

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

Do Not Mark In this Box

FILED
1987 JUL 13 PM 1:01
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Health Care Planning Council TITLE NUMBER: 68

RULE TYPE: Procedural; CITE AUTHORITY: Chapter 6, Article 9A
Section 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: August 12, 1987 TIME: 10:00 A.M.

LOCATION OF PUBLIC HEARING: Department of Health
P&G Building, 1st Floor Conference Room
2019 Washington Street, E.
Charleston, WV 25305.

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

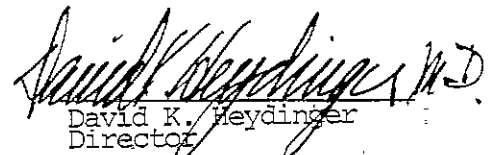
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Department of Health
Regulatory Development Section
1800 Washington Street, E.
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


David K. Heydinger
Director

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 1800 Washington Street, East
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.
No State general funds are involved.

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.

Not Applicable

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

Not Applicable

C. Economic Impact on Citizens/Public at Large.

Not Applicable

Date July 1, 1987

Signature of Agency Head or Authorized Representative



David K. Heydinger, M.D.
Director of Health

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

Objective/Purpose: 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: Kay Howard, Director,
Regulatory Development Section, Telephone 348-3223 or Joan
Rutledge, Acting Director, Planning, Telephone 348-0530, Health
Department, 1800 Washington Street, East, Charleston, WV 25305.

[PROPOSED]

TITLE 68

WEST VIRGINIA PROCEDURAL RULES
HEALTH CARE PLANNING COUNCIL

Meetings of the Health Care
Planning Council

Series 1

198_

For Public Hearing
August 12, 1987

[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 Doc- ument	3

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

Title: Meetings of the Health Care Planning Council

Section 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 - This rule is issued by the Health Care Planning Council under the authority of Chapter 6, Article 9A, Section 3 of the West Virginia Code and is related to Chapter 16, Article 2D, Section 5a of the West Virginia Code.

1.3. Filing Date -

1.4. Effective Date -

Section 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 department of health.

Section 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. Department - The West Virginia department 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.

Section 4. Meetings

4.1. Meetings of the council may be called by the chairperson and upon request of the department: Provided, that the council must meet at least four (4) times per year. The chairperson shall call a meeting upon the request of a majority of the members of the council.

4.2. The department, on behalf of the chairperson, shall notify council members in writing at least twenty-one (21) days in advance of a meeting setting forth the time and place of such meetings and the matters to be considered.

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 department, 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.

Section 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.

Section 6. Minutes

6.1. The department 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.

Section 7. Quorum; Majority Vote Required; Vote by Proxy Prohibited - The vote of a majority of all members present at any meeting of the council shall be necessary to take action. Proxy voting is hereby prohibited.

Section 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 department in accordance with West Virginia Code, Chapter 29B and department policy.