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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
HEALTH CARE COST REVIEW AUTHORITY

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WEST VIRGINIA PROCEDURAL RULES
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Chapter 6-9A
Series I
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Subject: Procedural Rules for Meetings of the Health Care Cost Review Authority

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 disposition 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.

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HEALTH CARE COST REVIEW AUTHORITY

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A. JAMES MANCHIN
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HEALTH CARE COST REVIEW COUNCIL A. JAMES MANCHIN
SECRETARY OF STATE
Chapter 6-9A^e
Series I
(1983)^e
THIS DATE 11/18/83
Administrative Law Division

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

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 public bodies 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 14th day of November, 1983, and filed on the 18th day of November, 1983, in the Secretary of State's Office.

1.4. Effective Date - These procedural rules become effective on the 19th day of December, 1983.

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

Section 3. Definitions

3.1. Council - The Health Care Cost Review Council created under Chapter 16, Article 29B, Section 6 of the Code.

3.2. Chairperson - The Council member appointed by the Board of Directors of the Health Care Cost Review Authority under Chapter 16, Article 29B, Section 6 of the Code to serve as chairperson of the Health Care Cost Review Council.

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

3.4. Meeting - The convening of the Council 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.

3.5. Quorum - The presence of a majority of the voting members of the Council.

Section 4. Meetings

4.1. Meetings of the Council may be called by the Chairperson, and the Chairperson shall call a meeting upon the written request of a majority of the voting members of the Council or upon the written request of the Board of Directors of the Health Care Cost Review Authority; provided that, the Council must meet at least four (4) times per year.

4.2. The Chairperson shall notify Council 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 Council.

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

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

4.7. All members present at a meeting shall have the same rights to participate in discussion of matters before the Council.

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

5.1. All meetings of the Council 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 Council 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 Council members present for the following (as from Chapter 6, Article 9A, Section 4 of the Code) reasons:

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 Council 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 Council 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 voting members present at any meeting of the Council shall be necessary to take any action. Proxy voting is prohibited.

Section 8. Records of the Council - Public

Records of the Council 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.

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