



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
Adair Burgess, Director

Senator Patricia Rucker, Co-Chair
Delegate Doug Smith, Co-Chair

December 10, 2025

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Kris Warner, Secretary of State, State Register

To: Jessica Whitmore
Office of Inspector General
State Capitol Complex
Building 6, Suite 817
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Assisted Living Residences, 71-21

Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

(A) as originally filed

(B) as modified by the agency

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

X

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached.

5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached.

Statement of Reason of 71 CSR 21:

Assisted Living Residences (71 CSR 21) was amended by the committee to align it with the modifications made in 71 CSR 15, so there is consistency between the rules.

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

And,

On page 5, by inserting a new subdivision 3.32 to read as follows: "2.32 Serious injury. -- means to cause an injury requiring medical attention beyond routine first aid, including fractures, lacerations requiring closure, burns, or any condition resulting in limited mobility or functional restriction."

And,

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

And,

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

And,

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

And,

On page 24, after subdivision 5.2.11., by inserting a new subdivision to read as follows: "5.3.10. A resident may have and utilize videoconferencing equipment and

technology in their private room if all of the following conditions exist:

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

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

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

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

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