

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4215

BY Delegate D. Smith

[Originating in the Committee on Health and Human
Resources; Reported on January 21, 2026]

1 A BILL to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, to
2 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; authorizing the Department of Health to promulgate a legislative rule relating
8 to water well regulations; authorizing the Department of Health to promulgate a legislative
9 rule relating to lead abatement licensing; authorizing the Department of Health to
10 promulgate a legislative rule relating to emergency medical services; authorizing the
11 Department of Health to promulgate a legislative rule relating to fees for services;
12 authorizing the Department of Health to promulgate a legislative rule relating to clinical
13 laboratory practitioner licensure; authorizing the Department of Health to promulgate a
14 legislative rule relating to distribution of state funds for support of local boards of health;
15 authorizing the Department of Health to promulgate a legislative rule relating to basic
16 public health service standards for local boards of health; authorizing the Department of
17 Health to promulgate a legislative rule relating to diabetes self-management education;
18 and authorizing the Department of Health to promulgate a legislative rule relating to the
19 exemption from Certificate of Need; authorizing the Office of Inspector General to
20 promulgate a legislative rule relating to nursing home licensure; authorizing the Office of
21 Inspector General to promulgate a legislative rule relating to delegation of medication
22 administration and health maintenance tasks to approved medication assistive personnel;
23 authorizing the Office of Inspector General to promulgate a legislative rule relating to
24 assisted living residences; authorizing the Office of Inspector General to promulgate a
25 legislative rule relating to syringe services program licensure; authorizing the Office of
26 Inspector General to promulgate a legislative rule relating to behavioral health centers

27 licensure; and authorizing the Department of Health Facilities to promulgate a legislative
28 rule relating to patient rights at state-operated mental health facilities.

Be it enacted by the Legislature of West Virginia:

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

§64- 5 - 1. Department of Health.

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

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

34 1.1. Scope. -- This legislative rule establishes the certification requirements for water well
35 drillers; pump installers, and the issuance of permits for water wells. The purpose is to protect the
36 public health, protect and prevent contamination in groundwater, and ensure fair and equitable
37 rules for the construction of water wells and installing pumps and pumping equipment in the State
38 of West Virginia.

39 1.2. Authority. -- W. Va. Code §§16-1-4, 16-1-6(n), 16-1-9, and 16-1-9a.

40 1.3. Filing Date. -- April 2, 2008.

41 1.4. Effective Date. -- April 2, 2008.

42 1.5. ~~Repeal and Replacement of Former Rules.~~ ~~This legislative rule repeals and replaces~~
43 ~~Department of Health rule, Water Well Regulations, 64CSR19, 1989 Sunset Provision.~~ ~~This rule~~
44 shall terminate and have no further force or effect on August 1, 2028.

§64-19-2. Application and Enforcement.

46 2.1. Application. -- This rule applies to all water well drillers and pump installers where the
47 pump is situated in a water well or pulls water from a well.

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48 2.2. Enforcement. -- This rule shall be enforced by the Commissioner.

49 **64-19-3. Definitions.**

50 3.1. Application. -- The Bureau's standard forms for applying for well driller and pump installer
51 certification, water well permit, or permit modification, including any additions, revisions, or
52 modifications to the form.

53 3.2. Apprentice. -- A person working under the direction of a master or journeyman well driller
54 or a pump installer.

55 3.3. Bureau. -- The Bureau for Public Health in the West Virginia Department of Health and
56 ~~Human Resources~~.

57 3.4. Casing. -- Pipe or tubing, constructed of specific materials with specified dimensions and
58 weights, that is installed in a borehole during or after completion of the borehole to support the side
59 of the hole and thereby prevent caving, to allow completion of the well, to prevent formation
60 material from entering the well, and to prevent entry of undesirable water into the well.

61 3.5. Certified Well Driller. -- An individual granted a written certificate by the Commissioner to
62 drill, construct, alter, or abandon water wells who meets the requirements of this rule.

63 3.6. Commercial Well -- A well that serves small businesses and facilities in which water is the
64 prime ingredient of the service rendered.

65 3.7. Commissioner. -- The Commissioner of the West Virginia Bureau for Public Health or his
66 or her designee.

67 3.8. Continuing Education Hour. -- One hour of participation in an organized continuing
68 education experience under the direction of a sponsor approved by the Commissioner for renewal
69 of a certification. One Continuing Education Hour is equal to one point.

70 3.9. Design Standards. -- Those specifications, drawings, and other details promulgated by
71 the Commissioner to ensure proper location, design, construction, completion and abandonment
72 of water wells and installation or removal of water pumps as referenced in the Bureau's rules,
73 Water Well Design Standards, 64CSR46, and Public Water System Design Standards, 64CSR77.

74 3.10. Dewatering Well. -- A well used to lower groundwater levels to allow for construction of

75 footings, sewer lines, building foundations, dams, etc.

76 3.11. Hand Dug Well. -- A manually excavated well of a permanent nature installed for water
77 supply.

78 3.12. Heat Pump or Geothermal Well. -- Any well constructed to use the heat exchange
79 properties of either groundwater or of geologic material penetrated by the well.

80

81 3.13. Inactive Well. -- A well that is no longer actively used. It shall have a sanitary well cap
82 and remain in a state of repair to prevent contamination from entering the well. It may be used in
83 the future or be properly abandoned.

84 3.14. Industrial Well. -- A well used in industrial processing, fire protection, washing, packing, or
85 manufacturing of a product excluding food and beverages, or similar non-potable uses.

86 3.15. Irrigation Well. -- A well used to provide water for plants, livestock, or other agricultural
87 processes.

88 3.16. Journeyman Well Driller. -- A person certified by the Commissioner to practice well
89 drilling under the general supervision of a master well driller.

90 3.17. Master Well Driller. -- A person certified by the Commissioner to practice well drilling
91 including pump and pumping equipment installation, and removal, when maintenance or repair of
92 a well is required.

93 3.18. Person. -- An individual, partnership, association, syndicate, company, firm, trust,
94 corporation, government corporation, institution, department, division, bureau, agency, federal
95 agency, or any other entity recognized by law.

96 3.19. Potable Water. -- Water free from impurities in amounts sufficient to cause disease or
97 harmful physiological effects, with bacteriological, chemical, physical, and radiological quality
98 conforming to applicable rules and standards of the Bureau for Public Health.

99 3.20. Potable Water Well. -- Any water well that provides potable water, other than a public
100 water supply for human consumption.

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102 3.21. Public Water System. -- Any water supply or system that regularly supplies or offers to
103 supply water for human consumption through pipes or other constructed conveyances, if serving
104 at least an average of ~~twenty-five~~ 25 individuals per day for at least ~~sixty~~ 60 days per year, or which
105 has at least ~~fifteen~~ 15 service connections, and includes:

106 3.21.a. 3.21.1. Any collection, treatment, storage, and distribution facilities under the
107 control of the owner or operator of the system and used primarily in connection with the system;
108 and

109 3.21.b. 3.21.2. Any collection or pretreatment storage facilities not under such control
110 which are used primarily in connection with the system.

111 3.21.c. 3.21.3. A public water system does not include a system which meets all of the
112 following conditions:

113 3.21.c.1. 3.21.3.a. It consists only of distribution and storage facilities and does not
114 have any collection and treatment facilities;

115 3.21.c.2. 3.21.3.b. It obtains all of its water from, but is not owned or operated by a
116 public water system that otherwise meets the definition;

117 3.21.c.3. 3.21.3.c. It does not sell water to any person; and

118 3.21.c.4. 3.21.3.d. It is not a carrier conveying passengers in interstate commerce.

119 3.22. Pump. -- Any mechanical equipment or device used to transfer water from a well.

120 3.23. Pump Installation Contractor. -- An entity that contracts or agrees to perform a service
121 or function related to any portion of installing a pump or pumping equipment into a water well or
122 public water supply in exchange for money or comparable compensation.

123 3.24. Pump Installer. -- Any person who engages for compensation in pump or pumping
124 equipment installation, removal, alteration, or repair and who is certified by the Commissioner to
125 practice pump and pumping equipment installation to withdraw water from a well.

126 3.25. Pumping Equipment. -- Equipment or related materials that are used or intended to
127 assist withdrawing groundwater from a well, including seals and other safeguards to protect the
128 water from contamination; associated fittings; intake and discharge piping; controls to provide

129 sanitary water storage facilities; and deliver water to a distribution piping system.

130 3.26. Test Wells (Exploratory/ Observation). -- A well that is used to obtain information on
131 groundwater quantity; quality; aquifer characteristics; and availability of production water supply
132 for manufacturing, commercial, and industrial facilities.

133 3.27. Water Return Well. -- A well constructed for returning water that has passed through the
134 heat pump system to the subsurface.

135 3.28. Water Well. -- Any excavation or penetration in the ground, whether drilled, bored,
136 cored, driven, washed, jetted, hand dug, or otherwise constructed that enters or passes through
137 an aquifer for purposes that may include, but are not limited to, a potable water supply, exploration
138 for water, industrial, irrigation, commercial, dewatering, or geothermal heat pump wells, and water
139 return wells. This definition shall not include ground water monitoring activities, and all activities
140 for the exploration, development, production, storage, and recovery of coal, oil, and gas and other
141 mineral resources regulated under Chapters 22, 22a, or 22b of the W. Va. Code.

142 3.29. Water Well Contractor. -- Any individual, partnership, syndicate, association, company,
143 firm, trust, corporation, or any other entity that contracts to drill, construct, alter, or abandon water
144 wells in the State of West Virginia.

145 3.30. Well Completion Report. -- A record, accurately kept at the time of drilling, showing the
146 depth; thickness and character of the different strata penetrated; location of water-bearing strata;
147 water level; depth; size, type, and amount of casing installed; location of the well; owner; driller;
148 pump installer; date the well was completed; information on any permanent well pumping
149 equipment installed by the well driller or pump installer; and any other information required by the
150 Commissioner.

151 3.30.a. 3.30.1. For geothermal and dewatering wells, one completion form, indicating well
152 locations, is required for a system regardless of the number of wells.

153 3.30.b. 3.30.2. If wells vary in depth or geology, a single representative geologic log for
154 each type is required. Water bearing zones, any voids, and coal seams or voids, or both
155 penetrated shall be documented on the geologic log indicating appropriate depths.

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156 3.31. Well Driller. -- An individual who engages in water well drilling, construction, alteration,
157 or abandonment, or who supervises these activities.

158 **§64-19-4. Permits to Install.**

159 4.1. After the effective date of this rule, no No person shall drill, construct, alter, or abandon a
160 water well unless the Commissioner, pursuant to this rule, has issued a valid permit, except where
161 the emergency procedures set forth in subsection 4.3 of this rule apply.

162 4.2. A permit to drill, construct, alter, or abandon a water well shall be obtained jointly by the
163 water well contractor and property owner. Application for the permit shall be made at least ~~fifteen~~
164 15 calendar days prior to the actual well drilling, construction, alteration, or abandonment unless
165 emergency conditions prevail as set forth in subsection 4.3 of this rule.

166 4.3. The following applies to emergency water well permits:

167 4.3.a. 4.3.1. The Commissioner may issue an emergency water well permit to minimize
168 actual or potential harm to human health, the environment, or property;

169 4.3.b. 4.3.2. A certified well driller requesting an emergency permit under this section shall
170 contact the Commissioner no later than the next business day after the emergency occurs. The
171 certified well driller shall submit a completed water well permit application and a well completion
172 report to the Commissioner within five calendar days after the initial contact is made; and

173 4.3.b.1. 4.3.2.a. The application shall include a clear and concise factual description of
174 the nature and scope of the emergency.

175 4.3.c. 4.3.3. The Commissioner, upon issuance of an emergency permit, shall assign to
176 the well driller an emergency permit number and specify the date of approval. The well driller shall
177 make the approved permit available for any on-site inspection by authorized representatives.

178 4.4. Water wells shall be drilled, constructed, altered, or abandoned in accordance with the
179 Bureau's rules, Water Well Design Standards, 64CSR46, and Public Water Systems Design
180 Standards, 64CSR77. These standards constitute the minimum standards for the drilling,
181 construction, alteration, or abandonment of a water well, pump, and pumping equipment. Any
182 plans approved by the Commissioner pursuant to this rule shall be in substantial compliance with

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183 this rule-mentioned standards. Where applicable, an underground injection control permit shall be
184 obtained from the West Virginia Department of Environmental Protection (DEP) in compliance with
185 DEP's rule, Underground Injection Control, 47CSR13, prior to construction for a water well.

186 4.5. Application for a permit to construct, alter, and abandon water wells shall be made to the
187 Commissioner on forms prescribed by the Commissioner. The master water well driller and
188 property owner shall jointly sign this application. By signing the application, the property owner
189 acknowledges that the information provided on the application is true; the property owner is
190 responsible for informing the certified well driller of the location of any known existing or proposed
191 on-site sewage systems and ensuring that these systems are in compliance with all applicable
192 state rules.

193 4.6. In cases where a water well contractor is changed, the applicable permits shall be
194 reissued to reflect these changes prior to construction. No additional permit fee is required.

195 4.7. In the event the permit application is denied, the Commissioner shall state, in writing,
196 the one or more reasons for denial and furnish it to the applicant within ~~fifteen~~ 15 calendar days
197 from receipt of the permit application.

198 4.8. A permit, unless revoked, is valid for a period of one year from the date of issuance. In the
199 event the construction or alteration is not completed within that time, the Commissioner may
200 extend the time limit upon written request by the permittee. If the water well is not constructed
201 within the appropriate period, a new well permit shall be obtained from the Commissioner prior to
202 the start of any well drilling activity pursuant to subsection 4.5 of this rule.

203 4.9. The Commissioner may revoke or deny a permit to install if the applicant or permittee fails
204 to comply with the provisions of the permit, any applicable provision of the rules, or orders issued
205 pursuant thereto. The revocation or denial shall be in writing and shall state the reasons for
206 revocation or denial.

207 4.10. Any person, whose application for a permit to construct a water well system that has
208 been revoked or denied, may, within ~~thirty~~ 30 calendar days from receipt of the permit denial or
209 revocation, request a hearing in accordance with section 14 of this rule.

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210 4.11. The following activities may be conducted by a certified well driller without an individual
211 permit issued by the Commissioner:

212 4.11.a. 4.11.1. The repair of any well, including redevelopment, cleaning, or screen
213 replacements, provided that this does not include deepening of the well; and

214 4.11.b. 4.11.2. Acidizing a well.

215 4.12. The Commissioner may inspect the well site, well logging, grouting, and provide for
216 taking of geologic or water samples, or both.

217 4.13. The Commissioner may charge a fee for each permitting service listed in Appendix A of
218 this rule.

219 4.14. Upon issuance of a permit, the Commissioner shall provide the owner and contractor
220 with information prepared by the Commissioner explaining the importance of water well sampling,
221 the procedures for sampling, and how the water can be tested to assure a safe supply of water.

222 **§64-19-5. Records of Completed Water Wells.**

223 5.1. Within thirty (30) calendar days after the water well has been constructed, altered, or
224 abandoned, the certified well driller shall submit a completion report to the Commissioner. The
225 date of construction and time of completion is the date and time the rig is removed or pulled off the
226 borehole or well. The certified well driller who actually performed the construction, alteration, or
227 abandonment of the well or provided the on-site supervision of the well construction, alteration, or
228 abandonment shall sign the completion report. A master well driller is required to sign the
229 completion report when a journeyman well driller conducts the on-site supervision and drilling.

230 5.2. Completion reports shall be filed for pump installation. When the pumping equipment is
231 installed after the record of completion has been submitted, the record shall be amended by the
232 certified well driller or pump installer and resubmitted to the Commissioner within thirty 30 calendar
233 days of installation of the pumping equipment. The certified well driller or pump installer who
234 actually performed the installation of the pump system shall sign the amended record of
235 completion.

236 5.2.a. A completion report is not required for the repair of pumps or the replacement of

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237 pumps or pumping equipment if the depth of the setting and efficiency are not affected.

238 5.3. The contractor shall provide two copies of the completion report to the Commissioner and
239 one copy of the completion report to the owner.

240 **§64-19-6. General Provisions for well driller certifications of the proper class and pump
241 installer certifications.**

242 6.1. No person shall drill, construct, alter, or abandon any water well without possessing a
243 valid West Virginia certification of the proper class issued by the Commissioner and complying
244 with the applicable sections of this rule.

245 6.2. No person shall install, repair, or replace a well pump or well pumping equipment or
246 engage in that business without possessing a valid West Virginia certification of the proper class
247 issued by the Commissioner and complying with applicable sections of this rule. A property owner
248 may be allowed to install the pump system and sign the completion record if, prior to the
249 installation, the property owner passes an examination administered by the Commissioner with a
250 minimum score of seventy 70 percent. This examination shall demonstrate the individual's
251 knowledge of the applicable rules.

252 6.3. Well drillers shall be classified into one of three classes: master well driller; journeyman
253 well driller; or an apprentice well driller.

254 6.3.a. 6.3.1. A certified master well driller, after meeting the requirements of subsection 9.2
255 of this rule, may:

256 6.3.a.1. 6.3.1.a. Drill, construct, install, repair, replace, alter, or abandon water wells,
257 including public water supply wells;

258 6.3.a.2. 6.3.1.b. Install or replace well pumping equipment and appurtenances,
259 storage tanks and connecting lines between a well and storage tank;

260 6.3.a.3. 6.3.1.c. Perform yield and drawdown testing of wells; and supervise
261 journeymen well drillers and apprentices;

262 6.3.a.4. 6.3.1.d. Sign permit applications and certify that a well has been drilled,
263 constructed, installed, repaired, modified, altered, or abandoned in conformance with all

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264 applicable state and well drill and pump installation standards;

265

266 6.3.a.5. 6.3.1.e. Qualify as a candidate to be appointed to the Advisory Board;

267 6.3.a.6. 6.3.1.f. Supervise journeymen and apprentices; and

268 6.3.a.7. 6.3.1.g. Perform field observations to verify qualifications of applicants for all

269 certifications covered by this rule.

270 6.3.b. 6.3.2. A certified journeymen well driller, after meeting all of the requirements of

271 subsection 9.2 of this rule, may:

272 6.3.b.1. 6.3.2.a. Drill, construct, install, repair, replace, alter, or abandon a well, except

273 a public water system's supply wells;

274 6.3.b.2. 6.3.2.b. Install or replace well pumping equipment and appurtenances,

275 storage tanks, and connecting lines between a well and storage tank;

276 6.3.b.3. 6.3.2.c. Perform yield and drawdown testing of wells; and

277 6.3.b.4. 6.3.2.d. Supervise apprentices.

278 6.3.c. 6.3.3. An apprentice may perform well drilling as a well driller only under the

279 immediate on-site supervision of a master or journeyman well driller.

280 6.3.d. 6.3.4. A journeyman or master well driller shall be on-site in direct charge of drilling,

281 constructing, altering, or abandoning a water well.

282 6.4. Pump installers shall be classified into two classes, as a certified pump installer or an

283 apprentice.

284 6.4.a. 6.4.1. A certified pump installer, after meeting the requirements of subsection 9.2 of

285 this rule, may:

286 6.4.a.1. 6.4.1.a. Install or replace well pumping equipment and appurtenances,

287 pressure tanks, and connecting lines between a well and storage tank;

288 6.4.a.2. 6.4.1.b. Qualify as a candidate for appointment to the Advisory Board; and

289 6.4.a.3. 6.4.1.c. Perform yield and drawdown testing of wells.

290 6.4.b. 6.4.2. An apprentice may perform pump installations, and replace appurtenances,

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291 pressure tanks, and connecting lines while under the immediate on-site supervision of a master or
292 journeyman well driller, or pump installer.

293 6.5. A certified person pump installer or water well driller shall have in her or his possession a
294 valid certification for the proper class at all times during any operations.

295 6.6. A certified pump installer or water well driller may run power and control wiring from the
296 disconnect box and breaker panel to water well equipment without obtaining an electrician's
297 license. A certification issued pursuant to this rule does not authorize the certificate holder to alter
298 the existing electrical service to any building or structure or perform any other electrical work
299 covered by any national, state, or local codes and ordinances, if the latter are more restrictive.

300 6.7. A certified or licensed plumber may provide plumbing services as a plumbing contractor
301 to install pressure switches, pressure tanks, valves, and pipes without holding certifications from
302 the Commissioner. The certified or licensed plumber shall not break the well seal or alter, cut, or
303 drill into the casing for the purpose of performing repairs to the pumping equipment or
304 appurtenances, unless he or she is certified as a pump installer or passes an examination
305 administered by the Commissioner with a minimum score of 70 percent and completes two hours
306 of continuing education related to pump installation each year as evidenced by submission of a
307 certificate of continuing education completion. This subsection shall not apply to wells utilized by
308 public water systems.

309 6.8. A certified or licensed electrician may do perform electrical contracting, repair, or install
310 pressure switches, control boxes, and other electrical components of the pumping equipment
311 without holding certifications issued by the Commissioner. The electrician shall adhere to these
312 rules for the installation and may not break the well seal or alter, cut, or drill into the casing, unless
313 the certified or licensed electrician is certified as a pump installer.

314 **§64-19-7. Application and Certification Examination Procedures and Fee Requirements.**

315 7.1. An applicant for a West Virginia master well drilling certification shall:

316 7.1.a. 7.1.1. Submit an application on the forms prescribed by the Commissioner pursuant
317 to satisfying all experience and other requirements specified and provide evidence of the

318 following:

319 7.1.a.1. 7.1.1.a. The applicant shall demonstrate two years of relevant work
320 experience with a minimum of ~~three thousand~~ 3,000 hours as a journeyman. To demonstrate
321 relevant experience, the applicant shall specify the dates of employment, description of the work,
322 and provide the name of the supervising certified well driller;

323 7.1.a.2. 7.1.1.b. The applicant shall demonstrate that he or she has resolved any
324 revocation or suspension of a previously issued well drilling certification or of any outstanding
325 violation or fine pursuant to the rule;

326 7.1.a.3. 7.1.1.c. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on
327 each portion of the written examinations and perform a possible field test demonstrating the
328 applicant's expertise; and

329 7.1.a.4. 7.1.1.d. The applicant shall be at least ~~eighteen~~ 18 years of age.

330 7.2. An applicant for a West Virginia journeyman well drilling certification shall:

331 7.2.a. 7.2.1. Submit an application on the forms prescribed by the Commissioner pursuant
332 ~~to satisfying all experience and other requirements specified~~ and provide evidence of the
333 following:

334 7.2.a.1. 7.2.1.a. The applicant shall demonstrate relevant work experience of two
335 years with a minimum of ~~three thousand~~ 3,000 hours as an apprentice under the supervision of a
336 master or journeyman well driller. To demonstrate relevant experience, the applicant shall specify
337 the dates of employment, description of the work, and provide the name of the supervising certified
338 well driller;

339 7.2.a.2. 7.2.1.b. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on
340 each portion of the written examinations and a possible field test demonstrating the applicant's
341 expertise;

342 7.2.a.3. 7.2.1.c. The applicant shall demonstrate he or she has resolved any
343 revocation or suspension of a previously issued well drilling certification or of any outstanding
344 violation or fine pursuant to the rule; and

345 7.2.a.4. 7.2.1.d. The applicant shall be at least eighteen 18 ~~year~~ years of age.
346 Provided, That the Commissioner may waive the eighteen ~~year~~ age requirement if requested to do
347 so, in writing, by the applicant, to a minimum age of ~~sixteen~~ 16 and completion of the 10th grade.
348 The minimum age requirements are verified each semester that the student is currently attending
349 school and maintaining a 2.0 average on a 4.0 scale towards graduation requirements. Failure to
350 meet this requirement is grounds for revocation of the certificate.

351 7.3. An applicant for a West Virginia pump installer certification shall:

352 7.3.a. 7.3.1. Submit an application on the form prescribed by the Commissioner pursuant
353 ~~to satisfying all experience and other requirements specified~~ and provide evidence of the
354 following:

355 7.3.a.1. 7.3.1.a. The applicant shall demonstrate relevant work experience of two
356 years' experience with a minimum of ~~one thousand~~ 1,000 hours as an apprentice under the
357 supervision of a pump installer or a master or journeyman well driller. To demonstrate relevant
358 experience, the applicant shall specify the dates of employment, description of the work, and
359 provide the name of the supervising certified well driller or pump installer;

360 7.3.a.2. 7.3.1.b. The applicant shall obtain a minimum grade of ~~seventy~~ 70 percent on
361 each portion of the written examinations.

362 7.3.a.3. 7.3.1.c. The applicant shall be at least eighteen 18 years of age. Provided,
363 That, the Commissioner may waive the eighteen ~~year~~ age requirement if requested to do so, in
364 writing, by the applicant, to a minimum age of ~~sixteen~~ 16 and completion of the 10th grade. The
365 minimum age requirements are verified each semester that the student is currently attending
366 school and maintaining a 2.0 average on a 4.0 scale towards graduation requirements. Failure to
367 meet this requirement is grounds for revocation of the certificate.

368 7.3.b. 7.3.2. Pump installers actively engaged in pump installation on or before the
369 effective date of this rule are exempt from the minimum experience and testing requirements.
370 Pump installers seeking to qualify under this provision shall, within one year of the effective date of
371 the rule, submit evidence on the prescribed forms, of ~~ten~~ 10 pump installations completed within

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the past two years.

373 7.4. The Commissioner shall review each application upon receipt of all the information
374 required and either notify the applicant of any deficiencies or notify the applicant of her or his
375 eligibility to take the appropriate examination.

376 7.5. The Commissioner shall notify, in writing, all applicants of the results of their examinations.

377 7.6. The Commissioner shall issue the appropriate certification to successful applicants upon
378 receipt of full payment of the appropriate ~~initial~~ certification fee.

379 7.7. Certifications are not transferable or assignable and shall automatically become invalid
380 upon suspension or revocation.

381 ~~7.8. Water well drillers with a valid current West Virginia water well certification actively~~
382 ~~engaged in well drilling on or before the effective date of this rule shall be classified as master well~~
383 ~~drillers. The Commissioner shall issue master well driller certification for these individuals as of the~~
384 ~~effective date of this rule and the certification shall be valid for one year from the date of issuance~~

385 7.9. 7.8. An individual working to obtain the current West Virginia driller certification shall
386 register with the Commissioner, on the prescribed forms, within ~~one hundred and eighty~~ 180
387 calendar days from the effective date of the rule. The applicant is eligible to become a master
388 water well driller if he or she has two years of experience, obtain a minimum grade of ~~seventy~~ 70
389 percent on each portion of one or more written examination for the certified master well driller and
390 passes a possible field test demonstrating his or her expertise.

391 7.10. 7.9. ~~For an~~ An individual who holds a legal certification or who has practiced well drilling
392 in accordance with all laws and rules in a state that does not have comparable certification
393 classes, the applicant shall have acquired the following experience:

394 7.10.a. 7.9.1. For a master well driller - Six years of well drilling experience;

395 7.10.b. 7.9.2. For a journeyman driller - Four years of well drilling experience; or

396 7.10.c. 7.9.3. For a pump installer - Three years of pump installation experience; and

397 7.10.d. 7.9.4. For all classes each individual shall have passed ~~any~~ all written examination
398 requirements and obtained a minimum grade of ~~seventy~~ 70 percent on each portion of the ~~one or~~

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399 more written examination and any other requirements determined necessary by the
400 Commissioner.

401 7.11. 7.10. The Commissioner may review applications from individuals who hold a legal
402 certification for well drilling in another state with comparable certification classes. The
403 Commissioner may grant a comparable certification for the applicant if appropriate.

404 7.12. 7.11. All certifications expire ~~one year~~ two years from the date of issuance and shall be
405 renewed ~~thirty~~ 30 days prior to expiration. The applicant shall submit a completed renewal on
406 forms provided by the Commissioner. Applicants shall provide evidence of bonding and insurance
407 as required by section 8 of this rule. Applicants shall supply evidence of continuing education
408 requirements in accordance with section 9 of this rule for certification renewal.

409 7.12.a. 7.11.1. A certificate holder who fails to renew his or her certification within six
410 months following the ~~renewal~~ expiration date of the certification shall not have the certification
411 reinstated until he or she successfully passes the written examinations or field test prescribed by
412 the Commissioner for applicants for a new certificate.

413 7.14. 7.12. A certificate holder may place his or her certification on inactive status for a two-
414 year period if the certificate holder has submitted an application for inactive status ~~within sixty at~~
415 least 60 days before the expiration date of the certificate. Before the Commissioner reactivates the
416 certificate of an inactive-status certificate, that certificate holder shall satisfy any renewal
417 requirements.

418 7.15. 7.13. A certificate holder may obtain a duplicate certificate to replace a certificate that
419 has been lost, destroyed, or mutilated if the certificate holder makes a ~~written, notarized~~ request to
420 the Commissioner, stating the reason for the request.

421 7.16. 7.14. The Commissioner may charge a fee for each certification service provided as
422 listed in Appendix B of this rule.

423 **§64-19-8. Bonding of Water Well and Pump Installation Contractors.**

424 8.1. Each water well and pump installation contractor shall have a current contractor's bond
425 payable to the Commissioner upon forfeiture and liability insurance coverage effective throughout

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426 West Virginia in a form determined by the Commissioner. The Commissioner shall determine the
427 amount of the contractor's bond, which may not exceed ~~five thousand dollars~~ \$5,000. Lack of a
428 current contractor's bond is considered sufficient grounds for denial of a water well or pump
429 installation permit.

430 8.2. Forfeiture of the contractor's bond is predicated upon a failure to drill, construct, repair,
431 replace, alter, or abandon a well or upon installation of a pump in a water well in accordance with
432 this rule and the Bureau's rule, Water Well Design Standards, 64CSR46.

433 8.3. The surety shall have the option of forfeiting the contractor's bond or completing the well
434 in accordance with this rule and standards specified in subsection 8.2 of this rule. The
435 Commissioner shall expend all proceeds from a forfeiture due to failure to alter or abandon the well
436 in accordance with applicable rules and standards. The Commissioner shall retain and expend
437 any excess funds collected for the purpose of altering or abandoning water wells in accordance
438 with applicable rules and standards.

439 8.4. The surety shall have the option of canceling a contractor's bond after providing notice to
440 the Commissioner at least thirty 30 days prior to cancellation.

441 8.5. In lieu of the bond required by subsection 8.1 of this rule, the Commissioner may accept
442 an irrevocable letter of credit issued by a bank chartered by the State of West Virginia or a member
443 bank of the federal reserve system. Confirmation of the irrevocable letter of credit shall be in
444 writing and shall be signed by the issuing or confirming bank.

445 **§64-19-9. Continuing Education Program and Requirements.**

446 9.1. The continuing education program shall be a formal offering of instruction or information
447 to certificate holders and registrants for the purpose of maintaining, enhancing, and developing the
448 skills necessary for the protection of groundwater and the health and general welfare of the
449 citizens and to increase the competence of well drillers and pump installers.

450 9.2. ~~Beginning two years after the effective date of this rule, a~~ A certified master well driller
451 shall show proof of ~~three hours~~ six hours of continuing education related to water well drilling every
452 year two years. Additionally, for a certified master well driller to install pumps, he or she shall show

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453 proof of ~~two~~ four hours of continuing education related to pump installation every ~~year~~ two years.

454 A certified journeyman driller shall show proof of ~~two~~ four hours of continuing education every ~~year~~

455 two years. For a certified journeyman driller to install pumps, the journeyman driller shall show

456 proof of ~~one hour~~ two hours of continuing education related to pump installation every ~~year~~ two

457 years. ~~The~~ A certified pump installer shall show proof of ~~two~~ four hours of continuing education

458 every ~~year~~ two years to maintain the certification. Each certificate holder shall submit a copy of the

459 certificates of completion as proof of meeting the continuing education requirements.

460 9.3. Only courses or programs designated or approved by the Commissioner are acceptable

461 for continuing education.

462 9.4. To obtain pre-approval of a course the sponsor or attendee shall submit the following

463 information to the Commissioner: a written course description, which includes the names and

464 qualifications of the presenters; the time and location of the course; the proposed number of hours;

465 and the program objectives.

466 9.5. Programs for continuing education units may be held in state or out of state. Approved

467 topics include water wells or pump system technology, science, health, sound business practices,

468 rule compliance, ~~including other governmental~~ and industry requirements, including worker health

469 and safety.

470 9.6. Program sponsors shall provide proof of attendance to attendees.

471 **§64-19-10. Identification Numbers of Water Well Rigs and Well Head.**

472 10.1. All water well contractors shall ensure that all water well rigs ~~they use or those used by~~

473 ~~their employees are~~ shall be clearly marked with legible and plainly visible identification numbers

474 at all times.

475 10.2. The identification number to be used on water well drilling rigs is the certification number

476 of the water well driller at the well site who is responsible for the water well drilling operations.

477 10.3. Certification numbers shall be printed on each side of every water well drilling rig in

478 numerals of not less than two inches high and ~~the numerals shall be~~ in a color sufficiently different

479 from the color of the vehicle or equipment so that the certification number is plainly legible.

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481 ~~10.4. Water well contractors shall ensure that all water well rigs they use or those used by their
employees are clearly marked as provided in subsections 10.2 and 10.3 of this rule.~~

482 ~~10.5. 10.4. Each well drilling contractor shall securely attach a metal tag or engraved well cap
to the wellhead containing the following information: the contractor's name, address, and permit
number; the depth of the well; and the date of construction or alteration.~~

485 **§64-19-11. Advisory Board.**

486 11.1. The Commissioner may establish an advisory board and designate the chairman of the
487 board.

488 11.2. The advisory board membership shall consist of, but not necessarily be limited to, the
489 following members:

490 11.2.a. 11.2.1. Three certified master well drillers;

491 11.2.a.1. 11.2.1.a. These three members ~~may~~ shall represent and have actual
492 experience from the various geologic areas of the state and be familiar with the various
493 appropriate drilling methods used in different regions of West Virginia.

494 11.2.b. 11.2.2. One certified pump installer;

495 11.2.c. 11.2.3. One employee of the West Virginia Bureau for Public Health;

496 11.2.d. 11.2.4. One representative from a local health department;

497 11.2.e. 11.2.5. One employee of the West Virginia Department of Environmental
498 Protection;

499 11.2.f. 11.2.6. One individual who is not employed by the state and who has no commercial
500 or economic involvement in well drilling or pump installation;

501 11.2.g. 11.2.7. One academic or technical expert who is either:

502 11.2.g.1. 11.2.7.a. Employed by the West Virginia Geological Survey or the United
503 States Geological Survey;

504 11.2.g.2. 11.2.7.b. A professional hydrologist or hydrogeologist; or

505 11.2.g.3. 11.2.7.c. A geology or hydrogeology professor from a college or university in
506 West Virginia.

507 11.3. The Water Well Advisory Board ~~may exercise~~ has the following duties:

508 11.3.a. 11.3.1. Recommend changes in the certification program as needed to the

509 Commissioner;

510 11.3.b. ~~Receive complaints regarding certification issues and appeals of certification~~

511 decisions and recommend follow up actions to the Commissioner;

512 11.3.c. 11.3.2. Recommend written tests and field tests required for certification and assist
513 in the preparation and administration of written tests, as appropriate;

514 11.3.d. 11.3.3. Recommend continuing education classes and instructors; and

515 11.3.e. 11.3.4. Perform other duties that may be assigned by the Commissioner.

516 **§64-19-12. Inspections and Water Sampling.**

517 12.1. The Commissioner may make as many inspections as necessary, during the
518 construction, installation, modification, or operation of a water well, pump, and pumping
519 equipment to determine compliance with the applicable provisions of this rule and the Bureau's
520 rule, Water Well Design Standards, 64CSR46. An inspection may include, without limitation,
521 water sampling for the detection of any contaminants, the documentation of a violation of
522 construction standards, technical procedures, or any other requirements established under the
523 rule. The owner or occupant of a dwelling, establishment, or land where a water well is located
524 shall provide the Commissioner access for making the inspection. The Commissioner shall record
525 the findings of inspections on forms prescribed for the that purpose.

526 **§64-19-13. Penalties, Suspension, and Revocation of Certifications.**

527 13.1. Persons who violate the provisions of this rule are subject to the civil and administrative
528 penalties of W. Va. Code §6-1-9a and to potential civil or criminal penalties under W. Va. Code
529 §16-1-9, §16-1-9a, and §16-1-18.

530 13.2. The Commissioner may suspend, revoke, or deny certification of a driller or pump
531 installer if the information on the application form is incomplete, inaccurate, false, misleading, or
532 indicates that the provisions of this rule cannot be met. The Commissioner may revoke or
533 suspend the certification of a driller or pump installer who knowingly violates this rule.

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534 13.3. When certification has been denied, suspended, or revoked, the person affected shall
535 immediately discontinue the drilling, altering, constructing, and abandonment of water wells.

536 13.4. A denial, suspension, or revocation of certification shall be in writing from the
537 Commissioner and shall state specific reasons for the denial, suspension, or revocation.

538 13.5. The Commissioner shall send a written notice of the suspension or revocation of a
539 certification at least ~~ten~~ 10 calendar days prior to the actual revocation or suspension.

540 **§64-19-14. Administrative Due Process.**

541 14.1. **Administrative Due Process.** -- Any person adversely affected by the enforcement of
542 this rule desiring a contested case hearing to determine any rights, duties, interests, or privileges
543 shall do so in the manner prescribed in the West Virginia Department of Health's Procedural Rule,
544 Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64CSR1.

1 **Appendix A. Permitting Fees.**

2 1. Construction /Installation Permits

3 A. Heat exchange wells: Permit Fee is determined by the ton rating of the heat pump
4 machine. When more than one heat pump machine is hooked together, the cumulative total of the
5 ton rating is used to determine the fee: One to fifty ton heat pump system \$150; over fifty ton
6 system \$300.

7 ~~Permitting fees for water well permits are located in the Bureau's rule, Fees for~~
8 ~~Permits, 64CSR30.~~

9 (b) The legislative rule filed in the State Register on July 25, 2025, authorized under
10 the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections
11 of the Legislative Rule-Making Review Committee and refiled in the State Register on October
12 17, 2025, relating to the Department of Health (lead abatement licensing, [64 CSR 45](#)), is
13 authorized.

14 (c) The legislative rule filed in the State Register on July 24, 2025, authorized under the
15 authority of §16-4C-6 of this code, modified by the Department of Health to meet the objections of
16 the Legislative Rule-Making Review Committee and refiled in the State Register on September 18,

17 2025, relating to the Department of Health (emergency medical services, [64 CSR 48](#)), is
 18 authorized.

19 (d) The legislative rule filed in the State Register on July 25, 2025, authorized under the
 20 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
 21 the Legislative Rule-Making Review Committee and refiled in the State Register on December 5,
 22 2025, relating to the Department of Health (fees for services, [64 CSR 51](#)), is authorized with the
 23 amendments set forth below:

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

26 **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: 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.	\$20
b. Metals Regulatory Package - (Parameters divided into EPA regulated groups) 1. Analyses may include, but are not limited to, antimony, arsenic, barium, beryllium, cadmium, chromium, mercury, nickel, thallium, selenium, and sodium.	\$60
c. Metals Secondary Package - (Parameters divided into EPA regulated groups) Analyses may include, but are not limited to, aluminum, iron, magnesium, manganese, silver, and zinc	\$45
d. Metals Lead and Copper - (20% discount when ordered together as a package)	\$32
2. Mercury by cold vapor	\$25
3. Analytes by ion chromatography (IC) 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. 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.	\$20 \$30
4. Analytes by ion selective electrode a. Analyses may include, but are not limited to, fluoride and pH.	\$20
5. Miscellaneous Individual Tests a. Alkalinity (Total) As CaC03	
	\$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 Pesticides Package (a) Analyses may include, but are not limited to, Endrin, Lindane, Heptachlor, Heptachlor epoxide, Methoxychlor, Hexachlorobenzene, and Hexachlorocyclopentadiene	\$185 \$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) 1016, 1221, 1232, 1242, 1248, 1254, and 1260	\$70
b. Nitrogen-Phosphorous Pesticide Package Analyses may include, but are not limited to, Alachlor, Atrazine, and Simazine	\$150
c. Carbamate Pesticides Package	\$150

Analyses may include, but are not limited to, Aldicarb, Aldicarb Sulfone, Aldicarb Sulfoxide, Carbofuran, and Oxamyl (Vydate)		
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
b. Haloacetic Acids (HAAs) Package Analyses may include, but are not limited to, Bromoacetic Acid, Chloroacetic Acid, Dibromoacetic Acid, Dichloroacetic Acid, and Trichloroacetic Acid		\$190
c. Trihalomethanes and Haloacetic Acids Package		\$184
d. DBP Anions Package Analyses may include, but are not limited to, bromate, bromide, chlorate, and chlorite.		\$30
5. EPA Regulated Organics Package, includes Pesticides, PCBs, Carbamates, Diquat, Endothall, and Glyphosate		\$845
6. Other Organic Tests: * Raw and/or Finished		
a. *Total Organic Carbon (TOC)		\$40
b. *Specific Ultraviolet Absorption (SUVA)		\$50
7. Organic non-Routine Analysis		\$30
8. Harmful Algae Bloom (HAB)		
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.		\$65
b. Confirmation of each individual toxin: Analyses may include, but are not limited to, Microcystin, Cylindrospermopsin, Anatoxin-a, Saxitoxin, and b-Methylamino-L-alanine.		\$65
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 3. Trihalomethanes and Volatile Organic Compounds and Haloacetic Acids 4. Herbicides Pesticides and Synthetic Organic Chemicals 5. All Other Organic Tests	
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
*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.	
6. Fees for Specimen Collection Kits:	
A. Blood Lead	\$15
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.	
8. In order to maintain preparedness and assess threats the Lab may charge for testing related to terrorism.	
A. Bioterrorism	
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.	
B. Chemical Terrorism	
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.	
9. Fees for Diagnostic Immunology	
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	\$567.18

J. Gastrointestinal panel	\$567.18
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

(e) The legislative rule filed in the State Register on July 24, 2025, authorized under the

28 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
29 the Legislative Rule-Making Review Committee and refiled in the State Register on October 17,
30 2025, relating to the Department of Health (clinical laboratory practitioner licensure, [64 CSR 57](#)),
31 is authorized.

32 (f) The legislative rule filed in the State Register on July 24, 2025, authorized under
33 the authority of §16-1-4 of this code, relating to the Department of Health (distribution of state
34 funds for support of local boards of health, [64 CSR 67](#)), is authorized.

35 (g) The legislative rule filed in the State Register on July 25, 2025, authorized under
36 the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections
37 of the Legislative Rule-Making Review Committee and refiled in the State Register on December
38 5, 2025, relating to the Department of Health (basic public health service standards for local
39 boards of health, [64 CSR 73](#)), is authorized with the amendments set forth below:

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

41 **§64-73-8. Membership and duties of the West Virginia Public Health Advisory Committee.**

42 8.1. The West Virginia Public Health Advisory Committee shall be comprised of the
43 following nine members, appointed by the Commissioner as follows:

47 8.1.2. The County Commissioner's Association of West Virginia and the

48 West Virginia Association of Counties shall each submit to the Commissioner a list of five names,
49 of which three in total will be selected.

50 8.1.3. The President of the WVALHD.

51 8.2. The members of the Committee shall vote on a Chairperson for the Advisory
52 Committee who shall serve a two-year term and be responsible for submitting all meeting notes to
53 the Bureau.

54 8.3. Committee members shall serve two-year terms, not to exceed four
55 consecutive terms.

56 8.4. The Committee shall:

57 8.4.1. Act in an advisory capacity to the Commissioner.

58 8.4.2. Collaborate with the Bureau to design and develop tools for
59 assessment of local health board performance.

60 8.4.3. Provide input on training for local health and state appointees as
61 determined by the Commissioner.

62 8.4.4. Hold no less than six meetings per year.";

63 By renumbering the remaining sections accordingly;

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

66 And,

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

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

72 (i) The legislative rule filed in the State Register on July 21, 2025, authorized under
73 the authority of §16-2D-4 of this code, relating to the Department of Health (exemption from

74 Certificate 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 the
11 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 a 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 subsection 2.23.1. in its entirety and inserting in lieu thereof a
20 new subsection 2.23.1. to read as follows: "A serious injury resulting from a fall, accident, or other
21 event;"

22 And,
23 On page 6, by adding a new subsection 2.37., to read as follows: "2.37. Serious injury. --
24 means to cause an injury requiring medical attention beyond routine first aid, including fractures,
25 lacerations requiring closure, burns, or any condition resulting in limited mobility or functional
26 restriction."

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

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

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

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

40 5.3.10.a. The resident makes the facility aware of the equipment and videoconferencing
41 technology;

42 5.3.10.b. The facility allows or authorizes the videoconferencing technology, software and
43 equipment;

44 5.3.10.c. The resident is made aware and adheres to the facility policies regarding use of
45 videoconferencing, including required notice or signage to those entering the room of a resident
46 that is utilizing videoconferencing, how to handle breaches of privacy in live videoconferencing
47 and recorded and stored media, and times in which privacy of the resident or others may dictate

48 non-usage;

49 5.3.10.d. There is a notice posted to those entering facility that videoconferencing

50 equipment and technology may be in use in residents' apartment or room;

51 5.3.10.e. Similar to the acceptance and use of a telephone, the resident must actively

52 allow or accept incoming videoconferencing or initiate outgoing videoconferencing for each use. A

53 resident shall not have or be authorized to use uninterrupted video feed on a full-time basis or

54 hidden cameras.

55 (d) The legislative rule filed in the State Register on July 25, 2025, authorized under the

56 authority of §16-64-7 of this code, modified by the Office of Inspector General to meet the

57 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

58 December 23, 2025, relating to the Office of Inspector General (syringe services program

59 licensure, [71 CSR 24](#)), is authorized.

60 (e) The legislative rule filed in the State Register on May 29, 2025, authorized under the

61 authority of §27-9-1 of this code, relating to the Office of Inspector General (behavioral health

62 centers licensure, [71 CSR 25](#)), is authorized with the following amendment:

63 On page 2, by inserting a new subsection 2.7. to read as follows: "2.7. The director shall

64 deem the license of a child placing agency providing behavioral health services within the scope of

65 its license as described in 78CSR02.";

66 And,

67 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.
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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.