

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
DEC-3 PM 1:20
1986

AGENCY: Health Department
RULE TYPE: PROCEDURAL
RULE TITLE: Meetings and Bylaws of the West Virginia Board of Health (Amendments)

A public hearing on the above proposed rule will be held at 10:00 a.m. on January 6, 1986 in the Conference Room, P & G Building, 2019 Washington Street, East, Charleston, West Virginia 25305.

Comments Are Limited to: Oral _____ Written X Both _____

The proposed rule amends the present rule as follows: The dates of regular meetings are changed. New sections have been added relating to election and duties of officers and resignation of members. The remainder of the rule relating to notices of meetings, special meetings, minutes, voting and records is unchanged except for a few minor technical changes.

Comments may be mailed to: Regulatory Services Division, West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305.

Comments may be delivered in person at the hearing or to: Room 7, Second Floor, P & G Building, 2019 Washington Street, East, Charleston, West Virginia not later than 4:30 p.m., January 6, 1986.

The issues to be heard shall be limited to the proposed amendments.

To obtain copies: Write the Regulatory Services Division at the above address or call at (304) 348-3223 or contact the Administrative Law Division, Office of the Secretary of State, Capitol Complex, Charleston, West Virginia, 25305, telephone (304) 345-4000.

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

FISCAL NOTE FOR PROPOSED RULES

FILED

1985 DEC -3 PM 2:00

Rule Title: Meetings and Bylaws of the West Virginia Board of Health

Type of Rule: Legislative Interpretive Procedural

Agency Health Department Address 1900 Washington Street, East
Charleston, WV 25305

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					
Other					

2. Explanation of above estimates.
This rule has the potential for reducing costs since the number of Board of Health meetings per year has been reduced from 12 to 8. However, both the former rule and the proposed rule have provisions for cancellation of meetings and actual number of meetings in recent years has seldom exceeded eight. The cost per meeting is approximately \$1,100 to \$1,200. Estimated annual cost (already budgeted) for the Board is approximately \$11,000. This figure includes cost of regular and committee meetings.

3. Objectives of these rules:
The proposed rule amends the present rule to establish dates for regular meetings. The revisions add sections to provide for election and duties of officers and resignation of members, and reduce the number of regular meetings. A few minor technical changes have also been made.

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 December 3, 1985

Signature of Agency Head or Authorized Representative

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

WEST VIRGINIA BOARD OF HEALTH
RULE ABSTRACT

TITLE: Meetings and Bylaws of the West Virginia Board of Health

NUMBER: 6-9A, Series 45, 1986

TYPE: Procedural

AUTHORIZING CODE: 16-1-7 and 6-9A-3

RELATED CODE: 16-1-4,6, 7 and 6-9A-1 et seq

SCOPE: This rule establishes the means by which the time and place of all regular and special meetings of the State Board of Health are made available to the public and sets forth certain bylaws of the Board.

APPLICATION: This rule applies to the West Virginia Board of Health.

ABSTRACT: The proposed rule amends the present rule as follows: The dates of regular meetings are changed. New sections have been added relating to election and duties of officers and resignation of members. The remainder of the rule relating to notices of meetings, special meetings, minutes, voting and records is unchanged except for a few minor technical changes.

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

RESPONSIBLE DIVISION: Kay Howard, Director, Regulatory Services Division, 348-3223

FILED

DEC 3 1986

REGISTRY

FILED

1985 DEC -3 PM 1:23

SECRETARY OF JUSTICE

FILED

1985 DEC -3 PM 2:00

SECRETARY OF JUSTICE

[PROPOSED]

WEST VIRGINIA BOARD OF HEALTH
PROCEDURAL RULES

Regulations for the Establishment of Regular Meetings and
Bylaws of the West Virginia Board of Health

Chapter 6-9A
Series 45
1986

For Public Hearing
January 6, 1986

[PROPOSED]
WEST VIRGINIA BOARD OF HEALTH
PROCEDURAL RULES

FILED
1985 DEC -3 PM 2:00

Regulations for the Establishment of Regular Meetings and
Bylaws of the West Virginia Board of Health

Chapter 6-9A
Series 45
1986

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[PROPOSED]

FILED

WEST VIRGINIA BOARD OF HEALTH
PROCEDURAL RULES

1985 DEC -3 PM 2:01

Chapter 6-9A
Series 45
1986

RECEIVED
SECRETARY'S OFFICE
JAN 1 1986



Title: Regulations for the Establishment of Regular Meetings and Bylaws
of the West Virginia Board of Health

Section 1. General

1.1. Scope - Chapter 6, Article 9A, Section 3 of the West Virginia Code of 1931, as amended mandates that the West Virginia board of health shall promulgate rules. This procedural rule sets forth the means by which the time and the place of all regularly scheduled meetings of the State board of health 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 and also sets forth certain bylaws of the board.

1.2. Authority - These procedural rules are issued under the authority of Chapter 6, Article 9A, Section 3 and Chapter 16, Article 1, Section 7 and are related to Chapter 6, Article 9A, Section 3 of the West Virginia Code. of 1931, as amended. This rule is related to Chapter 6, Article 9A, Section 1 et seq and Chapter 16, Article 1, Sections 4, 6 and 7 of the West Virginia Code.

1.3. Filing Date -

1.4. Effective Date -

1.5. Refiling Date - These procedural rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as

amended on the 30th day of December 1982, in the Secretary of State's office.

1.5. Supersession and Repeal of Former Rules - This rule supersedes and repeals Regulations for the Establishment of Regular Meetings by the West Virginia Board of Health, West Virginia Board of Health Procedural Rules, Chapter 6-9A, Series 1 (1983).

Section 2. Application and Enforcement - ~~These~~ This procedural rules shall apply to the board and any and all individuals desiring to attend or to address the West Virginia board of health. The enforcement of ~~these regulations~~ this rule shall be vested with the secretary of the West Virginia board of health.

Section 3. Definitions

3.1. Board - The West Virginia board of health.

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~~ actual membership of the board.

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

Section 4. Regular Meetings Established; Time, Place

~~4.1. The West Virginia board of health shall meet in regular session on the third friday of each month; Provided, that when such third friday falls upon a legal holiday the board may designate another-- date by a majority of these board members present and voting.~~

4.1. The West Virginia board of health shall meet in regular sessions on the third friday of the months of April, June, July, August, September,

October, November, and December in years the West Virginia Legislature convenes in January, and on the third friday of the months of May, July, August, September, October, November, December, and January, beginning in 1989, and every four years thereafter. In the event such third friday falls upon a holiday the board may designate another date by a majority of those board members present and voting.

4.2. The board shall convene all regular meetings at nine o'clock, a.m. unless otherwise changed by a majority vote of those board members present and voting.

4.3. The board shall convene all regular meetings in the Conference Room 522 of the West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305 unless otherwise changed by a majority vote of those board members present and voting.

4.4. 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.

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

4.6. The secretary shall send an agenda to all board members one week prior to meetings.

4.7. The secretary shall submit rules for consideration at a meeting to all board members for review at least two weeks prior to the meeting. The board may consider rules submitted less than two weeks prior to meetings at the discretion of the members.

4.8. The chairman may cancel a meeting if a quorum cannot be con-

vened or if there are no items of business to be conducted by the board.

Section 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 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~~ ten days in advance of a special meeting, if possible, 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~~ filing a ~~public~~ notice of such special meeting at least ~~five~~ ten days in advance of such meeting, if possible, with the secretary of state. 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. Proceeding to be Open; Exceptions Executive Session Permitted

6.1. Notwithstanding any other provision of law or regulation all meetings of the board shall be open to the public, ~~excepting the provision of~~ as provided in Chapter 6, Article 9A, Section 4 of the West Virginia Code. ~~of 1931, as amended.~~

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

Section 7. Minutes

7.1. The West Virginia board of health 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 informaton:

- (a) The date, time and place of the meeting;
- (b) The name of each board 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;
- (d) The results of all votes and, upon request of a member, the vote of each member, by name;
- (e) 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. ~~of 1931, as amended.~~

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

Section 8. Quorum; Majority Vote Required; Vote by Proxy Prohibited

8.1. A majority of the actual members 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 chairman 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.

Section 9. Records of the Board to be Public - All records and proceedings of the board are public records and shall be available to the public during the usual and customary business hours of the department.

Section 10. Election of Officers; Duties of Officers

(Entire section is new. Underlining not used.)

10.1. At the first regular monthly meeting in every other calendar year, beginning in 1986, the Board shall elect a chairman and vice chairman for a term of two years.

10.2. In the event a chairman or vice-chairman resigns or cannot complete the term, a new election will be held to fill the office.

10.3. The duties of the chairman shall be the following:

(a) Preside at all meetings and conduct them according to Roberts' Rules of Order when such rules are applicable and not inconsistent with this rule;

(b) Appoint members to serve on committee as may be created; and

(c) Perform such other functions as pertain to the office of chairman.

10.4. In the absence of the chairman the vice-chairman shall assume the duties of the chairman.

Section 11. Resignation of Members - A board member desiring to resign shall send a letter of resignation to the Governor with a copy to the chairman and the secretary.