



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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4/1/2016 11:39:30 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Registered Professional Nurses**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **19-06**
RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, May 02, 2016 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**WV RN Board
101 Dee Drive, Suite 102
Charleston, WV 25311**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Laura S Rhodes -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 19-06



Rule Id: 10104



Document: 27465



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

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RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

This rule relates to the location of the Board meetings, the current address of the agency, sets specific months for meetings to be held, addresses the time of the meetings, and all matters related to meeting current legal requirements of a state regulatory agency as it relates to open meetings. The proposed revisions remove outdated language and replaces it with updated references to current law.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Registered Professional Nurses**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **19-06**
RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

PRIMARY CONTACT

Laura Skidmore Rhodes
WV RN Board
101 Dee Drive, Suite 102
Charleston, STATE ZIP

SECONDARY CONTACT

Alice R. Faucett
WV RN Board
alice.r.faucett@wv.gov
Charleston, STATE SECONDARY ZIP SECONDARY

Laura S Rhodes -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The rule revisions will have no impact on costs and revenues of state government. The Board's revenue is from the collection of licensing fees and not the State tax dollars. The rule changes are updates and don't require the implementation of any new initiatives that require additional funding.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Registered Professional Nurses
RULE TYPE Procedural AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 19-06
RULE NAME Open Meetings and Bylaws

CITE AUTHORITY W.Va. Code §6-9A-3 adn §30-1-5

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES	0.00	0.00	0.00
CURRENT EXPENSES	0.00	0.00	0.00
REPAIRS AND ALTERATIONS	0.00	0.00	0.00
ASSETS	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Registered Professional Nurses**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **19-06**
RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

There will be no increase or decrease in revenue or fees.

Laura S Rhodes -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

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RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

None identified.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Laura S Rhodes -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Registered Professional Nurses**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **19-06**
RULE NAME **Open Meetings and Bylaws**

CITE AUTHORITY **W.Va. Code §6-9A-3 adn §30-1-5**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Legislative Services prompted the Board's review of this rule as it had not been reviewed and updated since 1987. The rule relates to the location of the Board meetings, sets specific months for meetings to be held, addresses the time of the meetings and all matters related to meeting current legal requirements of a state regulatory agency as it relates to open meetings and bylaws.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Laura S Rhodes -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 19-06



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TITLE 19
PROCEDURAL RULES
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

SERIES 6
PROCEDURE FOR OPEN MEETINGS AND BYLAWS

§19-6-1. General.

1.1. Scope. ~ These rules establishes general rules pertaining to regular meetings, special meetings and emergency meetings of the West Virginia Board of Examiners for Registered Professional Nurses and also sets forth certain bylaws of the Board.

1.2. Authority. ~ W. Va. Code §6-9A-3 and §30-1-5

1.3. Filing Date. ~

1.4. Effective Date. ~

§19-6-2. Application And Enforcement.

These procedural rules shall apply to the Board and any and all individuals desiring to attend or to address the West Virginia Board of Examiners for Registered Professional Nurses. The enforcement of these rules shall be vested with the Executive Secretary of the West Virginia Board of Examiners for Registered Professional Nurses.

§19-6-3. Definitions.

3.1. "Board" - The West Virginia Board of Examiners for Registered Professional Nurses.

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

3.3. "Quorum" - A majority of the constituent membership, including one officer.

§19-6-4. Regular Meetings: Notice Time, Place.

4.1. The West Virginia Board of Examiners for Registered Professional Nurses shall meet in regular sessions during the months of October, March and June. ~~The length of the meeting will be one (1) to five (5) days in length, and shall be determined by the amount of business to be addressed by the board. Special meeting dates shall be agreed upon by a majority of the board members, and shall be determined for one (1) year in advance beginning July 1, and ending June 30.~~ The first regular meeting after January 1, shall include an agenda item dates for regular meetings of the next fiscal year.

4.2. The executive secretary shall cause the notification of the public ~~and the news media~~ by filing a notice ~~of the meeting at least ten (10) days in advance of such meeting with the Secretary of State~~ in accordance with West Virginia Law and Rules governing such practice. The notice shall contain the time, place and purpose of the

meeting.

4.3. The board shall convene all regular meetings at a time designated by the Board ~~nine o'clock a.m. unless otherwise changed by a majority vote of those board members present and voting.~~

4.4. The board shall convene all regular meetings at 101 Dee Drive ~~922 Quarrier Street, Suite 309~~, Charleston, W.Va. ~~253011~~, unless otherwise changed by a majority vote of those board members present and voting.

4.5. The board 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.

4.6. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the board.

4.7. The executive secretary shall send an Agenda and documents to be considered to all board members at least two weeks before the scheduled meeting or as soon before the meeting as possible.

4.8. The president of the board may cancel a meeting if a quorum cannot be convened or if there is not items of business to be conducted by the board.

§19-6-5. Special Meetings: Notice Required, Time, Place And Purpose.

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

5.2. Special meetings of the board may be called by the president of the board, secretary or by two (2) board members upon written request to the secretary.

5.3. The executive secretary shall send to all members of the board, if possible, at least ten (10) 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, place and matter for consideration has been fixed in a regular meeting.

5.4. The executive secretary, if possible, shall cause the notification of the public and news media by filing a notice of such special meeting at least ten (10) days in advance of such meeting with the Secretary of State. The notice shall contain the time, location, and purpose of meeting.

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

§19-6-6. Proceeding To Be Open: Exceptions; Executive Session Permitted.

6.1. Notwithstanding any other provisions of law or regulation all meetings of the board shall be open to the public, except as provided in ~~section four, article nine, chapter six~~ of the West Virginia Code.

6.2. The board reserves the right to executive sessions or closed meetings ~~for purposes of discussing in accordance with those outlined in West Virginia Code employment, promotion, resignation, disciplining, discharge, dismissal or compensation of any public officer or employee unless the public officer or employee~~

~~requests an open meeting, or discussions involving issues effecting denial, suspension, or revocation of a license unless such licensee requests an open meeting, or matters which if discussed in public would be likely to effect adversely the reputation of any person, or any official investigation, or matters related to crime prevention or law enforcement, or when reviewing draft items for future licensure examinations.~~

§19-6-7. Minutes.

7.1. The West Virginia Board of Examiners for Registered Professional Nurses shall provide for the preparation of written minutes of all of its meetings. All such minutes, other than the minutes of an executive session shall be available to the public within a reasonable time after the meeting and shall include the following information:

7.1.1. The date, time, and place of the meeting.

7.1.2. The name of each board member present or absent.

7.1.3. All motions, proposals, resolutions, orders ordinances and measures proposed and their disposition.

7.1.4. The results of all votes and, upon request of a member, the vote of each member by name.

~~7.1.5. Minutes of executive sessions may be limited to material which is not inconsistent with the provision of section 4, article 9a, chapter 6 of the West Virginia Code.~~

~~7.2. A minority report may be included in the minutes upon request of a member.~~

§19-6-8. Quorum: Majority Vote Required; Vote By Proxy Prohibited.

8.1. A majority, including one officer, of the board shall constitute a quorum.

8.2. The vote of a majority of all members present at any meeting of the board shall be necessary to take any action. The board may authorize the president to poll absent members by telephone regarding the release of a rule for public hearing if a quorum is not present.

8.3. Proxy voting is hereby prohibited.

§19-6-9. Records Of The Board To Be Public.

All records of the board are public records except the exemptions as provided in ~~contained in section 4, article 1, chapter 29b of the West Virginia Code.~~

§19-6-10. Election Of Officers, Duties Of Officers.

10.1. Officers

The officers of this Board shall be a president and a secretary.

10.2. Elections of Officers.

The president and secretary shall be elected at the Annual meeting from its membership by a majority of the members.

10.3. Terms of Office.

The terms of the officers shall commence at the adjournment of the Annual meeting.

10.4. Vacancies.

In the event a president or secretary resigns or cannot complete the term a new election will be held to fill the office.

10.5. Duties of the Officers.

10.5.1. The President shall:

10.5.1.1. Preside at all meetings and conduct them by a formal order of business. In the event that the president is absent the secretary shall serve as president pro tem.

10.5.1.2. Appoint members to serve on committees as may be created and shall serve as an ex-officio member of all committees.

10.5.1.3. Retain the right to vote on all matters before the Board.

10.5.1.4. Perform such other functions as pertain to the office of the president.

10.5.2. The Secretary shall:

10.5.2.1. Also act as treasurer of the Board.

10.5.2.2. Assume functions at the discretion of the president.

10.5.2.3. Be responsible for the following unless these duties are delegated to an executive secretary.

- a. Keep the records of all proceedings of the Board.
- b. Preserve all papers, letters and transactions of the Board.
- c. Have custody of the seal of the Board.
- d. Send notices of time and place of all meetings.
- e. Conduct the general correspondence of the Board.
- f. Keep a register of the names and address of all nurses registered in West Virginia, which register shall be a public record.

- g. Receive and account for monies received by the Board.
- h. Deposit such monies in the State Treasury Special Account.
- i. Certify to all expenses incurred by the Board and requisition warrants for their payment from the State Auditor.
- j. Prepare an annual budget for the Board and submit to Finance and Administration for approval.
- k. Shall be responsible to the Board for carrying out the routine duties of the office with the aid of such assistants as are appointed by the board.

§19-6-11. Resignation Of Members.

A board member wishing to resign should make the wish known by sending a letter to the Governor with a copy to the president of the board. A nurse board member should also send a copy to the West Virginia Nurses' Association.

§19-6-12. Committees.

~~12.1. Examination Draft Review Committee.~~

~~Purpose- Review drafts of licensure examination questions as is necessary for use in the licensure examination for registered professional nurses. All registered nurse board members shall serve on the committee. The executive secretary and the assistant executive secretary shall be ex-officio committee members.~~

~~12.2. Ad Hoc Committee.~~

The president of the board has the right to appoint committees to perform such tasks as are deemed necessary by a simple majority of the board. Such appointments to committees is not limited to board members and may include such individuals who are determined will best serve a particular committee.

§19-6-13. Amendments To Procedural Policies.

These policies may be amended by a majority vote of the board at any meeting for which written notice has been received accompanied by proposed changes at least ten (10) days in advance of the meeting.

§19-6-14. Parliamentary Authority.

The rules contained in Roberts' Rules of Order Newly Revised shall govern the meetings of the Board in all cases where such rules are applicable and in which they are not inconsistent with these rules.