

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4226

By Delegate D. Smith

[Introduced January 14, 2026; referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §64-5B-1 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the Office of Inspector General to promulgate a legislative rule relating to
3 assisted living residences.

Be it enacted by the Legislature of West Virginia:

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

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

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

4 On page 4, by striking subsection 2.23.1. in its entirety; and inserting in lieu thereof a new
5 subsection 2.23.1. to read as follows: "A serious injury resulting from a fall, accident, or other
6 event;"

7 And,

8 On page 6, by inserting a new subsection 2.37., to read as follows: "2.37. Serious injury. --
9 means to cause an injury requiring medical attention beyond routine first aid, including fractures,
10 lacerations requiring closure, burns, or any condition resulting in limited mobility or functional
11 restriction."

12 And,

13 On page 18, subdivision 4.6.1. by striking out the word, "volunteer" and inserting the
14 words, "uncompensated direct access personnel as defined in §16B-15-1 *et seq.*"

15 And,

16 On page 18, subparagraph 4.6.1.b. by striking out the word, "volunteer" and inserting the
17 words, "uncompensated direct access personnel as defined in §16B-15-1 *et seq.*"

18 And,

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

And,

On page 24, by inserting a new subsection 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.

NOTE: The purpose of this bill is to authorize the Office of Inspector General to promulgate a legislative rule relating to assisted living residences.

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