

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

Form #5

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1989 AUG -9 PM 2: 34  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Division of Health TITLE NUMBER: 64

CITE AUTHORITY: §16-2D-5a

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 62

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 8, 1989

George W. Lilley, Jr.  
George Lilley, Jr., Ed.D.  
Acting Administrator  
Division of Health

TITLE 64

WEST VIRGINIA PROCEDURAL RULES  
DIRECTOR OF HEALTH

MEETINGS OF THE REGIONAL  
HEALTH ADVISORY COUNCILS

SERIES 62

1989

WEST VIRGINIA PROCEDURAL RULES  
DIRECTOR OF HEALTH

MEETINGS OF THE REGIONAL  
HEALTH ADVISORY COUNCILS

64 CSR 62

INDEX

	Page
Section 1. General	1
Section 2. Application	1
Section 3. Definitions	1
Section 4. Meetings; Public Notice; Voting; Officers	2
Section 5. Records	2
Section 6. Severability	3

TITLE 64  
WEST VIRGINIA PROCEDURAL RULES  
DIRECTOR OF HEALTH

SERIES 62  
MEETINGS OF THE REGIONAL HEALTH ADVISORY COUNCILS

§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 - August 9, 1989

1.4. Effective Date - September 8, 1989

1.5. Notice of Public Hearing - May 2, 1989

1.6. Public Hearing - June 12, 1989

1.7. Final Approval - August 8, 1989

§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 dis-

position; 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.

Proposed Rules  
Public Comments Received  
Discussion and Response

Rule, Title, Type and Number: Meetings of the Regional Health Advisory Councils, West Virginia Director of Health Procedural Rules, 64 CSR 62.

Public Hearing Date and Location: June 12, 1989 at 10:00 a.m. in the conference room of the Department of Health, Capitol Complex, Charleston, West Virginia 25311.

No one appeared for the public hearing and no written comments were received.

Reg. Health Adv. Council



KEN HECHLER  
Secretary of State

WILLIAM H. HARRINGTON  
Chief of Staff

MARY P. RATLIFF  
Deputy Secretary of State

JUDY COOPER  
Director, Administrative Law

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DONALD R. WILKES  
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CATHERINE FREROTTE  
Executive Assistant

(Plus all the volunteer  
help we can get)

STATE OF WEST VIRGINIA

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TO: Kay Howard

AGENCY: Health

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 62 TITLE: 64 Health

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Kay Howard

TITLE OF PERSON SIGNING: Director, Regulatory Development

DATE: 7/13/92

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.