

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

Form #1

Do Not Mark In this Box

FILED  
1990 APR 23 AM 11:45  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: Health Care Planning Council TITLE NUMBER: 68

RULE TYPE: Procedural; CITE AUTHORITY §6-9A-3

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 PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Meetings of the Health Care Planning Council

DATE OF PUBLIC HEARING: June 1, 1990 TIME: 10:00

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

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Regulatory Development  
Section

Department of HHR

Bldg. 3, 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

*Taunja Willis Miller*  
Taunja Willis Miller, Secretary  
Dept. of Health and Human Resources



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Building 3, Capitol Complex  
Charleston, WV 25305

Gaston Caperton  
Governor

April 23, 1990

The Honorable Ken Hechler  
Secretary of State  
State of West Virginia  
State Capitol Building  
Charleston, WV 25305

Dear Secretary Hechler:

The Meetings of the Health Care Planning Council rule is hereby approved for filing for public hearing.

Sincerely,

A handwritten signature in cursive script, reading "Taunja Willis Miller".

Taunja Willis Miller, Secretary  
Department of Health and  
Human Resources

TWM/jpg

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Meetings of the Health Care Planning Council

Type of Rule:  Legislative  Interpretive  Procedural

Agency Health Care Planning Council Address Division of Health, Bldg. 3  
Capitol Complex, 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. This rule deals only with the meeting rules of the Health Care Planning Council.

3. Objectives of these rules: The purpose of this rule is to set forth procedures for meetings of the West Virginia Health Care Planning Council.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

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

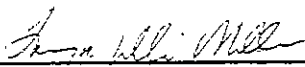
None

C. Economic Impact on Citizens/Public at Large.

None

Date April 16, 1990

Signature of Agency Head or Authorized Representative

  
\_\_\_\_\_  
Taunja Willis Miller, Secretary  
Department of Health and Human Resources

TITLE 68  
PROCEDURAL RULES  
HEALTH CARE PLANNING COUNCIL

SERIES 1  
MEETINGS OF THE HEALTH CARE PLANNING COUNCIL

§68-1-1. General

1.1. **Scope** - Chapter 6, Article 9A, Section 3 of the West Virginia Code, mandates that the health care planning council 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** - §6-9A-3. Related - §16-2D-5a.

1.3. **Filing Date** - June 18, 1990.

1.4. **Effective Date** - July 18, 1990.

§68-1-2. Application and Enforcement

This rule shall apply to the West Virginia health care planning council and any and all individuals desiring to attend or to address the council. The enforcement of this rule shall be vested with the division of health.

§68-1-3. Definitions.

3.1. **Council** - The health care planning council created under Chapter 16, Article 2D, Section 5a of the West Virginia Code.

3.2. **Chairperson** - The council member elected by a majority vote of the health care planning council members to serve as chairperson.

3.3. **Division** - The West Virginia division of health.

3.4. **Meeting** - The convening of the 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. The department shall provide the council with staff support so as to carry out the executive secretary function for the council.

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

§68-1-4. Meetings

4.1. Meetings of the council may be called by the chairperson and upon request of the division: Provided, that the council must meet at least four

times per year. The chairperson shall call a meeting upon the request of a majority of the members of the council.

4.2. The division, on behalf of the chairperson, shall notify council members in writing at least fourteen days in advance of a meeting setting forth the time and place of such meetings and matters to be considered. Except that by exception, emergency meetings of the Health Care Planning Council may be called by the Chairperson, or a majority of the members of the Council. The notice of an emergency meeting shall be filed with the Secretary of State at any time prior to the meeting pursuant to West Virginia Code §6-9A-3. The emergency meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

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 division, 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.

#### **§68-1-5. Proceedings to Be Open; Exceptions; Executive Session Permitted**

5.1. Notwithstanding any other provision of law or regulation, all meetings of the council shall be open to the public, excepting the provisions of Chapter 6, Article 9A, Section 4, of the West Virginia Code.

5.2. An executive session may be held only upon majority affirmative vote of the members present, but no decision shall be made in executive session.

#### **§68-1-6. Minutes**

6.1. The division shall prepare written minutes of all meetings of the council. 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 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.

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

**§68-1-7. Quorum; Majority Vote Required; Vote by Proxy Prohibited; Absenteeism**

A quorum shall consist of a majority of the membership duly appointed, or designated by statute. The vote of a majority of all members present at any meeting of the Council shall be necessary to take action. Voting by proxy is prohibited. In the event a member of the Health Care Planning Council (HCPC) (who is not designated specifically by statute) is absent for three consecutive meetings of the HCPC, the Chairperson of the HCPC shall (in writing) contact the member requesting their commitment to attendance in the future, or alternatively their letter of resignation. A carbon copy of said letter is to be sent to the Governor.

**§68-1-8. Records of the Council; Public Document**

Except as may be exempted under West Virginia Code Chapter 6, Article 9A, Section 5 and Chapter 29B, Article 1, Section 4, all records and proceedings of the council are public records and shall be available to the public during the usual and customary business hours of the division in accordance with West Virginia Code, Chapter 29B and division policy.

**§68-1-9. Conflicts of Interest**

Consistent with the Governmental Ethics Act, and in particular 6B-1-2(c), members of the Health Care Planning Council shall seek to be excused from voting, recused from deciding, or otherwise take action to avoid the obligation of acting as a public representative charged with deciding or acting on a matter at such time as a conflict becomes personal to the member.

WEST VIRGINIA HEALTH CARE PLANNING COUNCIL

RULE ABSTRACT

Rule Title: Meetings of the Health Care Planning Council

CSR Title & Series: 68 CSR 1                      Type: Procedural

Summary: The purpose of this rule is to set forth procedures for meetings of the West Virginia Health Care Planning Council. The Planning Council was established by Chapter 16, Article 2D, Section 5a of the West Virginia Code to participate in the amendment of the West Virginia State Health Plan.

For further information contact: Regulatory Development Section,  
Telephone 348-3223 or Mary Huntley, Director, Planning Division,  
Telephone 348-0530, Division of Health, Building 3, Capitol  
Complex, Charleston, WV 25305.

[PROPOSED]

TITLE 68

WEST VIRGINIA PROCEDURAL RULES  
HEALTH CARE PLANNING COUNCIL

Meetings of the Health Care  
Planning Council

Series 1

1990

---

For Public Hearing  
June 1, 1990

[PROPOSED]  
WEST VIRGINIA PROCEDURAL RULES  
HEALTH CARE PLANNING COUNCIL

Meetings of the Health Care  
Planning Council

68 CSR 1

INDEX

		Page
Section 1.	General	1
Section 2.	Application	1
Section 3.	Definitions	1
Section 4.	Meetings	2
Section 5.	Proceedings to be Open; Exceptions; Executive Session Permitted	2
Section 6.	Minutes	2
Section 7.	Quorum; Majority Vote Required; Vote by Proxy Prohibited	3
Section 8.	Records of the Council; Public Document	3
Section 9.	Conflicts of Interest	3

[PROPOSED]  
TITLE 68  
WEST VIRGINIA PROCEDURAL RULES  
HEALTH CARE PLANNING COUNCIL  
SERIES 1

FILED  
1980 APR 23 AM 11:45

MEETINGS OF THE HEALTH CARE PLANNING COUNCIL  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**§68-1-1. General**

1.1. **Scope** - Chapter 6, Article 9A, Section 3 of the West Virginia Code, mandates that the health care planning council 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** - §6-9A-3. Related - §16-2D-5a.

1.3. **Filing Date** -

1.4. **Effective Date** -

**§68-1-2. Application and Enforcement** - This rule shall apply to the West Virginia health care planning council and any and all individuals desiring to attend or to address the council. The enforcement of this rule shall be vested with the division of health.

**§68-1-3. Definitions**

3.1. **Council** - The health care planning council created under Chapter 16, Article 2D, Section 5a of the West Virginia Code.

3.2. **Chairperson** - The council member elected by a majority vote of the health care planning council members to serve as chairperson.

3.3. **Division** - The West Virginia division of health.

3.4. **Meeting** - The convening of the 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. The department shall provide the council with staff support so as to carry out the executive secretary function for the council.

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

**§68-1-4. Meetings**

4.1. Meetings of the council may be called by the chairperson and upon request of the division: Provided, that the council must meet at least four times per year. The chairperson shall call a meeting upon the request of a majority of the members of

the council.

4.2. The division, on behalf of the chairperson, shall notify council members in writing at least fourteen days in advance of a meeting setting forth the time and place of such meetings and matters to be considered. Except that by exception, emergency meetings of the Health Care Planning Council may be called by the Chairperson, or a majority of the members of the Council. The notice of an emergency meeting shall be filed with the Secretary of State at any time prior to the meeting pursuant to West Virginia Code §6-9A-3. The emergency meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

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 division, 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.

**§68-1-5. Proceedings to Be Open; Exceptions; Executive Session Permitted**

5.1. Notwithstanding any other provision of law or regulation, all meetings of the council shall be open to the public, excepting the provisions of Chapter 6, Article 9A, Section 4, of the West Virginia Code.

5.2. An executive session may be held only upon majority affirmative vote of the members present, but no decision shall be made in executive session.

**§68-1-6. Minutes**

6.1. The division shall prepare written minutes of all meetings of the council. 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 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.

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

**§68-1-7. Quorum; Majority Vote Required; Vote by Proxy Prohibited; Absenteeism** - A quorum shall consist of a majority of the membership duly appointed, or designated by statute. The vote of a majority of all members present at any meeting of the Council shall be necessary to take action. Voting by proxy is prohibited. In the event a member of the Health Care Planning Council (HCPC) (who is not designated specifically by statute) is absent for three consecutive meetings of the HCPC, the Chairperson of the HCPC shall (in writing) contact the member requesting their commitment to attendance in the future, or alternatively their letter of resignation. A carbon copy of said letter is to be sent to the Governor.

**§68-1-8. Records of the Council; Public Document** - Except as may be exempted under West Virginia Code Chapter 6, Article 9A, Section 5 and Chapter 29B, Article 1, Section 4, all records and proceedings of the council are public records and shall be available to the public during the usual and customary business hours of the division in accordance with West Virginia Code, Chapter 29B and division policy.

**§68-1-9. Conflicts of Interest** - Consistent with the Governmental Ethics Act; and in particular 6B-1-2(c), members of the Health Care Planning Council shall seek to be excused from voting, recused from deciding, or otherwise take action to avoid the obligation of acting as a public representative charged with deciding or acting on a matter at such time as a conflict becomes personal to the member.