

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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APR 17 10 27 AM '98

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BOARD OF ACUPUNCTURE TITLE NUMBER: 32

RULE TYPE: PROCEDURAL; CITE AUTHORITY CODE § 32-36-7

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: SERIES 1

TITLE OF RULE BEING PROPOSED: MEETINGS of the Board
of ACUPUNCTURE

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON MAY 20, 1998 AT NOON 12:00 ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV BOARD OF ACUPUNCTURE
P.O. Box 252
HUNTINGTON WV
25707-0252

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Darrell E. Samples, MD, OMD
Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: MEETINGS OF THE BOARD OF ACUPUNCTURE

Type of Rule: Legislative Interpretive Procedural

Agency W.Va. BOARD OF ACUPUNCTURE

Address P.O. Box 252

HUNTINGTON WV 25707-0252

1. Effect of Proposed Rule N.A.

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: N.A.

3. Objectives of these rules: to establish procedure for meetings of the Board.

Rule Title: MEETINGS OF THE BOARD OF ACUPUNCTURE

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. *NA.*

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

NA.

C. Economic Impact on Citizens/Public at Large.

NA.

Date: April 15, 1998

Signature of Agency Head or Authorized Representative

Darrell E. Samples, MD, OMD
Secretary

32 CRS 1

This rule establishes the procedure for calling Board meetings, quorum, and voting on matters before the Board.

32 CRS 1

This rule is being promulgated pursuant to requirements of Legislative intent that the Board meet and follow the open meeting regulations found in the Code § 6-9A-4.

FILED

32 CRS 1

APR 17 10 27 AM '98

**Title 32
Procedural Rule
Board of Acupuncture**

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**Series 1
Meetings of the Board of Acupuncture**

32-1-1. General.

1.1. Scope. --This rule contains provisions for the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Board.

1.2. Authority. -- W. Va. Code § 32-36-7

1.3. Filing Date. --

1.4. Effective Date. --

32-1-2. Application and Enforcement.

This procedural rule applies to the Board. The enforcement of this rule is vested with the president of the Board.

32-1-3. Definitions.

3.1. Board. -- The West Virginia Board of Acupuncture.

3.2. President. -- The Board member elected by the Board members to serve as president of the Board.

3.3. Vice President - Treasurer. -- The Board member elected by the Board members to serve as vice president-treasurer of the Board.

3.4. Secretary. -- The Board member elected by the Board members to serve as secretary of the Board.

3.5. 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.

32 CRS 1

3.6. 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 the 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 practitioner, clinic, or educational program of acupuncture or oriental medicine.

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

32-1-4. Meetings.

4.1. The president may call meetings of the Board, and the president shall call a meeting upon the written request of two (2) Board members.

4.2. The president shall notify Board members in writing at least seven (7) days in advance of a meeting setting forth the time and place of the meeting and the matters to be considered, except that the notice is not required if the time, the place and matters for consideration was fixed in a meeting where all the members were present.

4.3. The president 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 (7) 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. The president may cancel special meetings if no Board member objects.

32-1-5. Proceeding to be open; exceptions; executive session permitted.

5.1. All meetings of the Board shall be open to the public, except the Board may hold an executive session that is closed to the public during a regular, special or emergency meeting, after the presiding officer has identified the authorization under W. Va. Code § 6-9A-4 for the holding of an executive session and has presented it to the Board and to the general public. The Board shall not make a decision in executive session.

5.2. The Board may hold an executive session only upon a majority affirmative vote of

the Board members present for the reasons found in W. Va. Code § 6-9A-4 et seq.

32-1-6. Minutes.

6.1. The Board shall provide for the preparation of written minutes of all its meetings. All 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 them and their disposition; and
- 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 in W. Va. Code § 6-9A-4.

32-1-7. Majority vote required; vote by proxy prohibited.

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

32-1-8. Records of the board - public.

Records of the Board are public records that may be inspected in accordance with W. Va. Code § 29B-1-3 and copied at a charge of twenty-five cents (\$.25) per page. Exceptions to this are those specified in W. Va. Code § 29B-1-3.