

Arch A. Moore, Jr.
Governor



David K. Heydinger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

NOTICE OF PUBLIC HEARING

FILED
1985 SEP -5 PM 1:06
DEPARTMENT OF STATE

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 1:30 p.m. on October 7, 1985, in Conference Room 522 of the Department of Health, 1800 Washington Street, East, Charleston, West Virginia for the purpose of taking evidence pertaining to the filing of a proposed amendment to Hospital Licensure, West Virginia Board of Health Legislative Rules, Chapter 16-5B, Series I (1983). This proposed amendment is related to a law established by the 1983 Legislature, requiring that forty percent of the boards of directors of non-profit hospitals and those operated by political subdivisions of this State be composed of consumer representatives. The proposed amendment is a revision of the document which was offered for public hearing January 21, 1985.

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., October 7, 1985. All comments, written and oral, will be made part of the public record of comments received and will be considered as a 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 and above-mentioned amendment to the rule. Copies of the proposed amendment 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.

David K. Heydinger, M.D.
David K. Heydinger, M.D.
Director of Health

John D. Rockefeller IV
Governor



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

FILED
1984 DEC 20 PM 3:04
L. Clark Hansbarger, M.D.
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING

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L. Clark Hansbarger, M.D.
Director of Health

ENTERED

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Hospital Licensure

Type of Rule: Legislative Interpretive Procedural

Agency Health Department Address 1800 Washington Street, East
Charleston, WV 25305

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

2. Explanation of above estimates.

The proposed amendments will create no additional cost.

3. Objectives of these rules:

To comply with Chapter 16, Article 5B, Section 6a of the West Virginia Code.

4. 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.

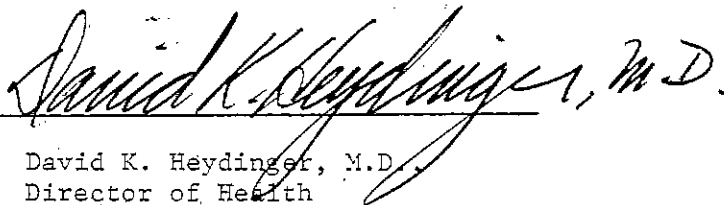
NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date August 27, 1985

Signature of Agency Head or Authorized Representative



David K. Heydinger, M.D.
Director of Health

PROPOSED RULE ABSTRACT
WEST VIRGINIA BOARD OF HEALTH

TITLE: Hospital Licensure

TYPE: Legislative Rule

NUMBER: Chapter 16-5B, Series I (1985)

AUTHORITY: Chapter 16, Article 5B, Section 8

RELATED: Chapter 16, Article 5B, Section 6a

ABSTRACT: This proposed amendment is related to Chapter 16, Article 5B, Section 6a of the West Virginia Code, established by the 1983 Legislature, requiring that forty percent of the boards of directors of non-profit hospitals and those operated by political subdivisions of this State be composed of an equal portion of consumer representatives from four categories - small business, organized labor, elderly persons and persons whose income is less than the national median income. This proposed amendment defines the above categories and establishes procedures for maintaining a documentation file for inspection to verify the hospital's designation of its consumer representatives.

CONTACT PERSON: Kay Howard, Regulatory Services Division, 348-3223

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

PROPOSED AMENDMENT OF
WEST VIRGINIA LEGISLATIVE RULES

BOARD OF HEALTH

Chapter 16-5B
Series I
(1985)

Subject: Hospital Licensure

Note: The proposed amendment applies only to Section 7 of the present rule and only that Section is presented herein. Underlining indicates text to be added to the existing rule. This revision is authorized by and related to Chapter sixteen, Article five-B, Section six-a of the West Virginia Code.

Section 7. Administration of the Hospital

7.1. Scope - The governing body, owner or board of trustees is the highest authority responsible for the management and control of the entire institution including employment of a hospital administrator and appointment of medical staff. The administrator is responsible for the direction and control of the hospital operation in accordance with policies established by the governing authority. The medical staff is responsible for the quality of medical care provided and for submitting reports on the quality of this care to the governing board of the hospital at frequent intervals.

7.2. Governing Authority

7.2.1. There shall be a governing authority legally and morally responsible for the management and control of the hospital. In the discharge of its duties, the governing authority places responsibility for the care of patients upon the medical staff. It is responsible for the establishment of policies.

a. The governing authority shall adopt and amend bylaws which shall require that body to:

- (1) Appoint members to the medical staff;
- (2) Approve the bylaws and regulations of the medical staff;
- (3) Define the committees of the governing authority and the functions and responsibilities thereof;

(4) Develop and maintain suitable formal liaison with the medical staff by means of a joint conference committee;

(5) Appoint a full time qualified administrator and delegate to him executive authority and responsibility; and

(6) Provide for the proper control of all assets and funds, including annual audits thereof.

b. Minutes of all meetings of the governing authority and of its committees, including a record of attendance, shall be recorded, signed and retained in the hospital as a permanent record.

c. The governing authority shall be responsible for providing a safe physical plant equipped and staffed to maintain adequate facilities and services for hospital patients.

7.2.2. At least forty (40) percent of the voting members of the boards of directors of applicable hospitals shall be consumer representatives composed of an equal number of persons classified as small business representatives, organized labor members, elderly persons, and persons whose income is less than the national median income. As used in this subsection:

a. "Applicable hospitals" means all nonprofit hospitals, whether governed by an in-state or out-of-state board of directors, and all hospitals owned by a county, city or other political subdivision of the State of West Virginia.

b. "Board of directors" means the governing authority of an applicable hospital.

c. "Elderly persons" means persons who are sixty (60) years of age or older.

d. "Organized labor members" means members of organized labor unions protected by the National Labor Relations Act.

e. "Small business representatives" means officers, directors, general

partners, or members of management of any activity subject to business taxation, which activity employs fewer than one-hundred (100) full-time employees or which had gross annual receipts of less than four million dollars, based on 1984 dollars, in its last fiscal year.

f. "Persons whose income is less than the national median income" means (a) individuals who reside with a family member (person related by blood, marriage, or adoption) whose gross family income is less than the national median family income, or (b) individuals whose gross personal income is less than the national median family income if such individuals do not reside with a family member. The director of health shall establish and periodically revise a national median family income figure after consideration of Bureau of Census Current Population Reports, Consumer Income, Series P-60.

7.2.3. Within sixty (60) days of the effective date of this regulation, each applicable hospital shall submit to the department of health a list of the voting members of its board of directors with designation of forty percent of such members in accordance with the consumer representative classification. No member of the board of directors shall be designated by the hospital in more than one consumer representative classification. Thereafter such information shall be provided annually to the department in the applicable hospital's license application, and a license shall not be issued unless the composition of an applicable hospital's board of directors is in conformance with this regulation.

7.2.4. An applicable hospital may change the designation of its consumer representatives from one classification to another by filing with the department of health.

7.2.5. If a person designated as a consumer representative on an applicable hospital's board of directors ceases to be an organized labor member

a small business representative, or a person whose income is less than the national median income, then the person may retain his or her designation until the end of his or her term or until the next license application is submitted for the applicable hospital, whichever occurs first, except a board member's designation of consumer representative shall terminate if and when such board member (a) becomes an officer, director, general partner, or member of management of any activity subject to business taxation, which activity employs one hundred (100) or more full-time employees or in its last fiscal year had four million dollars or more in gross annual receipts, based on 1984 dollars, or (b) becomes a member of management of the applicable hospital or one of its related organizations.

7.2.6. Each applicable hospital shall maintain in a verification file for inspection documentation to verify the hospital's designation of its consumer representatives. The documentation for consumer representatives shall be the following:

(a) Small business representatives - The business financial statement or workers' compensation filing for the most recent reporting period before the hospital's designation of a consumer representative's classification.

(b) Organized labor members - Union member list dated within one year before the hospital's designation of a consumer representative's classification.

(c) Elderly persons - Birth certificate or other evidence of age acceptable to the department.

(d) Persons whose income is less than the national median income - Copy of federal income tax returns for the year before the hospital's designation of a consumer representative's classification.

7.2.7. Each applicable hospital shall also maintain an affirmative action file which shall contain the procedure established by the board of directors to

be followed to assure the consideration of women, racial minorities, and the handicapped in the selection of consumer representative board members and documentation that such procedure has been followed.

7.2.8. In no event shall a board of directors of an applicable hospital be required to be composed of consumer representatives in excess of forty (40) percent of the voting members of the board, regardless of the number of hospitals for which the board is the governing authority.

7.2.9. To the extent that any provisions of the charter or by-laws of an applicable hospital are in conflict with the requirements of these regulations, such provisions are null and void for purposes of complying with these regulations.

7.3. Hospital Administrator - A hospital administrator qualified by education and experience shall be responsible at all times for directing, coordinating and supervising the administration of the hospital and for carrying out the policies of the governing authority and the rules and regulations of the medical staff. The administrator shall serve in an administrative liaison capacity between the medical staff and the governing authority.