

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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1989 MAY -2 AM 10:12
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Department of Health TITLE NUMBER: 64

RULE TYPE: Procedural; CITE AUTHORITY WV Code §16-2D-5a.

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 NEW RULE BEING PROPOSED: 62

TITLE OF RULE BEING PROPOSED: Meetings of the Regional Health Advisory
Councils

DATE OF PUBLIC HEARING: June 12, 1989 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: Room 522, Building 3
Capitol Complex
Charleston, WV 25305

COMMENTS LIMITED TO: ORAL ___ , WRITTEN X , BOTH ___

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Regulatory Development Section
Department of Health
Capitol Complex
Charleston, WV 25305

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

David K. Heydinger
David K. Heydinger
Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Meetings of Regional Health Advisory Councils

Type of Rule: Legislative Interpretive Procedural

Agency Department of Health 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-	\$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

Provisions of the regulation propose no additional costs outside the provisions of the Act.

3. Objectives of these rules:

The purpose of this rule is to set forth meeting procedures for the Regional Health Advisory Councils.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

See No. 2

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

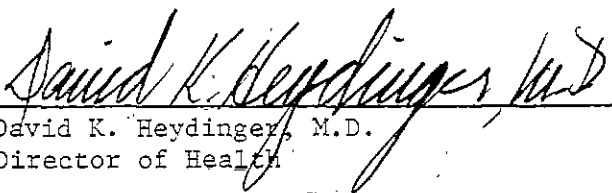
See No. 2

C. Economic Impact on Citizens/Public at Large.

Not applicable

Date April 21, 1989

Signature of Agency Head or Authorized Representative



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

WEST VIRGINIA DEPARTMENT OF HEALTH
RULE ABSTRACT

Title: Meetings of the Regional Health Advisory Councils

CSR Title and Series: 64 CSR 62

Type: Procedural

Summary: This proposed new rule establishes definitions, a public notification process, meeting conduct standards, and record keeping and accessibility measures for meetings of regional health advisory councils. These regional councils are authorized under W. Va. Code §16-2D-5a and provide local community involvement in health planning for the State.

For further information contact: Regulatory Development Section, telephone 348-3223 or Mary Huntley, Planning Division, telephone 348-0530, West Virginia Department of Health, Capitol Complex, Charleston, WV 25305

[PROPOSED]

TITLE 64

WEST VIRGINIA PROCEDURAL RULES
DIRECTOR OF HEALTH

MEETINGS OF THE REGIONAL
HEALTH ADVISORY COUNCILS

SERIES 62

1989

For Public Hearing
June 12, 1989

[PROPOSED]
WEST VIRGINIA PROCEDURAL RULES
DIRECTOR OF HEALTH

MEETINGS OF THE REGIONAL
HEALTH ADVISORY COUNCILS

64 CSR 62

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[PROPOSED]
TITLE 64
WEST VIRGINIA PROCEDURAL RULES
DIRECTOR OF HEALTH

SERIES 62
MEETINGS OF THE REGIONAL HEALTH ADVISORY COUNCILS

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§64-62-1. General.

1.1. **Scope** - This procedural rule establishes procedures by which the time and the place of all regularly scheduled meetings of regional health advisory councils 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** - W. Va. Code §16-2D-5a. Related - W. Va. Code §16-9A-3.

1.3. **Filing Date** -

1.4. **Effective Date** -

§64-62-2. Application and Enforcement.

This rule applies to meetings of the regional health advisory councils and any and all individuals desiring to attend or to address the council. The enforcement of this rule shall be vested with the department of health.

§64-62-3. Definitions

3.1. **Council** - means any of the regional health advisory councils created under W.Va. Code §16-2D-5a(i) to provide local input into the health care planning process for each planning and development council region of the state.

3.2. **Chairperson** - means the council member elected by a majority vote of each regional health advisory council to serve as chairperson.

3.3. **Department** - means the West Virginia department of health.

3.4. **Meeting** - means the convening of each council for which a quorum is required in order to make policy recommendations regarding the state health planning process and annual updates of the state health plan.

3.5. **Planning and Development Council Regions** - means the eleven planning and development council regions established in accordance with W.Va. Code §8-25-4.

3.6. **Quorum** - The presence of a majority of the members of each council.

§64-62-4. Meetings; Public Notice; Voting; Officers

4.1. Meetings of the council may be called by its chairperson and upon request of the department: Provided, that the council must meet at least quarterly. The chairperson may call a meeting upon the request of a majority of the members of the council.

4.2. The department, on behalf of the council's chairperson, shall notify council members in writing at least fourteen (14) days in advance of a meeting, setting forth the time and place of such meeting and the matters to be considered.

4.3. The council may, without notice, move the location of the meeting to accommodate members of the public who wish to attend such meetings in the event the meeting room is too small to accommodate such attendance.

4.4. The department, on behalf of the chairperson, shall file a notice with the office of the secretary of state of the time, place and purposes of each meeting for publication in the state register in accordance with the requirements of the secretary of state.

4.5. All meetings of the council shall be open to the public, except as provided in W.Va. Code §6-9A-4.

4.6. The council shall elect officers for two year terms. At a minimum, a chairperson shall be elected. Other officers shall be elected at the discretion of the council.

4.7. The vote of a majority of all members present at any meeting of each council shall be necessary to take action. Proxy voting is prohibited.

§64-62-5. Records.

5.1. The council shall prepare written minutes of all meetings for submission to the department of health. All such minutes shall be available to the public from the department 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 and measures proposed, the name of the person proposing each motion and its disposition; and

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

5.2. Except as provided under W.Va. Code §6-9A-5 and §29B-1-4, all records of proceedings of the council are public records

and shall be available to the public during the usual and customary business hours of the department in accordance with W.Va. Code §29B-1-1 et seq. and department policy.

§74-62.6. Severability

The provisions of this rule are declared to be severable. If any provisions of this rule are held invalid, the remaining provisions shall remain in effect.