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chairperson  
Sally K. Richardson  
members  
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# Health Care Cost Review Authority

State Capitol Building  
Charleston, West Virginia 25305

## Notice

Procedural Rule: Procedural Rules for Meetings of the Health Care Cost Review Authority, Chapter 6-9A, Series I (1984)

The attached Procedural Rules for Meetings of the Health Care Cost Review Authority were filed for public hearing on June 22, 1983. A public hearing was held on July 22, 1983 during which no comments were received. The Authority adopted without amendments the above titled rules on August 8, 1983.

The attached procedural rules are hereby filed with the Secretary of State in compliance with Chapter 29A, Article 3, Section 8 of the West Virginia Code.

Sally K. Richardson, Chairperson  
Health Care Cost Review Authority

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 7/29/17/1983  
Administrative Law Division

Entered

WEST VIRGINIA PROCEDURAL RULES  
HEALTH CARE COST REVIEW AUTHORITY

Procedural Rules for Meetings of the  
Health Care Cost Review Authority

Chapter 6-9A  
Series I  
(1983)

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 8/17/83  
Administrative Law Division

WEST VIRGINIA PROCEDURAL RULES  
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Health Care Cost Review Authority

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File 45

~~WEST VIRGINIA~~ PROCEDURAL RULES  
HEALTH CARE COST REVIEW AUTHORITY

Chapter 6-9A<sup>e</sup>  
Series I  
(1983)<sup>e</sup>

Subject: Procedural Rules for Meetings of the Health Care Cost Review Authority

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Section 1. General

1.1. Scope - The West Virginia Open Governmental Proceedings Law, Chapter 6, Article 9A, Section 1 et seq. of the West Virginia Code of 1931, as amended (hereinafter referred to as "the Code"), requires in Section 3 that governing bodies of State boards shall promulgate rules by which the time and the place of all regularly scheduled meetings 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 - These procedural rules are issued under the authority of Chapter 6, Article 9A, Section 3, Chapter 29A, Article 2, Section 9, and Chapter 29B, Article 1, Section 3 of the Code.

1.3. Filing Date - These procedural rules were promulgated on the 22nd day of June, 1983, and filed on the 17th day of August, 1983, in the Secretary of State's Office.

1.4. Effective Date - These procedural rules became effective on the 16th day of September, 1983.

Section 2. Application and Enforcement - These procedural rules apply to the Board. The enforcement of these rules is vested with the Chairperson of the Board.

Section 3. Definitions

3.1. Authority - The Health Care Cost Review Authority created under Chapter 16, Article 29B, Section 5 of the Code.

3.2. Board - The members of the governing body of the Health Care Cost Review Authority appointed by the Governor in accordance with Chapter 16, Article 29B, Section 5 of the Code.

3.3. Chairperson - The Board member appointed by the Governor under Chapter 16, Article 29B, Section 5 of the Code to serve as chairman of the Health Care Cost Review Authority.

3.4. Decision - Any determination, action, vote or final desposition of a motion, proposal, resolution, order, or measure on which a vote of the Board is required at any meeting at which a quorum is present.

3.5. Meeting - The convening of the Board for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter, but such term does not include (a) any meeting for the purpose of making an adjudicatory decision in any quasi-judicial administrative proceeding, or (b) any on-site inspection of any hospital or program.

3.6. Quorum - A simple majority of the constituent membership of the Board.

Section 4. Meetings

4.1. Meetings of the Board may be called by the Chairperson, and the Chairperson shall call a meeting upon the written request of two Board members.

4.2. The Chairperson shall notify Board members in writing at least seven days in advance of a meeting setting forth the time and place of such meeting and the matters to be considered, except that such notice is not required if the time, the place, and matters for consideration have been fixed in a meeting where all the members are present.

4.3. The chairperson shall notify the public and the news media by filing with the office of the Secretary of State a public notice of the meeting at least seven days in advance. The public notice shall contain the time, the place, and the matters to be considered.

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

4.5. Special meetings may be continued to a set time and place on the following workday by a majority vote of the Board members present and voting.

4.6. Special meetings may be cancelled by the Chairperson if no Board member objects.

Section 5. Proceeding to be Open; Exceptions; Executive Session Permitted

5.1. All meetings of the Board shall be open to the public, except an executive session closed to the public may be held during a regular, special or emergency meeting, after the presiding officer has identified the authorization under Chapter 6, Article 9A, Section 4 of the Code for the holding of such executive session and has presented it to the Board and to the general public, but no decision shall be made in such executive session.

5.2. An executive session may be held only upon a majority affirmative vote of the Board members present for the following (as from Chapter 6, Article 9A, Section 4 of the Code):

a. Matters of war, threatened attack from a foreign power, civil insurrection or riot; or

b. The appointment, employment, retirement, promotion, demotion, disciplining, resignation, discharge, dismissal or compensation of any public officer or employee, or other personnel matters, or for the purpose of conducting a hearing on a complaint against a public officer or employee, unless such public officer or employee requests an open meeting; or

c. The issuance, effecting, denial, suspension or revocation of a license, certificate or registration under the laws of this State or any political subdivision, unless the person seeking such license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting; or

d. The physical or mental health of any person, unless such person requests an open meeting; or

e. Matters which, if discussed in public, would be likely to affect adversely the reputation of any person; or

f. The development of security personnel or devices; or

g. Matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interest of the State or any political subdivision.

Section 6. Minutes

6.1. The Board 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 information:

- 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.

6.2. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions listed above of Chapter 6, Article 9A, Section 4 of the Code.

Section 7. Majority Vote Required; Vote by Proxy Prohibited

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

Section 8. Records of the Board - Public

Records of the Board are public records that may be inspected in accordance with Chapter 29B, Article 1, Section 3 of the Code and copied at a charge of 25 cents per page.