

OPEN MEETINGS ADVISORY OPINION NO. 2002-11

Issued On August 1, 2002 By The

**WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS**

OPINION SOUGHT

The Uniform Credential Advisory Committee (UCAC) asks if the Open Governmental Proceedings Act applies to its meetings.

FACTS RELIED UPON BY THE COMMITTEE

UCAC was established by W. Va. Code § 16-1A-3 to assist the Secretary of the Department of Health and Human Services and the Insurance Commissioner in their joint responsibility for developing and implementing a uniform credentialing process for health care practitioners. UCAC is required to meet at least annually to review the status of uniform credentialing and to make recommendations to the Secretary and Commissioner. However, the Secretary and Commissioner are not required to follow UCAC's recommendations.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

The Open Meetings Act defines a "public agency" as:

Any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing authorized by law to exercise some portion of executive or legislative power.

W. Va. Code § 6-9A-2(6).

ADVISORY OPINION

UCAC is an administrative subunit of State government. However, UCAC's limited authority to provide advice and non-binding recommendations does not involve the exercise of executive or legislative power. Therefore, UCAC is not a public agency subject to the requirements of the Open Meetings Act.



Chairman