

**WEST VIRGINIA
SECRETARY OF STATE****KEN HECHLER****ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

MAY 4 9 35 AM '99

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

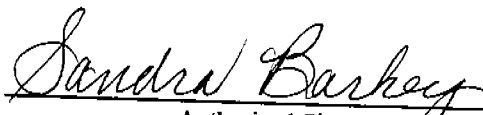
West Virginia Division of Rehabilitation Services
AGENCY: West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board TITLE NUMBER: 197
RULE TYPE: Procedural CITE AUTHORITY: \$18-10K-3

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____
_____IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2TITLE OF RULE BEING PROPOSED: West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board Procedural Rules

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 7, 1999 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

James S. Jeffers, DirectorState CapitolP. O. Box 50890Charleston, WV 25305THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.
Authorized SignatureATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$2.40

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

State Capitol Bldg. 5, Room 205
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone: (304) 558-2440
Fax: (304) 558-1311

Cecil H. Underwood
Governor

April 27, 1999

David R. Ice
Cabinet Secretary

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

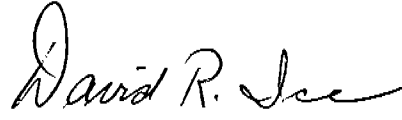
Dear Secretary Hechler:

I hereby grant consent as pursuant to West Virginia Code §5F-2-2 for the promulgation of the following Procedural Rule of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board administered by the West Virginia Division of Rehabilitation Services:

Title 197, Series 1: West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund.

A copy of the rule is attached.

Sincerely,



David R. Ice
Cabinet Secretary

Attachment

cc: James S. Jeffers, Director
WV Division of Rehabilitation Services

Sandra Barkey, Chairperson
WV Traumatic Brain and Spinal Cord Injury
Rehabilitation Fund Board



West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board

State Capitol • P.O. Box 50890 • Charleston, WV 25305-0890 • (304) 766-4600 • Fax (304) 766-4672

April 27, 1999

The Honorable David R. Ice, Cabinet Secretary
Department of Education and the Arts
Building 5, Room 205
Charleston, West Virginia 25305

Dear Secretary Ice:

On behalf of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board, I am forwarding a notice of adoption of the following Procedural Rules:

Title 197, Series 2: West Virginia Traumatic Brain and Spinal Cord Injury
Rehabilitation Fund Board

This rule, following extensive review by the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board, was approved.

Could you please review the attached and, if you approve, forward to the Secretary of State for filing. Thank you for your assistance.

Sincerely,

Sandra Barkey
Chairperson

cc: James S. Jeffers, Director
WV Division of Rehabilitation Services

SUMMARY

Title 197

Procedural Rules

**West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board
Series 1**

This rule establishes the procedures under which the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board will conduct business.

CIRCUMSTANCES

Title 197

Procedural Rules

West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board Series 1

The purpose of this rule is to establish procedural rules under which the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board will conduct business. This rule was necessary to establish procedures for the election of officers, establishment of committees, and meeting processes.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Traumatic Brain and Spinal Cord Injury
Rehabilitation Fund Board

Type of Rule: Legislative Interpretive X **Procedural**

Agency West Virginia Division of Rehabilitation Services

Address State Capitol

P. O. Box 50890

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

These rules do not include any fees which would either generate revenue or incur any costs.

3. Objectives of these rules:

To establish the procedures under which the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board conducts business.

Rule Title: West Virginia Traumatic Brain and Spinal Cord Injury
Rehabilitation Fund Board

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

There is no economic impact on State Government.

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

None.

C. Economic Impact on Citizens/Public at Large.

None.

Date: 4/26/99

Signature of Agency Head or Authorized Representative

Timothy A. Hall, Assistant Director

**TITLE 197
PROCEDURAL RULE
WEST VIRGINIA TRAUMATIC BRAIN AND SPINAL CORD INJURY
REHABILITATION FUND BOARD**

FILED
May 4 9 35 AM '99
OFFICE OF THE CLERK
SECRETARY OF STATE

SERIES 1

§197-1-1. General.

1.1. Scope. These rules are being filed pursuant to West Virginia Code §§29A-3-1 et seq. and West Virginia Code §18-10K-3. These rules establish procedures under which the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board conducts business.

1.2. Authority. West Virginia Code §§29A-3-1 et seq. and §18-10K-3.

1.3. Filing Date.

1.4 Effective Date.

§197-1-2. Description of Program.

2.1. General Purpose. The West Virginia Legislature created and established the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Act (hereafter referred to as the Fund) from which the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board (hereafter referred to as the Board) may pay for services for eligible individuals who have suffered a traumatic brain injury or a spinal cord injury.

2.2. The Chairperson of the Board shall provide written notice to the Director of the Division of Rehabilitation Services when it determines that additional services should be eligible for payments from the Fund.

2.3. The Board shall conduct surveys, personal contacts, and/or town meetings in order to identify the needs of citizens with traumatic brain injuries and spinal cord injuries as well as any gaps in services to these citizens and issue an annual report to the Legislature with recommendations for meeting the identified needs, improving coordination of services and summarizing its actions during the proceeding year.

§197-1-3. Election of Officers.

3.1. At the first meeting of the fiscal year, the Board shall elect from among its members a chairperson, treasurer, and secretary. The terms of the officers is two (2) years in duration and they may not serve more than two consecutive terms.

3.2. Any officer who has served less than a full year prior to the first regular meeting in the new fiscal year shall be eligible to succeed himself/herself in the same office for one additional two-year term.

3.3. When an office becomes vacant during the fiscal year, the Board shall elect a replacement in the first regular meeting after the vacancy occurs.

3.4. Nominations for offices will be made from the floor at the time of elections by any member. The nominee shall give prior consent to serve if elected.

3.5. Election shall be by the Board members, using a ballot. However, in the instance of only one nominee, election of the nominee shall be by acclamation

§197-1-4. Committees.

4.1. There will be three designated standing committees. Ad hoc committees may be appointed by the chairperson to address specific issues as deemed necessary by the Board.

4.2. Executive Committee - There shall be an Executive Committee consisting of the chairperson, the secretary, the treasurer, the immediate past chairperson, and the Director of the Division of Rehabilitation Services. The Executive Committee may transact routine business between regular meetings. Any business transacted shall be reported to the full Board at the next regular meeting. The Executive Committee meets at the call of the chairperson or upon written request of any three (3) Board members.

4.3. Nominating Committee - There shall be a Nominating Committee consisting of members appointed by the chairperson. The Committee will bring recommendations to the Board for membership after soliciting recommendations from representatives of organizations representing people with traumatic brain and spinal cord injuries and organizations interested in providing services to people with these injuries.

4.4. Policy and Legislative Committee- The Committee will bring recommendations to the Board on policy and legislative matters including possible legislative initiatives.

§197-1-5. Meetings.

5.1. There shall be a minimum of four (4) regular meetings of the Board during the State's Fiscal Year at times and places established in advance of the meetings by the Board.

5.2. Special meetings may be held at such other times as may be necessary, such meetings to be held upon the call of the chairperson with consent of the Executive Committee.

5.3. A quorum shall consist at least one-third of the voting members.

5.4. Notice of all regular and special meetings will be given through the regular public information services. Members shall be notified by mail. Notice shall be given at least ten days in advance. Emergency meetings will be handled as conveniently as possible.

5.5. The notice of any meeting will include the time, date and location, statement of its purpose, agenda and minutes of previous meeting.

5.6. The public will be provided copies of the agenda of any meeting on the day it is held and before it has been convened.

5.7. Board meetings are open to the public. Advanced arrangements to address the Board are not necessary for the general public as such persons may sign in prior the scheduled meeting, however, persons desiring to address the Board should make arrangements in advance with the chair of the Board. Any speaker shall provide his/her name, mailing address, telephone number(s) and the subject to be addressed. Presentations shall be limited to seven to ten minutes, unless otherwise requested by the Board. Delegations are requested to use a spokesperson.

5.8. The Board shall hold such hearings and forums as determined necessary to carry out the duties of the Board.

§197-1-6. Procedures.

6.1. The rules contained in Robert's Rules of Order (latest revision) govern the Board in all cases to which they are applicable unless otherwise designated by the Board.

6.2. No member of the Board shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of conflict of interest under West Virginia State law.

6.3. These rules shall be reviewed annually.

6.4. The Board shall conduct all meetings in locations which are physically accessible as per the Americans with Disabilities Act.