

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

NOTICE OF PUBLIC HEARING

Pursuant to Section five, Article three, Chapter twenty-nine-A of the Code of West Virginia, one thousand nine-hundred thirty-one, as amended, the West Virginia Department of Health shall convene a public hearing at 10:00 a.m. on July 26, 1984, in the first floor Conference Room of the P & G Building, 2019 Washington Street, East, Charleston, West Virginia for the purpose of taking evidence pertaining to the filing of proposed Regular Meetings of the West Virginia Nursing Home Licensing Advisory Council, West Virginia Nursing Home Licensing Advisory Council Procedural Rules, Chapter 6-9A, Series I (1984).

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence to the Regulatory Services Program of the West Virginia Department of Health, by mail to 1800 Washington Street, East, Charleston, West Virginia 25305 or in person at Room 7, second floor, P & G Building, 2019 Washington Street, East, Charleston, West Virginia, not later than 4:30 p.m., July 26, 1984. All comments, written and oral, will be made part of the public record of comments received and will be considered as part of the public hearing. The Department requests that parties wishing to comment make an effort to submit written copies of their comments in order to facilitate review of the comments.

The issues to be heard shall be limited to the proposed rule. Copies of the proposed rule may be obtained from the address heretofore appearing or by telephoning 304-348-3223 or from the Office of the Secretary of State, Capitol Complex, Charleston, West Virginia 25305, telephone 345-4000.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 26, 1984
Administrative Law Division


John J. Jarrell, Secretary
WV Nursing Home Licensing Advisory
Council

ENTERED

OFFICE OF HEALTH PLANNING & EVALUATION

1800 WASHINGTON STREET, EAST

CHARLESTON, WEST VIRGINIA 25305

TELEPHONE (304) 348

RULE ABSTRACT
WEST VIRGINIA NURSING HOME
LICENSING ADVISORY COUNCIL

TITLE: Regular Meetings of the West Virginia Nursing Home
Licensing Advisory Council

TYPE: Procedural

NUMBER: 6-9A, Series I, 1984

AUTHORITY: 6-9A-3

ABSTRACT: This is a proposed rule establishing the time and place of regularly scheduled meetings, and the time, place, purpose and notice of all special meetings. The rule also addresses open proceedings, minutes, quorums and records.

CONTACT PERSON: Judy Smith, Regulatory Services Division, 348-3223

RESPONSIBLE DIVISION: Health Facilities Evaluation Division, 348-0050, John J. Jarrell, Director

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 6-26-84
Administrative Law Division

FISCAL NOTE FOR PROPOSED RULES

Chapter 6-9A
Series I

Regular Meetings of the West Virginia
Nursing Home Licensing Advisory
Council

Rule No. _____ Subject _____

Type of Rule: ☒ Legislative ☐ Interpretive ☒ Procedural

Agency WV Nursing Home Licensing
Advisory Council Address P & G Building
2019 Washington St., East
Charleston, WV 25305

Authorized Representative John J. Jarrell, Secretary Phone 348-0050
WV Nursing Home Licensing Advisory Council

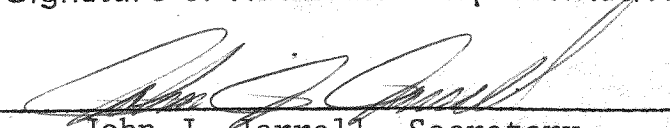
1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Others					

2. Explanation of above estimates.

3. Date June 26, 1984 Agency WV Nursing Home Licensing
Advisory Council

Signature of Agency Head

Signature of Authorized Representative


John J. Jarrell, Secretary
WV Nursing Home Licensing
Advisory Council

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency West Virginia Nursing Home
Licensing Advisory Council

Rule No. Chapter 6-9A Series I

Subject Regular Meetings of the
West Virginia Nursing
Home Advisory Council

1. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date June 26, 1984

Agency West Virginia Nursing Home
Licensing Advisory Council

Signature of Agency Head

Signature of Authorized Representative



John J. Jarrell, Secretary
West Virginia Nursing Home
Licensing Advisory Council

PROPOSED

WEST VIRGINIA PROCEDURAL RULES
NURSING HOME LICENSING ADVISORY COUNCIL

Regular Meetings of the
West Virginia Nursing Home Licensing Advisory Council

Chapter 6-9A
Series I
(1984)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 6-26-84
Administrative Law Division

WEST VIRGINIA PROCEDURAL RULES
WEST VIRGINIA NURSING HOME LICENSING ADVISORY COUNCIL

Regular Meetings of the
West Virginia Nursing Home Licensing Advisory Council

Chapter 6-9A
Series I
(1984)

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WEST VIRGINIA PROCEDURAL RULES
Nursing Home Licensing Advisory Council

Chapter 6-9A
Series I
(1984)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 6-26-84
Administrative Law Division

Subject: Regular Meetings of the West Virginia Nursing Home Licensing Advisory Council

Section 1. General

1.1. Scope - Chapter 6, Article 9A, Section 3 of the West Virginia Code mandates that the West Virginia nursing home licensing advisory council shall promulgate rules by which the time and the place of all regularly scheduled meetings and the time, place, and purpose of all special meetings are made available in advance, to the public and the news media, except in the event of an emergency requiring immediate official action.

1.2. Authority - This procedural rule is issued under the authority of and is related to Chapter 6, Article 9A, Section 3 of the West Virginia Code.

1.3. Filing Date - This rule was promulgated on the 15th day of May, 1984, and filed on the _____ day of _____, 1984, in the Secretary of State's office.

1.4. Effective Date - This rule became effective on the _____ day of _____, 1984.

Section 2. Application and Enforcement - This rule shall apply to the council and any and all individuals desiring to attend or to address the West Virginia nursing home licensing advisory council. The enforcement of this rule shall be vested with the secretary of the West Virginia nursing home licensing advisory council.

Section 3. Definitions

3.1. Council - The West Virginia nursing home licensing advisory council

established by Nursing Home Licensure, West Virginia Board of Health Legislative Rules, Chapter 16-5C, Series I (1983), as amended.

3.2. Department - The West Virginia department of health.

3.3. Meeting - The convening of a governing body of a public body for which a quorum is required.

3.4. Quorum - A simple majority of the constituent membership of the council.

3.5. Secretary - The director of the health facilities evaluation division of the West Virginia department of health.

Section 4. Regular Meetings Established; Time, Place

4.1. The West Virginia nursing home licensing advisory council shall meet in regular session on the third Tuesday of the second month of each calendar quarter; provided, that when such third Tuesday falls upon a legal holiday the council may designate another date by a majority of those council members present and voting.

4.2. The council shall convene all regular meetings at one-thirty o'clock, p.m. unless otherwise changed by a majority vote of those council members present and voting.

4.3. The council shall convene all regular meetings in the conference room of the P&G Building, 2019 Washington Street, East, Charleston, West Virginia 25305 unless otherwise changed by a majority vote of those council members present and voting.

4.4. The council may without notice, move the location of the meeting to accommodate members of the public who wish to attend such meeting in the event the meeting room is too small to accommodate such attendance.

4.5. All regular meetings shall be general meetings for the consideration

of any and all matters which may properly come before the council.

Section 5. Special Meetings; Notice Required, Time, Place and Purpose

5.1. The council may convene special meetings in accordance with the procedures established herein.

5.2. Special meetings of the board may be called by the chairman, the secretary or by two members of the board upon written request to the secretary.

5.3. The secretary shall send to all members at least five days in advance of a special meeting, a written notice setting forth the time and place of such special meeting and the matter to be considered at such special meeting. Provided, that such written notice is not required if the time, the place, and matter for consideration has been fixed in a regular meeting or if all the members are present at a special meeting.

5.4. The secretary shall cause the notification of the public and the news media by issuing a public notice of such special meeting at least five days in advance of such meeting. The public notice shall contain the time, the place, and the matter to be considered. A copy of such public notice shall be filed with the office of the Secretary of State.

5.5. The provisions of this section shall not apply in the event of an emergency requiring immediate official action by the board.

Section 6. Cancellation of Meetings

6.1. Meetings may be cancelled by the chairman one or more days prior to the scheduled time of the meeting. In the event of a cancellation, the chairman shall cause notification of all members informing them of the cancellation.

6.2. The secretary shall send to all members a written notice of the cancellation, and shall immediately file a public notice of meeting cancellation with

the office of the Secretary of State.

Section 7. Proceedings to be Open; Exceptions Executive Session Permitted

7.1. Notwithstanding any other provision of law or regulation all meetings of the council shall be open to the public, excepting the provision of Chapter 6, Article 9A, Section 4 of the West Virginia Code.

7.2. An executive session may be held only upon a majority affirmative vote of the members present.

Section 8. Minutes

8.1. The West Virginia nursing home licensing advisory council shall provide for the preparation of written minutes of all its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include the following information:

- a) The date, time and place of the meeting;
- b) The name of each council member present or absent;
- c) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- d) The results of all votes and, upon request of a member, the vote of each member, by name.

8.2 Minutes of executive sessions may be limited to material which is not inconsistent with the provisions of Chapter 6, Article 9A, Section 4 of the West Virginia Code.

Section 9. Quorum; Majority Vote Required; Vote by Proxy Prohibited

A majority of the members of the council shall constitute a quorum. The vote of a majority of all members present at any meeting of the council shall be necessary to take any action. Proxy voting is hereby prohibited.

Section 10. Records of the Council - Public Document

Nursing Home Licensing Advisory Council
Procedural Rule 6-9A
Series I

All records and proceedings of the council are public records and shall be available to the public during the usual and customary business hours of the department.