

Texas Autism Council

Bylaws

1. Name and Legal Authority

The Texas Autism Council (Council) is established in accordance with Texas Government Code § 531.012 (a) and Title I, Texas Administrative Code § 351.837 and governed by Texas Government Code chapter 2110.

Texas Government Code § 2110.008 (Duration of Advisory Committees) applies to the Texas Autism Council. Unless extended by statute or rule, this Council is abolished on August 31, 2019.

2. Purpose and Role

The purpose of the Council is to advise and make recommendations to the Texas Health and Human Services Commission (HHSC) and the HHS Executive Commissioner on matters as described below:

- A. The needs of persons of all ages with autism spectrum disorder and their families; and
- B. All available resources to meet those needs.

Council duties include:

- A. Making recommendations to HHSC and the EC through regularly scheduled meetings and HHSC staff assigned to the Council Meetings
- B. Developing and submitting a state plan to HHSC to provide services to persons with autism spectrum disorder to ensure that:
 - 1. The needs of those persons and their families are addressed and that all available resources are coordinated to meet those needs;
 - 2. Within existing resources, the full range of services that are available through existing state agencies is offered to those persons throughout their lives to the maximum extent possible;
 - 3. Personnel training needs are assessed statewide and strategies are developed to meet those needs;

4. Incentives are offered to private sources to encourage the sources to maintain present commitments and to assist in developing new programs; and
 5. Implementation of a procedure for review of individual complaints about services provided under this section.
- C. Addressing, with input from people with autism spectrum disorder, their families, and related advocacy organizations, contemporary issues affecting services available to persons with autism spectrum disorder in this state, including:
1. Successful intervention and treatment strategies, including transitioning;
 2. Personnel preparation and continuing education;
 3. Referral, screening and evaluation services;
 4. Day care, respite care, or residential services;
 5. Vocational and adult training programs;
 6. Public awareness strategies;
 7. Contemporary research;
 8. Early identification strategies;
 9. Family counseling and case management; and
 10. Recommendations for monitoring autism spectrum disorder service programs.
- D. Developing specific program guidelines for:
1. Instructional or treatment options;
 2. Frequency and duration of services;
 3. Ratio of staff to affected persons;
 4. Staff composition and qualifications;
 5. Eligibility determination; and
 6. Other program features designed to ensure provision of quality services.
- E. Considering for approval funding requests from a public or private service provider that may apply for available funds to provide a program of intervention services for eligible persons with autism spectrum disorder in areas of identified needs. Council approval must be in accordance with Texas Human Resource Code § 114.010.
- F. Preparing and submitting a report, not later than November 1 each even-numbered year:
1. With direction and approval of the EC, summarizing requirements the Council identifies, and recommendations for providing additional or improved services to persons with autism spectrum disorder; and

2. Once approved by the EC, HHSC will submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives.
- G. Developing a strategy for recommending new programs to meet the requirements identified through the Council's review and assessment and from input from people with autism spectrum disorder, their families, and related advocacy organizations.
- H. Perform other tasks consistent with its purpose that are requested by the EC.

3. Definitions

High Level of Integrity: For purposes of these bylaws, this means that the member is honest and behaves in a morally upright way, at a level above a normal or average level, such that the public's trust in the member is warranted. A high level of integrity includes disclosing conflicts of interest as required by HHS policy and these bylaws.

4. Council Composition

The Council is composed of no more than 24 voting public members and ex officio members.

- A. Each member must have knowledge of and an interest in autism spectrum disorder.
- B. Voting Members. Each public member is appointed by the HHS Executive Commissioner. The majority of public members are family members of a person with autism spectrum disorder. To the greatest extent possible, the HHS Executive Commissioner shall appoint members to this advisory council who reflect the geographic diversity of Texas.
- C. Non-voting, ex officio members. Each ex officio member is appointed by the executive head of his or her respective state agency as follows:
 1. 1. Department of Family and Protective Services;

2. Texas Department of State Health Services
3. Health and Human Services Commission;
4. Texas Education Agency; and
5. Texas Workforce Commission.

5. Member Terms

A public member is appointed to serve a two-year term. At the discretion of the HHS Executive Commissioner, an individual may be reappointed to serve one additional term. These terms may be served consecutively.

The expiration of membership terms occurs on August 31. Regardless of the term limit, a member serves until a replacement has been appointed. This ensures sufficient, appropriate representation.

An ex officio member serves at the pleasure of the executive head of the agency that appointed the member.

6. Resignations and Vacancies

If any voting member of the Council wishes to resign, the member will contact, in writing, the current Chair and HHSC Council Liaison requesting the appointment of a successor member.

If any ex officio member of the Council wishes to resign, the member will contact, in writing, the executive head of the appointing agency that designated the member, current Chair, and HHSC Council Liaison, requesting the appointment of a successor member.

In the event of a vacancy for any reason, HHSC staff will work with the HHS Executive Commissioner to solicit applications as appropriate to fill the vacancy with a representative of the same membership category to serve the unexpired portion of the term of the vacant position. Persons who submitted applications within the previous year through HHSC may be reconsidered for membership.

7. Presiding Chair and Vice-Chair

In compliance with Texas Government Code §2110.003, the Council's voting members will elect the Chair of the Council. The Chair will serve a

term of one year. The Chair will serve no more than two consecutive terms. An ex officio member may not serve as an officer. In the event that the Chair is unable to complete a term for any reason, the Council's voting members will elect a replacement to fill the remainder of the unexpired term.

The Chair will appoint a Vice-Chair to serve in the Chair's absence. The Vice-Chair will serve a term of one year. The Vice-Chair will serve no more than two consecutive terms. Regardless of the expiration of the term, the Chair and Vice-Chair will serve until the Committee elects a successor; however, a presiding officer may not remain in office past his or her membership term.

The role of the Chair and Vice-Chair is to:

- A. Report to HHSC;
- B. Participate in agenda planning and preparation for Council meetings;
- C. Provide leadership in conducting Council meetings;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Council Liaison, to call meetings to accomplish the work of the Council;
- F. Ensure the Council adheres to its charge;
- G. Call for the establishment of subcommittees (if applicable and with approval of agency staff); and
- H. Confer with HHSC staff to acquire the support needed for Council operations.

8. Council Operations and Meetings

A. Meetings

1. The Council meets quarterly during regular business hours.
2. The Council is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act) as if it were a governmental body.

B. Quorum

A majority of voting members constitutes a quorum for the purpose of transacting official business. (To calculate a majority for a council with an even number of members, divide the membership by two and add one; for a council with an odd number of members, divide the membership by two and round

up to the next whole number.) If less than a quorum of the Council is present, members may not vote upon action items but may take testimony and public comments so long as the meeting is being conducted in accordance with the Texas Open Meetings Act.

C. Voting

1. Voting members have the right to vote on any subject that is listed on the agenda. However, members must abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest.
2. The Council may determine procedural matters by majority vote of the members attending the meeting, or may use Robert's Rules of Order as a guide to its operations and proceedings.
3. A member may participate and, if the member is a voting member, vote by telephone conference as deemed necessary by agency staff.
4. A member, other than an ex officio member, may not authorize another individual to represent the member by proxy.
5. For all business except adopting or amending bylaws, a simple majority is needed. (A simple majority is defined as more than half of the votes cast by persons entitled to vote who are in attendance with a quorum, excluding abstentions.)

D. Adoption and Revision to Bylaws

1. Bylaws will be adopted and amended pursuant to a two-thirds vote (of voting members attending the meeting) on a motion duly made and seconded.
2. Council members or HHSC staff may propose changes to these bylaws. All proposed changes from Council members, along with the rationale for the changes, should be submitted in writing to the HHSC Council Liaison at least 30 days prior to the next Council meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration.
3. The Council will review the Bylaws by December 31 of every even-numbered year. Council-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by HHSC staff.
4. All proposed changes are subject to review and approval by HHSC staff.

5. The Bylaws will become effective as of the date they are adopted by the Council. The Council will make note of the date of the adoption of the Bylaws in its minutes. Members will sign a Statement by Members when bylaws are amended (see attached Statement).

9. Responsibilities of Members

A. Attendance

Members are expected to attend all meetings in person or by conference call. A member unable to attend a meeting should notify the Council Liaison in advance. The Council Liaison will notify the Chair and appropriate program staff. Members, other than ex officio members, may not send a substitute to attend a meeting in their place.

Except for the ex officio member, any member missing three meetings within a one year period with or without notice to the Council Liaison, may be removed from the Council.

B. Member expectations:

1. Attend meetings in person or by conference call;
2. Participate in subcommittees as assigned;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Submit travel expenses (if applicable and if reimbursement is desired) within 30 calendar days of the meeting];
6. Abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest;
7. Attend/participate in an orientation session for the Council;
8. Complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Council Liaison. If a member has taken the trainings within the last five years, a copy of the Certificates of Completion may be submitted to the Council Liaison in lieu of taking the trainings;

9. Sign and submit to the Council Liaison the Statement by Members document (attached) within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Council members must agree;
10. Notify the Council Chair and Council Liaison if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;
11. Maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act; and
12. Hold and maintain in strictest confidence all confidential information and all agency-generated information, including information in draft form, until such time as the information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Council. In addition, the member must confirm that he or she will require the member's interpreters, attendants, or other support persons if any, to comply with this requirement. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

Failure to comply with member expectations numbers 6-12 above by a voting member are grounds for dismissal and may result in removal from the Council. If a non-voting member does not comply with expectation numbers 6-12, the HHS Executive Commissioner may request the agency that appointed the member to appoint another individual to the position.

C. A Council member may not:

1. Claim or appear to represent HHSC or the Council in any legislative or advocacy activity without written approval from

the council Chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office and the Council Liaison. A member is not prohibited from discussing a report that has been formally adopted by the specific committee he or she represents, or from representing him- or herself or other non-state agency entity in the legislative or advocacy process.

2. Accept payment for any services offered to the member because of the member's position on the Council.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through his or her participation on the Council until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media.
4. Fail to require the member's interpreters, attendants or support persons, if any, to keep confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through the member's participation on the Committee until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media.

A violation of any of these items are grounds for dismissal and may result in removal from the Council.

10. Removal from the Council

The HHS Executive Commissioner may remove a voting member from the Council for the following reasons:

- A. A member votes or deliberates on an issue that would provide monetary or other gain or that presents a conflict of interest to the member, the member's family, or an entity with which the member is closely affiliated.

- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member claims or appears to represent HHSC or the Council in legislative or advocacy activities without approval from the Council Chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office and Council Liaison.
- F. A member receives payment for any services requested because he or she holds a position on the Council.
- G. A member discloses confidential or draft information acquired through his or her participation on the Council not in accordance with the Bylaws.
- H. A member fails to require his or her interpreter, attendant or support person, if any, to keep confidential any information or draft information acquired through the member's participation on the Committee as required by the Bylaws.
- I. A member, in a 12-month period, misses three meetings with or without notice to HHSC staff.
- J. The HHS Executive Commissioner may remove a member who has violated the conflict of interest provisions or made a statement in violation of the Statements by Members form. Decisions to remove a member of the Council due to violations of this nature will require input from HHS legal counsel.

11. Subcommittees

Unless otherwise noted in statute, the Chair, with the approval of agency staff, may establish subcommittees that meet at other times for purposes of studying and making recommendations on issues the Council determines appropriate to the charge of the Council. A subcommittee may be created for a limited period of time and will cease to exist when the assigned tasks are completed or upon determination

of the Chair, or it may be a standing subcommittee. The Chair and agency staff will evaluate the need for all existing subcommittees annually.

Subcommittee Operations and Meetings

- A. Unless otherwise noted in statute or required by a grant document, members of subcommittees are required to be members of the Council.
- B. Except as set out in subsection D below, subcommittee(s) will follow the general rules of the Council as applicable.
- C. Subcommittee(s) must keep minutes of the meetings and report back to the full body.
- D. The presence of a quorum of the full Council at a subcommittee meeting:
 1. Constitutes a full Council meeting that requires posting appropriate notice of the meeting as a full Council meeting in accordance with the Texas Open Meetings Act; and
 2. Requires the subcommittee meeting to be held in compliance with the Texas Open Meetings Act to include posting appropriate notice of the subcommittee meeting.

12. Subject Matter Experts

HHSC recognizes the value of subject matter experts (SMEs) to provide information to the Council as it develops recommendations and initiatives relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis to be considered by the Council. SME participation will be subject to the request of voting Council members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of voting Council members, the Chair, Vice-Chair, and HHSC staff.
- B. An invited SME may be recognized by staff, the Council Chair, or Vice-Chair to provide information or analysis during allotted time periods at a specified Council or subcommittee meeting.
- C. SMEs will participate in questions and answers at the direction of the staff, Council Chair, or Vice-Chair.
- D. All SMEs will participate and serve at the pleasure of the Council.

- E. SMEs do not hold any official capacity on the Council or subcommittees and do not have rights of deliberation or the right to vote on any Council activities or decisions.
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Council.
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Council as allowed under the Texas Open Meetings Act.

13. Responsibilities of Support Staff

HHSC will provide reasonable administrative and technical support and coordination for all Council and subcommittee activities. HHSC will coordinate as needed to provide the accommodations and supports needed by a Council member requiring accommodations to enable the member to fully participate in Council and subcommittee meetings and activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Council members;
- B. Solicit nominations for membership in accordance with the appropriate HHS procedures;
- C. Serve as liaison between members and operating agencies' staff;
- D. Plan, coordinate, and organize Council and subcommittee meetings and activities, including but not limited to:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted in the *Texas Register* in a timely manner and on the HHSC website;
 - 5. Serve as point of contact for the public including ensuring contact information, agendas, and meeting support materials are easily accessible on the HHS website;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Prepare and maintain Council records and documentation in accordance with the HHSC records retention policy; and

- 8. Assist eligible members with travel arrangements and reimbursement.
- E. Coordinate as needed to provide any accommodations and supports required for a Committee member who has a disability to enable the member to fully participate in Committee meetings and activities;
- F. Staff may perform other duties within staff discretion provided the necessary resources are available.
- G. Staff does not play a role in the development of the Council's report to the Executive Commissioner.

14. Compensation and Travel Reimbursement

To the extent permitted by the current General Appropriations Act, and in accordance with the HHS Travel Policy, a member of the Council may be reimbursed for qualified travel expenses to and from Council meetings, if funds are available.

Members eligible for such reimbursement are subject to rates established in the General Appropriations Act. Staff will assist members in requesting reimbursement. Council members are responsible for providing the required documentation as per instructions provided within 30 calendar days of the meeting.

A member who would like to seek travel reimbursement must:

- A. Keep accurate record of allowable travel expenses (as per the HHS Travel Policy) during travel to attend Council meetings; and
- B. Submit receipts and appropriate documentation to the Council liaison in a timely manner.

Bylaws approved on _____ by a two-thirds vote of members attending the meeting.

 Chairperson
 Printed Name

 Signature

HHSC
Printed Name

Signature

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Statement by Members

- The HHSC and the Texas Autism Council (“Council”) are not bound in any way by any statement or action on the part of any Council member except when a statement or action is in pursuit of specific instructions from HHSC or the Council.
- The Council and its members may not claim or appear to represent HHSC or the Council in any legislative or advocacy activity without approval from the Council chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office. Council members are not prohibited from discussing a report that has been formally adopted by the specific committee he or she represents, or from representing him- or herself or other non-state agency entity in the legislative or advocacy process.
- A Council member may not accept payment for services that are requested because of the members’ title or position on this Council.

- A Council member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Council duties.
- A Council member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Council member shall complete the Texas Open Meetings Act Training and the Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Council Liaison. If a member has taken the training within the last five years, a copy of the Certificate of Completion may be submitted to the Council Liaison in lieu of taking the training.
- Nondisclosure agreement. A Council member may not disclose confidential information or agency-generated information in draft form acquired through his or her Council membership, unless HHSC has released and made public the information or document, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Council. In addition, the member must confirm that he or she will require the member's interpreters, attendants or support persons, if any, to comply with this requirement. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.
- Conflict of Interest Statement. I agree to disclose any personal or private interest that myself or my family have in a measure, proposal, or decision pending before HHSC. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.) If there is a direct personal or financial interest in a motion under consideration, I further agree to disclose that fact in a public meeting and will recuse myself from any Council deliberations or decisions on that matter.

I have been provided a copy of the Texas Autism Council bylaws. I understand that as a member of the Council I must adhere to the bylaws.

Advisory Board Member Signature

Printed Name

Date

Revisions Tracking Page

Document Version #	Revision Date	Revisions / Purpose	Author

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