

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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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: Health Care Planning Council TITLE NUMBER: 68

CITE AUTHORITY: §6-9A-3

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

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

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 ADOPTED: 1

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 18, 1990

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

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CLERK OF THE SUPREME COURT
SOUTH CAROLINA

TITLE 68

WEST VIRGINIA PROCEDURAL RULES
HEALTH CARE PLANNING COUNCIL

Meetings of the Health Care
Planning Council

Series 1

1990

WEST VIRGINIA PROCEDURAL RULES
HEALTH CARE PLANNING COUNCIL

Meetings of the Health Care
Planning Council

68 CSR 1

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

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STATE OF WEST VIRGINIA
SECRETARY OF STATE

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.

Proposed Rule
Public Hearing Comments Received
Discussion and Response

Rule Title: Meeting of the Health Care Planning Council, 68 CSR 1

A public hearing regarding the proposed rule was held on June 1, 1990. No one attended the public hearing; no comments were received by mail; and no changes have been made in the rule.

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