

WEST VIRGINIA DEPARTMENT OF HEALTH  
PROMULGATION HISTORY ABSTRACT

TITLE: Regular Meetings of the West Virginia Nursing Home Licensing Advisory Council, Chapter 6-9A, Series I (1984)

RULE TYPE: Procedural

AUTHORITY AND RELATED CODE: Chapter 6, Article 9A, Section 3

APPROVED FOR PUBLIC HEARING BY WEST VIRGINIA NURSING HOME LICENSING ADVISORY COUNCIL: May 15, 1984


FILED NOTICE FOR PUBLIC HEARING: June 26, 1984

PUBLIC HEARING HELD: July 26, 1984

APPROVED BY WEST VIRGINIA NURSING HOME LICENSING ADVISORY COUNCIL: November 20, 1984

FINAL FILED WITH SECRETARY OF STATE: December 14, 1984

EFFECTIVE DATE: January 14, 1985 ---

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

FILED  
1984 DEC 14 PM 1:29  
OFFICE OF STATE  
SECRETARY OF STATE

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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NURSING HOME LICENSING ADVISORY COUNCIL

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WEST VIRGINIA PROCEDURAL RULES  
Nursing Home Licensing Advisory Council

Chapter 6-9A<sup>e</sup>  
Series 1<sup>e</sup>  
(1984)<sup>e</sup>

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

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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 14th day of December, 1984, in the Secretary of State's office.

1.4. Effective Date - This rule became effective on the 14th day of January, 1985.

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 1 (1983), as amended.

Nursing Home Licensing Advisory Council  
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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

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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.



*Effective  
1-14-85*

John D. Rockefeller IV  
Governor

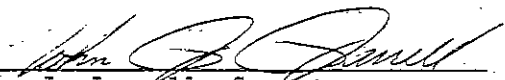
**State of West Virginia**  
DEPARTMENT OF HEALTH  
CHARLESTON

L. Clark Hansbarger, M.D.  
Director  
Desmond H. Byrne, M.H.A.  
Office Director

NOTICE

Procedural Rule: Regular Meetings of the West Virginia Nursing Home Licensing Advisory Council, Chapter 6-9A, Series I, (1984)

The attached procedural rule, West Virginia Nursing Home Licensing Advisory Council, is hereby filed with the Secretary of State in compliance with the provisions of Chapter 29A, Article 3, Section 8 of the West Virginia Code.

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

*Process papers*

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE  
1984 DEC 14 PM 1:29  
FILED

Proposed Rules  
Public Comments Received,  
Discussion and Response

Rule, Title, Type and Number: 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).

Date and Location: July 26, 1984 at 10:00 a.m. in the Conference Room of the P & G Building, 2019 Washington Street, East, Charleston, West Virginia.

No one appeared at the public hearing, and no comments were received by mail.

No changes have been made in the rule.