6.3.2.b. Install or replace well pumping equipment and appurtenances, storage tanks, and
33 connecting lines between a well and storage tank;

34 6.3.2.c. Perform yield and drawdown testing of wells; and

35 6.3.2.d. Supervise apprentices.

36 6.3.3. An apprentice may perform well drilling as a well driller only under the immediate
37 on-site supervision of a master or journeyman well driller.

38 6.3.4. A journeyman or master well driller shall be on-site in direct charge of drilling,
39 constructing, altering, or abandoning a water well.

40 6.4. Pump installers shall be classified into two classes, as a certified pump installer or
41 an apprentice.

42 6.4.1. A certified pump installer, after meeting the requirements of subsection 9.2 of this
43 rule, may:

44 6.4.1.a. Install or replace well pumping equipment and appurtenances, pressure tanks,
45 and connecting lines between a well and storage tank;

46 6.4.1.b. Qualify as a candidate for appointment to the Advisory Board; and

47 6.4.1.c. Perform yield and drawdown testing of wells.

48 6.4.2. An apprentice may perform pump installations, and replace appurtenances,
49 pressure tanks, and connecting lines while under the immediate on-site supervision of a master
50 or journeyman well driller or pump installer.

51 6.5. A certified pump installer or water well driller shall have in her or his possession a
52 valid certification for the proper class at all times during any operations.

53 6.6. A certified pump installer or water well driller may run power and control wiring from
54 the disconnect box and breaker panel to water well equipment without obtaining an electrician's
55 license. A certification issued pursuant to this rule does not authorize the certificate holder to alter
56 the existing electrical service to any building or structure or perform any other electrical work
57 covered by any national, state, or local codes and ordinances, if the latter are more restrictive.

58 6.7. A certified or licensed plumber may provide plumbing services as a plumbing
59 contractor to install pressure switches, pressure tanks, valves, and pipes without holding
60 certifications from the Commissioner. The certified or licensed plumber shall not break the well
61 seal or alter, cut, or drill into the casing for the purpose of performing repairs to the pumping

62 equipment or appurtenances, unless he or she is certified as a pump installer or passes an
63 examination administered by the Commissioner with a minimum score of 70 percent and
64 completes two hours of continuing education related to pump installation each year as evidenced
65 by submission of a certificate of continuing education completion. This subsection shall not apply
66 to wells utilized by public water systems.

67 6.8. A certified or licensed electrician may perform electrical contracting, repair, or install
68 pressure switches, control boxes, and other electrical components of the pumping equipment
69 without holding certifications issued by the Commissioner. The electrician shall adhere to these
70 rules for the installation and may not break the well seal or alter, cut, or drill into the casing, unless
71 the certified or licensed electrician is certified as a pump installer.

§64-19-7. Application and Certification Examination Procedures and Fee Requirements.

1 7.1. An applicant for a West Virginia master well drilling certification shall:

2 7.1.1. Submit an application on the forms prescribed by the Commissioner and provide
3 evidence of the following:

4 7.1.1.a. The applicant shall demonstrate two years of relevant work experience with a
5 minimum of 3,000 hours as a journeyman. To demonstrate relevant experience, the applicant
6 shall specify the dates of employment, description of the work, and provide the name of the
7 supervising certified well driller;

8 7.1.1.b. The applicant shall demonstrate that he or she has resolved any revocation or
9 suspension of a previously issued well drilling certification or of any outstanding violation or fine
10 pursuant to the rule;

11 7.1.1.c. The applicant shall obtain a minimum grade of 70 percent on each portion of the
12 written examinations and perform a possible field test demonstrating the applicant's expertise;
13 and

14 7.1.1.d. The applicant shall be at least 18 years of age.

15 7.2. An applicant for a West Virginia journeyman well drilling certification shall:

16 7.2.1. Submit an application on the forms prescribed by the Commissioner and provide
17 evidence of the following:

18 7.2.1.a. The applicant shall demonstrate relevant work experience of two years with a
19 minimum of 3,000 hours as an apprentice under the supervision of a master or journeyman well
20 driller. To demonstrate relevant experience, the applicant shall specify the dates of employment,
21 description of the work, and provide the name of the supervising certified well driller;

22 7.2.1.b. The applicant shall obtain a minimum grade of 70 percent on each portion of the
23 written examinations and a possible field test demonstrating the applicant's expertise;

24 7.2.1.c. The applicant shall demonstrate he or she has resolved any revocation or
25 suspension of a previously issued well drilling certification or of any outstanding violation or fine
26 pursuant to the rule; and

27 7.2.1.d. The applicant shall be at least 18 years of age. Provided, That the Commissioner
28 may waive the age requirement if requested to do so, in writing, by the applicant, to a minimum
29 age of 16 and completion of the 10th grade. The minimum age requirements are verified each
30 semester that the student is currently attending school and maintaining a 2.0 average on a 4.0
31 scale towards graduation requirements. Failure to meet this requirement is grounds for revocation
32 of the certificate.

33 7.3. An applicant for a West Virginia pump installer certification shall:

34 7.3.1. Submit an application on the form prescribed by the Commissioner and provide
35 evidence of the following:

36 7.3.1.a. The applicant shall demonstrate relevant work experience of two years'
37 experience with a minimum of 1,000 hours as an apprentice under the supervision of a pump
38 installer or a master or journeyman well driller. To demonstrate relevant experience, the applicant
39 shall specify the dates of employment, description of the work, and provide the name of the
40 supervising certified well driller or pump installer;

41 7.3.1.b. The applicant shall obtain a minimum grade of 70 percent on each portion of the
42 written examinations.

43 7.3.1.c. The applicant shall be at least 18 years of age. Provided, That, the Commissioner
44 may waive the age requirement if requested to do so, in writing, by the applicant, to a minimum
45 age of 16 and completion of the 10th grade. The minimum age requirements are verified each
46 semester that the student is currently attending school and maintaining a 2.0 average on a 4.0
47 scale towards graduation requirements. Failure to meet this requirement is grounds for revocation
48 of the certificate.

49 7.3.2. Pump installers actively engaged in pump installation on or before the effective
50 date of this rule are exempt from the minimum experience and testing requirements. Pump
51 installers seeking to qualify under this provision shall, within one year of the effective date of the
52 rule, submit evidence on the prescribed forms, of 10 pump installations completed within the past
53 two years.

54 7.4. The Commissioner shall review each application upon receipt of all the information
55 required and either notify the applicant of any deficiencies or notify the applicant of her or his
56 eligibility to take the appropriate examination.

57 7.5. The Commissioner shall notify, in writing, all applicants of the results of their
58 examinations.

59 7.6. The Commissioner shall issue the appropriate certification to successful applicants
60 upon receipt of full payment of the appropriate certification fee.

61 7.7. Certifications are not transferable or assignable and shall automatically become
62 invalid upon suspension or revocation.

63 7.8. An individual working to obtain current West Virginia driller certification shall register
64 with the Commissioner, on the prescribed forms, within 180 calendar days from the effective date
65 of the rule. The applicant is eligible to become a master water well driller if he or she has two
66 years of experience, obtain a minimum grade of 70 percent on each portion of one or more written

67 examination for the certified master well driller and passes a possible field test demonstrating his
68 or her expertise.

69 7.9. An individual who holds a legal certification or who has practiced well drilling in
70 accordance with all laws and rules in a state that does not have comparable certification classes,
71 the applicant shall have acquired the following experience:

72 7.9.1. For a master well driller - Six years of well drilling experience;

73 7.9.2. For a journeyman driller - Four years of well drilling experience; or

74 7.9.3. For a pump installer - Three years of pump installation experience; and

75 7.9.4. For all classes each individual shall have passed all written examination
76 requirements and obtained a minimum grade of 70 percent on each portion of the written
77 examination and any other requirements determined necessary by the Commissioner.

78 7.10. The Commissioner may review applications from individuals who hold a legal
79 certification for well drilling in another state with comparable certification classes. The
80 Commissioner may grant a comparable certification for the applicant if appropriate.

81 7.11. All certifications expire two years from the date of issuance and shall be renewed
82 30 days prior to expiration. The applicant shall submit a completed renewal on forms provided by
83 the Commissioner. Applicants shall provide evidence of bonding and insurance as required by
84 section 8 of this rule. Applicants shall supply evidence of continuing education requirements in
85 accordance with section 9 of this rule for certification renewal.

86 7.11.1. A certificate holder who fails to renew his or her certification within six months
87 following the expiration date of the certification shall not have the certification reinstated until he
88 or she successfully passes the written examinations or field test prescribed by the Commissioner
89 for applicants for a new certificate.

90 7.12. A certificate holder may place his or her certification on inactive status for a two-
91 year period if the certificate holder has submitted an application for inactive status at least 60 days

92 before the expiration date of the certificate. Before the Commissioner reactivates the certificate
93 of an inactive-status certificate, that certificate holder shall satisfy any renewal requirements.

94 7.13. A certificate holder may obtain a duplicate certificate to replace a certificate that has
95 been lost, destroyed, or mutilated if the certificate holder makes a written request to the
96 Commissioner, stating the reason for the request.

97 7.14. The Commissioner may charge a fee for each certification service provided as listed
98 in Appendix B of this rule.

§64-19-8. Bonding of Water Well and Pump Installation Contractors.

1 8.1. Each water well and pump installation contractor shall have a current contractor's
2 bond payable to the Commissioner upon forfeiture and liability insurance coverage effective
3 throughout West Virginia in a form determined by the Commissioner. The Commissioner shall
4 determine the amount of the contractor's bond, which may not exceed \$5,000. Lack of a current
5 contractor's bond is considered sufficient grounds for denial of a water well or pump installation
6 permit.

7 8.2. Forfeiture of the contractor's bond is predicated upon a failure to drill, construct,
8 repair, replace, alter, or abandon a well or upon installation of a pump in a water well in accordance
9 with this rule and the Bureau's rule, Water Well Design Standards, 64CSR46.

10 8.3. The surety shall have the option of forfeiting the contractor's bond or completing the
11 well in accordance with this rule and standards specified in subsection 8.2 of this rule. The
12 Commissioner shall expend all proceeds from a forfeiture due to failure to alter or abandon the
13 well in accordance with applicable rules and standards. The Commissioner shall retain and
14 expend any excess funds collected for the purpose of altering or abandoning water wells in
15 accordance with applicable rules and standards.

16 8.4. The surety shall have the option of canceling a contractor's bond after providing
17 notice to the Commissioner at least 30 days prior to cancellation.

18 8.5. In lieu of the bond required by subsection 8.1 of this rule, the Commissioner may
19 accept an irrevocable letter of credit issued by a bank chartered by the State of West Virginia or
20 a member bank of the federal reserve system. Confirmation of the irrevocable letter of credit shall
21 be in writing and shall be signed by the issuing or confirming bank.

§64-19-9. Continuing Education Program and Requirements.

1 9.1. The continuing education program shall be a formal offering of instruction or
2 information to certificate holders and registrants for the purpose of maintaining, enhancing, and
3 developing the skills necessary for the protection of groundwater and the health and general
4 welfare of the citizens and to increase the competence of well drillers and pump installers.

5 9.2. A certified master well driller shall show proof of six hours of continuing education
6 related to water well drilling every two years. Additionally, for a certified master well driller to install
7 pumps, he or she shall show proof of four hours of continuing education related to pump
8 installation every two years. A certified journeyman driller shall show proof of four hours of
9 continuing education every two years. For a certified journeyman driller to install pumps, the
10 journeyman driller shall show proof of two hours of continuing education related to pump
11 installation every two years. A certified pump installer shall show proof of four hours of continuing
12 education every two years to maintain the certification. Each certificate holder shall submit a copy
13 of the certificates of completion as proof of meeting the continuing education requirements.

14 9.3. Only courses or programs designated or approved by the Commissioner are
15 acceptable for continuing education.

16 9.4. To obtain pre-approval of a course the sponsor or attendee shall submit the following
17 information to the Commissioner: a written course description, which includes the names and
18 qualifications of the presenters; the time and location of the course; the proposed number of
19 hours; and the program objectives.

20 9.5. Programs for continuing education units may be held in state or out of state. Approved
21 topics include water wells or pump system technology, science, health, sound business practices,
22 rule compliance, and industry requirements, including worker health and safety.

23 9.6. Program sponsors shall provide proof of attendance to attendees.

§64-19-10. Identification Numbers of Water Well Rigs and Well Head.

1 10.1. All water well rigs shall be clearly marked with legible and plainly visible identification
2 numbers at all times.

3 10.2. The identification number to be used on water well drilling rigs is the certification
4 number of the water well driller at the well site who is responsible for the water well drilling
5 operations.

6 10.3. Certification numbers shall be printed on each side of every water well drilling rig in
7 numerals not less than two inches high in a color sufficiently different from the color of the vehicle
8 or equipment so that the certification number is plainly legible.

9 10.4. Each well drilling contractor shall securely attach a metal tag or engraved well cap
10 to the wellhead containing the following information: the contractor's name, address, and permit
11 number; the depth of the well; and the date of construction or alteration.

§64-19-11. Advisory Board.

1 11.1. The Commissioner may establish an advisory board and designate the chairman of
2 the board.

3 11.2. The advisory board membership shall consist of, but not necessarily be limited to,
4 the following members:

5 11.2.1. Three certified master well drillers;

6 11.2.1.a. These three members shall represent and have actual experience from the
7 various geologic areas of the state and be familiar with the various appropriate drilling methods
8 used in different regions of West Virginia.

9 11.2.2. One certified pump installer;

- 10 11.2.3. One employee of the West Virginia Bureau for Public Health;
- 11 11.2.4. One representative from a local health department;
- 12 11.2.5. One employee of the West Virginia Department of Environmental Protection;
- 13 11.2.6. One individual who is not employed by the state and who has no commercial or
- 14 economic involvement in well drilling or pump installation;
- 15 11.2.7. One academic or technical expert who is either:
- 16 11.2.7.a. Employed by the West Virginia Geological Survey or the United States
- 17 Geological Survey;
- 18 11.2.7.b. A professional hydrologist or hydrogeologist; or
- 19 11.2.7.c. A geology or hydrogeology professor from a college or university in West
- 20 Virginia.
- 21 11.3. The Water Well Advisory Board has the following duties:
- 22 11.3.1. Recommend changes in the certification program as needed to the Commissioner;
- 23 11.3.2. Recommend written tests and field tests required for certification and assist in the
- 24 preparation and administration of written tests, as appropriate;
- 25 11.3.3. Recommend continuing education classes and instructors; and
- 26 11.3.4. Perform other duties that may be assigned by the Commissioner.

§64-19-12. Inspections and Water Sampling.

- 1 12.1. The Commissioner may make as many inspections as necessary, during the
- 2 construction, installation, modification, or operation of a water well, pump, and pumping
- 3 equipment to determine compliance with the applicable provisions of this rule and the Bureau's
- 4 rule, Water Well Design Standards, 64CSR46. An inspection may include, without limitation,
- 5 water sampling for the detection of any contaminants, the documentation of a violation of
- 6 construction standards, technical procedures, or any other requirements established under the
- 7 rule. The owner or occupant of a dwelling, establishment, or land where a water well is located

8 shall provide the Commissioner access for making the inspection. The Commissioner shall record
9 the findings of inspections on forms prescribed for that purpose.

§64-19-13. Penalties, Suspension, and Revocation of Certifications.

1 13.1. Persons who violate the provisions of this rule are subject to the civil and
2 administrative penalties of W. Va. Code §6-1-9a and to potential civil or criminal penalties under
3 W. Va. Code §16-1-9, §16-1-9a, and §16-1-18.

4 13.2. The Commissioner may suspend, revoke, or deny certification of a driller or pump
5 installer if the information on the application form is incomplete, inaccurate, false, misleading, or
6 indicates that the provisions of this rule cannot be met. The Commissioner may revoke or
7 suspend the certification of a driller or pump installer who knowingly violates this rule.

8 13.3. When certification has been denied, suspended, or revoked, the person affected
9 shall immediately discontinue the drilling, altering, constructing, and abandonment of water wells.

10 13.4. A denial, suspension, or revocation of certification shall be in writing from the
11 Commissioner and shall state specific reasons for the denial, suspension, or revocation.

12 13.5. The Commissioner shall send a written notice of the suspension or revocation of a
13 certification at least 10 calendar days prior to the actual revocation or suspension.

§64-19-14. Administrative Due Process.

1 14.1. Administrative Due Process. — Any person adversely affected by the enforcement
2 of this rule desiring a contested case hearing to determine any rights, duties, interests, or
3 privileges shall do so in the manner prescribed in the West Virginia Department of Health's
4 Procedural Rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings,
5 64CSR1.

Appendix A. Permitting Fees.

1 1. Construction /Installation Permits

2 A. Heat exchange wells: Permit Fee is determined by the ton rating of the heat pump
3 machine. When more than one heat pump machine is hooked together, the cumulative total of

4 the ton rating is used to determine the fee: One to fifty ton heat pump system \$150; over fifty ton
5 system \$300.

6 The legislative rule filed in the State Register on July 25, 2025, authorized under the
7 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
8 the Legislative Rule-Making Review Committee and refiled in the State Register on October 17,
9 2025, relating to the Department of Health (lead abatement licensing, [64 CSR 45](#)), is authorized.

10 (b) The legislative rule filed in the State Register on July 24, 2025, authorized under the
11 authority of §16-4C-6 of this code, modified by the Department of Health to meet the objections
12 of the Legislative Rule-Making Review Committee and refiled in the State Register on September
13 18, 2025, relating to the Department of Health (emergency medical services, [64 CSR 48](#)), is
14 authorized.

15 (c) The legislative rule filed in the State Register on July 25, 2025, authorized under the
16 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
17 the Legislative Rule-Making Review Committee and refiled in the State Register on December 5,
18 2025, relating to the Department of Health (fees for services, [64 CSR 51](#)), is authorized with the
19 amendments set forth below:

20 On pages 9 through 12, by striking out the entirety of Appendix A and inserting in lieu
21 thereof a new Appendix A to read as follows:

22 **Appendix A 64CSR51. Laboratory Service Fees.**

1. Fees for Environmental Chemistry Laboratory Services	
A. Inorganic Chemicals/Miscellaneous Tests	
1. Metals	
a. Analyses for each metal:	\$20

<p>1. Analyses may include but are not limited to, arsenic, barium, beryllium, cadmium, thallium, chromium, nickel, lead, antimony, manganese, selenium, silver, sodium, aluminum, zinc, and copper.</p>	
<p>b. Metals Regulatory Package - (Parameters divided into EPA regulated groups)</p> <p>1. Analyses may include, but are not limited to, antimony, arsenic, barium, beryllium, cadmium, chromium, mercury, nickel, thallium, selenium, and sodium.</p>	<p>\$60</p>
<p>c. Metals Secondary Package - (Parameters divided into EPA regulated groups)</p> <p>Analyses may include, but are not limited to, aluminum, iron, magnesium, manganese, silver, and zinc</p>	<p>\$45</p>
<p>d. Metals Lead and Copper - (20% discount when ordered together as a package)</p>	<p>\$32</p>
<p>2. Mercury by cold vapor</p>	<p>\$25</p>
<p>3. Analytes by ion chromatography (IC)</p> <p>a. Analyses for each anion: Analyses may include, but are not limited to, fluoride, chloride, chlorite, chlorate, sulfate, nitrate, nitrite, ortho-phosphate, bromide, and bromate.</p> <p>b. Anions Package (a) (Instrument is capable of performing all tests within a single run) Analyses may include, but are not limited to, fluoride, chloride, nitrate, nitrite, ortho-phosphate, and sulfate.</p>	<p>\$20</p> <p>\$30</p>

4. Analytes by ion selective electrode	\$20
a. Analyses may include, but are not limited to, fluoride and pH.	
5. Miscellaneous Individual Tests	
a. Alkalinity (Total) As CaCO ₃	\$12
b. Calcium by Titration	\$15
c. Calcium Hardness	\$15
d. Chloramines	\$20
e. Chlorine, Free	\$12
f. Chlorine, Total	\$12
g. Conductivity	\$12
h. Dissolved Solids, Total	\$13
i. Hardness, Total	\$10
j. Hydrogen Sulfide	\$10
k. Magnesium by Titration	\$15
l. Foaming Agents	\$15
m. Nitrate	\$15
n. Nitrate + Nitrite	\$15
o. Orthophosphate	\$20
p. Phosphate, Total	\$16
q. Silica	\$15
r. Turbidity (NTU)	\$12
s. Cyanide	\$25
t. Nitrite	\$15

u. Wet Chemistry Package Analyses may include, but are not limited to, alkalinity, calcium, calcium hardness, pH, total dissolved solids, and total hardness.	\$30
v. Inorganic non-Routine Analysis	\$30
B. Organic Compounds (Fees Include Sample Preparation)	
1. EPA Regulated Volatile Compounds (VOCs)	\$125
2. EPA Unregulated Contaminants per Method Group (Description is applicable to the EPA unregulated contaminant monitoring rule which is categorized by contaminants in a method group http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/ucmr3/methods.cfm)	-
3. EPA Regulated Synthetic Organic Compounds (SOCs):	
a. Organohalide and Polychlorinated Biphenyl Packages	\$185
Pesticides Package (a) Analyses may include, but are not limited to, Endrin, Lindane, Heptachlor, Heptachlor epoxide, Methoxychlor, Hexachlorobenzene, and Hexachlorocyclopentadiene	\$70
Pesticides Package (b) Analyses may include, but are not limited to, Chlordane, Simazine, and Toxaphene	\$70
Pesticides Package (c) Analyses may include, but are not limited to, PCB (Aroclor)	\$70

1016, 1221, 1232, 1242, 1248, 1254, and 1260	
b. Nitrogen-Phosphorous Pesticide Package Analyses may include, but are not limited to, Alachlor, Atrazine, and Simazine	\$150
c. Carbamate Pesticides Package Analyses may include, but are not limited to, Aldicarb, Aldicarb Sulfone, Aldicarb Sulfoxide, Carbofuran, and Oxamyl (Vydate)	\$150
d. Diquat	\$150
e. Endothall	\$150
f. Glyphosate	\$150
g. Esters Package Analyses may include, but are not limited to, Di (2-ethylhexyl) Adipate and Di (2-ethylhexyl) Phthalate	\$150
h. Benzo (a) pyrene	\$150
i. Herbicides Package Analyses may include, but are not limited to, 2,4-D, 2,4,5 - TP (Silvex), Pentachlorophenol, Dinoseb, Dalapon, and Picloram	\$175
j. 1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-Chloropropane (DBCP)	\$100
4. Disinfection By Products	
a. Trihalomethanes (THMs) Package Analyses may include, but are not limited to, Bromoform, Chloroform, Bromodichloromethane, and Chlorodibromomethane	\$150

<p>b. Haloacetic Acids (HAAs) Package</p> <p>Analyses may include, but are not limited to, Bromoacetic Acid, Chloroacetic Acid, Dibromoacetic Acid, Dichloroacetic Acid, and Trichloroacetic Acid</p>	<p>\$190</p>
<p>c. Trihalomethanes and Haloacetic Acids Package</p>	<p>\$184</p>
<p>d. DBP Anions Package</p> <p>Analyses may include, but are not limited to, bromate, bromide, chlorate, and chlorite.</p>	<p>\$30</p>
<p>5. EPA Regulated Organics Package, includes Pesticides, PCBs, Carbamates, Diquat, Endothall, and Glyphosate</p>	<p>\$845</p>
<p>6. Other Organic Tests: * Raw and/or Finished</p>	
<p>a. *Total Organic Carbon (TOC)</p>	<p>\$40</p>
<p>b. *Specific Ultraviolet Absorption (SUVA)</p>	<p>\$50</p>
<p>7. Organic non-Routine Analysis</p>	<p>\$30</p>
<p>8. Harmful Algae Bloom (HAB)</p>	
<p>a. Screening analyses for each individual toxin: Analyses may include, but are not limited to, Microcystin, Cylindrospermopsin, Anatoxin-a, Saxitoxin, and b-Methylamino-L-alanine.</p>	<p>\$65</p>
<p>b. Confirmation of each individual toxin: Analyses may include, but are not limited to, Microcystin, Cylindrospermopsin, Anatoxin-a, Saxitoxin, and b-Methylamino-L-alanine.</p>	<p>\$65</p>

2. Fees for Environmental Microbiology Laboratory Service	
A. Coliform Test	\$18
B. Container Rinse Test	\$30
C. Heterotrophic Plate Count	\$18
D. D. Legionella	\$36
3. Sample Processing Fee	
A. Standard	\$5
B. Special handling and packaging	\$12
(A sample processing fee will be charged for each sample submitted to the OLS for testing with the exception of samples for Fluoride.)	
4. Fee for Chain of Custody	\$15
5. Fees for Certification of Laboratories to Conduct Drinking Water Tests: Certification to perform laboratory testing on water to meet state and Environmental Protection Agency requirements under the Safe Drinking Water Act. *	
A. Chemical Testing:	
1. Inorganic Tests	\$1,000
3. Trihalomethanes and Volatile Organic Compounds and Haloacetic Acids	\$1,000
4. Herbicides Pesticides and Synthetic Organic Chemicals	\$1,000
5. All Other Organic Tests	\$1,000
B. Microbiological Testing	\$1,000
C. New lab application fee (nonrefundable)	\$150
D. Issuance of an updated certificate (for dropped, added, or change of status)	\$100

E. Fee for follow-up on-site audit	\$500
<p>*Laboratories located outside the borders of West Virginia will be assessed the certification fee for the tests approved and shall pay all reasonable expenses required for an on-site inspection.</p>	
<p>6. Fees for Specimen Collection Kits:</p>	
A. Blood Lead	\$15
<p>7. The State Hygienic Laboratory may enter into contractual agreements for providing services at a negotiated rate for testing specimens in the conduct of Public Health Investigations, Public Health Interventions, and Public Health Risk Assessments.</p>	
<p>8. In order to maintain preparedness and assess threats the Lab may charge for testing related to terrorism.</p>	
<p>A. Bioterrorism</p> <p>A reasonable fee established by the Commissioner may be charged in the testing of specimens for the detection of the presence of agents of bioterrorism. Testing may include, but is not limited to, the detection of biological agents causing anthrax, plague, tularemia, botulism, brucellosis, Q fever, or any other suspected agent.</p>	
<p>B. Chemical Terrorism</p> <p>The Commissioner may charge a reasonable fee, based upon an itemization of costs, for the testing of specimens for detection of the presence of agents of chemical terrorism. Testing may include, but is not limited to, the detection of chemical agents such as ricin, cyanide, or any other suspected agent.</p>	
<p>9. Fees for Diagnostic Immunology</p>	

A. Syphilis tests	\$21.91
B. Rubella antibody	\$14.39
C. HIV Screening – Serum (screening and confirmation if necessary)	\$46.49
D. Hepatitis A IgM Test	\$11.26
E. Hepatitis B Screen with reflex testing	\$44.89
F. Hepatitis SAB (Post Vaccine)	\$10.74
G. Hepatitis C Antibody Screen	\$29.76
H. Hepatitis C Confirmation NAA Test	\$15.49
I. Respiratory panel	\$567.1 8
J. Gastrointestinal panel	\$567.1 8
K. QuantiFERON	\$84.35
L. GeneXpert for TB	\$47.76
M. Whole Genome Sequencing	\$125
N. Chlamydia/Gonorrhea NAA Test	\$70.18
O. Rabies	\$50
P. SARS Covid-19 NAA Test	\$51.31
Q. M. genitalium NAA Test	\$35.09
R. Trichomoniasis NAA Test	\$35.09

23 (d) The legislative rule filed in the State Register on July 24, 2025, authorized under the
 24 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
 25 the Legislative Rule-Making Review Committee and refiled in the State Register on October 17,

26 2025, relating to the Department of Health (clinical laboratory practitioner licensure, 64 CSR 57),
27 is authorized.

28 (e) The legislative rule filed in the State Register on July 24, 2025, authorized under the
29 authority of §16-1-4 of this code, relating to the Department of Health (distribution of state funds
30 for support of local boards of health, 64 CSR 67), is authorized.

31 (f) The legislative rule filed in the State Register on July 25, 2025, authorized under the
32 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
33 the Legislative Rule-Making Review Committee and refiled in the State Register on December 5,
34 2025, relating to the Department of Health (basic public health service standards for local boards
35 of health, 64 CSR 73), is authorized with the amendments set forth below:

36 On page 9, after section 7, by inserting a new section 8 to read as follows:

§64-73-8. Membership and duties of the West Virginia Public Health Advisory Committee.

1 8.1. The West Virginia Public Health Advisory Committee shall be comprised of the
2 following nine members, appointed by the Commissioner as follows:

3 8.1.1. The West Virginia Association of Local Health Departments shall submit to the
4 Commissioner a list of up to eight names, which are to include administrators and health officers,
5 of which five in total shall be appointed.

6 8.1.2. The County Commissioner's Association of West Virginia and the West Virginia
7 Association of Counties shall each submit to the Commissioner a list of five names, of which three
8 in total will be selected.

9 8.1.3. The President of the WVALHD.

10 8.2. The members of the Committee shall vote on a Chairperson for the Advisory
11 Committee who shall serve a two-year term and be responsible for submitting all meeting notes
12 to the Bureau.

13 8.3. Committee members shall serve two-year terms, not to exceed four consecutive
14 terms.

15 8.4. The Committee shall:

16 8.4.1. Act in an advisory capacity to the Commissioner.

17 8.4.2. Collaborate with the Bureau to design and develop tools for assessment of local
18 health board performance.

19 8.4.3. Provide input on training for local health and state appointees as determined by the
20 Commissioner.

21 8.4.4. Hold no less than six meetings per year.";

22 By renumbering the remaining sections accordingly;

23 On page 11, subparagraph 8.3.6.a.2., by striking the number ".10" and inserting in lieu
24 thereof the number ".15";

25 And,

26 On page 11, subparagraph 8.3.6.a.3., by striking out the number ".15" and inserting in lieu
27 thereof the number ".20"

28 (g) The Legislature directs the Department of Health to amend the legislative rule filed in
29 the State Register on April 1, 2022, authorized under the authority of §16-1-4 of this code, relating
30 to the Department of Health (expedited partner therapy, 64 CSR 103), is authorized with the
31 amendments set forth below:

32 On page 1, subsection 1.5., by striking out the number "2027" and inserting in lieu thereof
33 the number "2032";

34 On page 2, subsection 3.1., by striking out the word "and"

35 On page 2, after subsection 3.2., by adding two new subsections, designated 3.3. and
36 3.4., to read as follows:

37 "3.3. Bacterial vaginosis; and

38 3.4. Trichomonas vaginalis"

39 (h) The legislative rule filed in the State Register on July 25, 2025, authorized under the
40 authority of §33-59-1 of this code, relating to the Department of Health (diabetes self-management
41 education, 64 CSR 115), is authorized.

42 (i) The legislative rule filed in the State Register on July 21, 2025, authorized under the
43 authority of §16-2D-4 of this code, relating to the Department of Health (exemption from Certificate
44 of Need, 65 CSR 29), is authorized.

**ARTICLE 5B. AUTHORIZATION FOR OFFICE OF INSPECTOR GENERAL TO
PROMULGATE LEGISLATIVE RULES.**

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

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

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

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

12 And,

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

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

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

22 On page 6, after subsection 2.36., by adding two new subsections, designated 2.37. and
23 2.38., to read as follows: "2.37. Serious injury. — means to cause an injury requiring medical
24 attention beyond routine first aid, including fractures, lacerations requiring closure, burns, or any
25 condition resulting in limited mobility or functional restriction.

26 "2.38. Videoconferencing. – Real-time, two-way audiovisual communication between the
27 resident and one or more individuals through technology designed for interactive conversations,
28 such as computers, tablets, or smartphones equipped with approved software or applications.
29 Videoconferencing does not include security cameras, monitoring devices, doorbell cameras,
30 surveillance systems, hidden cameras, live-stream or continuously operating video feeds,
31 recording devices, or any equipment used for observation rather than interactive communication.";

32 On page 18, subdivision 4.6.1. by striking out the word "volunteers" and inserting in lieu
33 thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-
34 1 *et seq.*";

35 On page 18, paragraph 4.6.1.b. by striking out the word "volunteer" and inserting in lieu
36 thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-
37 1 *et seq.*";

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

40 And,

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

44 5.3.10.a. The resident makes the facility aware of the equipment and videoconferencing
45 technology;

46 5.3.10.b. The facility allows or authorizes the videoconferencing technology, software and
47 equipment;

48 5.3.10.c. The resident is made aware and adheres to the facility policies regarding use of
49 videoconferencing, including required notice or signage to those entering the room of a resident
50 that is utilizing videoconferencing, how to handle breaches of privacy in live videoconferencing
51 and recorded and stored media, and times in which privacy of the resident or others may dictate
52 non-usage;

53 5.3.10.d. There is a notice posted to those entering facility that videoconferencing
54 equipment and technology may be in use in residents' apartment or room; and

55 5.3.10.e. Similar to the acceptance and use of a telephone, the resident must actively
56 allow or accept incoming videoconferencing or initiate outgoing videoconferencing for each use.
57 A resident shall not have or be authorized to use uninterrupted video feed on a full-time basis or
58 hidden cameras.

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

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

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

70 And,

71 Renumber the remaining subsections accordingly.

**ARTICLE 5C. AUTHORIZATION FOR THE DEPARTMENT OF HEALTH FACILITIES
TO PROMULGATE LEGISLATIVE RULES.**

§64-5C-1. Department of Health Facilities.

1 The legislative rule filed in the State Register on July 25, 2025, authorized under the
2 authority of §27-5-9 of this code, relating to the Department of Health Facilities (patient rights at
3 state-operated mental health facilities, 64 CSR 59), is authorized.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor