

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 277

By Senator Rucker

[Introduced January 15, 2026; referred

to the Committee on the Judiciary]

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,

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

21 And,

22 On page 24, by inserting a new subsection to read as follows: "5.3.10. A resident may
23 have and utilize videoconferencing equipment and technology in their private room if all of the
24 following conditions exist:

25 5.3.10.a. The resident makes the facility aware of the equipment and videoconferencing
26 technology;

27 5.3.10.b. The facility allows or authorizes the videoconferencing technology, software and
28 equipment;

29 5.3.10.c. The resident is made aware and adheres to the facility policies regarding use of
30 videoconferencing, including required notice or signage to those entering the room of a resident
31 that is utilizing videoconferencing, how to handle breaches of privacy in live videoconferencing
32 and recorded and stored media, and times in which privacy of the resident or others may dictate
33 non-usage;

34 5.3.10.d. There is a notice posted to those entering facility that videoconferencing
35 equipment and technology may be in use in residents' apartment or room;

36 5.3.10.e. Similar to the acceptance and use of a telephone, the resident must actively
37 allow or accept incoming videoconferencing or initiate outgoing videoconferencing for each use. A
38 resident shall not have or be authorized to use uninterrupted video feed on a full-time basis or
39 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.