PROCEDURAL RULE
WEST VIRGINIA BOARD OF RESPIRATORY CARE
PROCEDURAL RULE – SERIES 8
OPEN MEETINGS

§30-8-1. General

1.1 Scope — As required in W. VA. Code §6-9A-3, this rule sets forth the means by which the time, place, and agenda of all regular and 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 — WV Code §30-34-4 and §6-9A-l through 12.

1.3 Filing Date —

1.4 Effective Date —

§30-8-2. Application and Enforcement

This rule applies to the board and any and all individuals desiring to attend or to address the West Virginia Board of Respiratory Care.

§30-8-3. Definitions

3.1 Board — The West Virginia Board of Respiratory.

3.2 Meeting — the convening of the governing body of the West Virginia Board of Respiratory Care for which a quorum is required.

3.3 Quorum — a simple majority of the constituent membership of the board.

3.4 Decision — any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.

3.5 Governing body - means the members of the board having the authority to make decisions for or recommendations on policy or administration.

3.6 Executive session — means any meeting or part of a meeting of a governing body which is closed to the public.

§30-8-4. Regular Meetings

4.1 The board meets in regular session during the months of April and October. The length of the meeting is determined by the amount of business to be addressed by the board.

4.2 Meeting dates are determined for one (1) year in advance beginning July 1, and ending on June 30. A majority of the board members shall agree upon specific meeting dates.

4.3 The executive secretary shall provide notice of the date, time, location and purpose of each regular meeting to the Secretary of State, appropriate professional associations and state agencies, as well as persons and organizations who request information, at least five (5) business days in advance of a regularly scheduled meeting.

4.4 The board shall convene all regular meetings at 11:00 o’clock a.m. unless otherwise changed by a majority vote of those members present and voting.

4.5 The board shall convene all regular meetings at the board office unless otherwise changed by a majority vote of those board members present and voting.

4.6 In the event the meeting room cannot accommodate all members of the public who wish to attend, the board may move the meeting to another location, provided another suitable location is readily available, and the public arriving at the original meeting location are given appropriate directions to the new meeting location.

4.7 The board shall issue a meeting agenda no later than three business days in advance of each regular meeting, not counting Saturdays, Sundays, legal holidays or the day of the meeting. The meeting agenda shall be posted or otherwise readily available to the public during regular business hours at the board office. After an agenda has been issued, it can only be amended to add additional items of business up to two business days in advance of the meeting, unless the additional agenda item involves an emergency requiring immediate official action by the board. In case of emergency the amended agenda is to explain the nature of the emergency which caused the board to add the item to the agenda and this explanation is to be included in the meeting minutes.

4.8 Board members may submit agenda items at any time prior to mailing of the agenda.

4.9 Individuals may submit items for board consideration. The items should be submitted not less than thirty (30) days prior to the date of the regularly scheduled meeting. The Chairperson makes the final determination on whether an item submitted less than thirty (30) days in advance shall be considered.

4.10 The Chairperson may cancel a meeting if a quorum cannot be convened or if there are no items of business to be conducted by the board.

4.11 Individuals who desire to address the board during a regularly scheduled meeting may do so by making their wish known to the Chairperson at any time prior to the call to order.

§ 30-8-5. Special Meetings

5.1 The Chairperson, the Secretary, or any two (2) members of the board may call a special meeting.

5.2 The executive secretary shall send a written notice setting forth the time, place and agenda to be considered to each member of the board, Secretary of State, appropriate professional associations and state agencies, as well as persons and organizations who request the information, at least five (5) business days in advance of a special meeting.

§30-8-6. Emergency Meetings

6.1 The Chairperson may call a meeting in the event of an emergency requiring immediate official action by the board.

6.2 The executive secretary shall notify members by telephone or other expedient method.

6.3 The executive secretary shall file a written notice containing the time, place, and purpose of the meeting and facts and circumstances of the emergency prior to the meeting, with the Secretary of State.

§30-8-7 Exceptions

7.1 The governing body of the West Virginia Board of Respiratory Care may hold an executive session during a regular, special or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the board shall identify the authorization under this section for holding the executive session and present it to the members of the board and to the public.

7.2 An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:

a. To consider acts of war, threatened attack from a foreign power, civil insurrection or riot;

b. To consider personnel or employee matters;

c. To issue, effect, deny, suspend or revoke a license, under the laws of this state or any political subdivision, unless the person seeking the license, whose

license was denied, suspended, or revoked requests an open meeting;

d. To consider the physical or mental health of any person, unless the person requests an open meeting;

e. To discuss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;

f. To plan or consider an official investigation or matter relating to crime prevention or law enforcement;

g. To development security personnel or devices;

It To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public might adversely affect the financial or other interest of the state or any political subdivision;

i. To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;

j. Nothing in this article permits the board to close a meeting that otherwise would be open merely because an agency attorney is a participant. If the board has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the board and entered into its minutes within a reasonable time after the settlement is concluded.

k. To discuss any matter which, by express provision of federal law or state statute or rule of the court is rendered confidential, or which is not considered a public record within the freedom of information act as set forth in article one,

7.3 No decision or vote may be made during an executive or closed session.

§30-8-9. Minutes

9.1 The board shall provide written minutes of all of its meetings. Subject to the exceptions for executive session set forth in section four (4) of this article, minutes of all meetings except minutes of executive sessions, shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

a. The date, time and place of the meeting

b. The name of each member of the board present and absent;

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

d. The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the board for recording roll call votes, the vote of each member, by name.

§30-8-9. Meeting by Conference Call.

9.1 Occasions may arise when one or more board members are not available to attend a meeting in person. On such occasions, members may attend and participate in the meeting by telephone or video teleconference to the same extent as if physically present. A speakerphone or other audio/video device shall be used at the meeting site to enable those present, including the public, to hear/see the members who are attending and participating by telephone or video/ teleconference.