

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia Health Care Planning Commission TITLE NUMBER: 68

RULE TYPE: Procedural; CITE AUTHORITY W. Va. Code §6-9A-3; 16-1A-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 West Virginia

Health Care Planning Commission

DATE OF PUBLIC HEARING: June 19, 1991 TIME: 9:00 a.m.

LOCATION OF PUBLIC HEARING: Building 6, Room 607

State Capitol Complex

Charleston, West Virginia 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Building 5, Room 1025

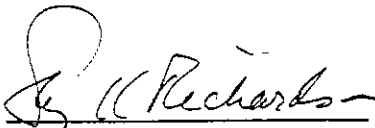
State Capitol Complex

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


Sally K. Richardson
Vice Chairperson

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TITLE 68
PROCEDURAL RULES

WEST VIRGINIA HEALTH CARE PLANNING COMMISSION

SERIES 1

MEETINGS OF THE WEST VIRGINIA HEALTH CARE PLANNING COMMISSION

§68-1-1. General.

1.1. Scope. -- This procedural rule establishes procedures for meetings of the West Virginia Health Care Planning Commission. The rule establishes procedures by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Commission will be made available, in advance, to the public and news media, as required by W. Va. Code §6-9A-3.

1.2. Authority. -- W. Va. Code §§6-9A-3; 16-1A-3.

1.3. Filing Date. --

1.4. Effective Date. --

§68-1-2. Definitions.

2.1. "Chairperson" means the Commission member designated by the Governor as chairperson of the Commission, pursuant to W. Va. Code §16-1A-3.

2.2. "Commission" means the West Virginia Health Care Planning Commission within the Office of the Governor, created by W. Va. Code §16-1A-3.

2.3. "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order or measure on which a vote of the Commission is required at any meeting at which a quorum is present.

2.4. "Executive session" means any meeting or part of a meeting of the Commission which is closed to the public.

2.5. "Meeting" means the convening of the Commission 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 or administrative proceeding; (b) any on-site inspection of any project or program, or (c) any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Commission.

2.6. "Quorum" means a majority of the members of the Commission.

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2.7. "Vice chairperson" means the Commission member designated by the Governor as vice chairperson of the Commission, pursuant to W. Va. Code §16-1A-3.

§68-1-3. Meetings.

3.1. Meetings of the Commission may be called by the chairperson or upon the written request to the chairperson of at least three (3) members of the Commission. The Commission shall meet at least twice each month during its first year of operation.

3.2. The chairperson shall notify each Commission member in writing at least three (3) days in advance of a meeting. The notice shall set forth the time and place of a regularly scheduled meeting and the time, place and purpose of a special meeting. In the event of an emergency requiring immediate official action, the chairperson shall afford each Commission member such advance notice of a meeting as is practical and prudent under the circumstances.

3.3. Except in the event of an emergency requiring immediate official action, the chairperson shall notify the public and news media of a meeting by filing a notice with the Secretary of State for publication in the state register. The notice shall state the time, place and purpose of the meeting. Each notice shall be filed in a manner to allow it to appear in the state register at least five (5) days prior to the date of the meeting.

3.4. In the event of an emergency requiring immediate official action, the chairperson may file an emergency meeting notice at any time prior to the meeting. The notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency.

3.5. Meetings may be continued to a set time and place by a majority vote of the Commission members at a meeting at which a quorum is present, without further notice to the members and without further publication, unless such continued meeting is scheduled for more than fourteen (14) days after the date of the vote to continue.

3.6. Meetings of the Commission shall be conducted in accordance with the most recent edition of Robert's Rules of Order, including specifically the less formal procedures contained therein for small boards.

3.7. One or more members of the Commission may participate in a regular or special meeting by means of conference telephone or similar electronic communications equipment, provided that all persons participating in the meeting, including members of the public and news media if present, can hear each other. Participation by conference telephone or similar electronic means shall constitute presence in person at the meeting.

3.8. Whenever a vote of the Commission is required or permitted, this vote may be taken orally during a telephone or other electronic conference conducted in conformance with subsection 3.7 of this rule. Any agreement

reached shall be reduced to writing, in the minutes or otherwise, and be approved by the Commission at its next regular meeting after the conference.

§68-1-4. Public hearings.

4.1. The presence of a quorum of Commission members shall not be required at any public hearing conducted solely for the purpose of receiving public comment or making information available to the public, and at which no decision or deliberation toward a decision will be made by the Commission. Provided, however, that at least one Commission member and the Commission's staff director shall attend each of the six (6) or more public hearings required by W. Va. Code §16-1A-5 to be conducted on or before September 30, 1991.

4.2. The Commission, in its discretion, may designate one or more of its members or staff, or any other appropriate person, to preside over and conduct any public hearing which the Commission elects to conduct.

4.3. At any public hearing at which a quorum of Commission members is not present, arrangements shall be made to prepare a verbatim record, by either stenographic notes or mechanical recording device, of all public comments offered at the hearing.

§68-1-5. Meetings generally open to the public; executive session.

5.1. All meetings of the Commission shall be open to the public. Provided, however, that the Commission may hold an executive session during a regular or special meeting, after the presiding officer has identified the authorization under W. Va. Code chapter six, article nine-a for the holding of such executive session and has presented it to the Commission and to the general public. No decision shall be made in an executive session.

5.2. An executive session may be held only upon a majority affirmative vote of the Commission at a meeting at which a quorum is present, for one of the reasons enumerated in W. Va. Code §6-9A-4 or as expressly and specifically otherwise provided by law.

5.3. The Commission may adopt and enforce reasonable restrictions on attendance and presentation at any meeting or public hearing where there is not sufficient room to accommodate all members of the public who wish to attend. Such restrictions may include, but are not limited to, limiting the number of people who may be present in the meeting room at one time, limiting the length of time individual members of the public may remain in the room, and limiting the length of remarks by individual members of the public at a meeting or public hearing at which the public is invited to address the Commission. The Commission may also invite and encourage individuals to submit written comments in lieu of speaking. The Commission shall make every reasonable effort to accommodate as many members of the public who wish to attend a meeting or public hearing as possible.

5.4. The chairperson or other presiding officer may order the removal from a meeting or public hearing of any member of the public who is disrupting

the proceeding the extent that orderly conduct of the proceeding is compromised.

5.5. All members of the public who attend a meeting or public hearing of the Commission may indicate their presence by signing a register of attendance. The register may provide a place for members of the public to indicate whether or not they wish to address the Commission. Persons who desire to speak shall not be required to register more than fifteen (15) minutes prior to the time the scheduled meeting or public hearing is to commence.

§68-1-6. Decisions.

6.1. All official decisions of the Commission shall require the affirmative vote of a majority of the members present and voting at a meeting at which a quorum is present, unless bylaws adopted by the Commission require a larger number of votes. Each Commission member shall be entitled to one vote on each question before the Commission.

§68-1-7. Subcommittees.

7.1. The Commission may from time to time create one or more subcommittees composed of its members and any other persons selected by the Commission, to gather information, conduct studies, develop recommendations for the full Commission or engage in other like activities. Meetings of any such subcommittees shall not be considered meetings of the Commission. Provided, however, that no determination, action, vote, motion, proposal, resolution, order, measure, recommendation or decision of any subcommittee shall become a decision of the Commission unless and until the Commission deliberates and makes its own decision at a meeting called and conducted in accordance with these rules.

§68-1-8. Minutes; records.

8.1. The Commission shall provide for the preparation of written minutes of all of its meetings. All such minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following:

8.1.1. The date, time and place of the meeting;

8.1.2. The name of each member of the Commission present and absent;

8.1.3. All motions, proposals, resolutions, orders and measures proposed, the name of the person proposing the same and their disposition; and

8.1.4. The results of all votes and, upon the request of a member, the vote of each member, by name.

8.2. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of W. Va. Code §6-9A-4.

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8.3. Records of the Commission are official records of the Office of the Governor and shall be maintained, made available for public inspection and copying, and preserved in accordance with all applicable laws and rules, and in a location or locations designated by the Office of the Governor.

SUMMARY OF PROPOSED RULE

Title 68 C.S.R. Series 1

Meetings of the West Virginia Health Care Planning Commission

This procedural rule establishes procedures for operation of the West Virginia Health Care Planning Commission. The rule establishes procedures by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the Health Care Planning Commission will be made available, in advance, to the public and news media, as required by W. Va. Code §6-9A-3.