

DRAFT -- State Medicaid Managed Care Advisory Committee (SMMCAC) Bylaws

1. Name and Legal Authority

The State Medicaid Managed Care Advisory Committee (SMMCAC) (“Committee”) is authorized and governed by the Texas Health and Human Services Commission (HHSC) and Texas Government Code § 533.012.

The Committee is also governed by Texas Government Code Chapter 2110 (State Agency Advisory Committees).

2. Purpose and Role

The purpose of the State Medicaid Managed Care Advisory Committee (SMMCAC) is to provide recommendations and ongoing advisory input to HHSC on the statewide operation of Medicaid managed care. This includes the following:

- Program design and benefits
- Concerns about the system from consumers and providers
- Efficiency and quality of services
- Contract requirements
- Provider network adequacy
- Trends in claims processing, and
- Other issues as the Executive Commissioner requests.

Reporting Requirements:

The Committee files an annual written recommendations report to the Executive Commissioner no later than October 1st. The report includes:

- list of the meeting dates;
- a brief description of actions taken by the Committee;
- a description of how the Committee accomplished its tasks;
- a summary of the recommendations that the Committee recommended to HHSC;
- a description of activities the Committee anticipates undertaking in the next fiscal year.

3. Committee Composition

The State Medicaid Managed Care Advisory Committee (SMMCAC) is composed of 17 members appointed by the Executive Commissioner.

The Committee consists of representatives of the following categories:

- Hospitals
- Managed care organizations and participating health care providers
- Primary care providers and specialty care providers
- State agencies
- Low-income recipients or consumer advocates representing low-income recipients
- Recipients with disabilities, including recipients with an intellectual or developmental disability or with physical disabilities, or consumer advocates representing those recipients
- Parents of children who are recipients
- Rural providers
- Advocates for children with special health care needs
- Pediatric health care providers, including specialty providers
- Long-term services and supports providers, including nursing facility providers and direct service workers
- Obstetrical care providers
- Community-based organizations serving low-income children and their families
- Community-based organizations engaged in perinatal services and outreach
- Recipients who are 65 years of age or older
- Recipients with mental illness
- Non-physician mental health providers participating in the Medicaid managed care program
- Entities with responsibilities for the delivery of long-term services and supports or other Medicaid service delivery, including:
 - Independent living centers;
 - Area agencies on aging;
 - Aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services; and
 - Community mental health and intellectual disability centers; and
 - The NorthSTAR Behavioral Health Program provided under Chapter 534, Health and Safety Code.

4. Member Terms

Appointed members will serve for two or three years to be drawn at lot. Members drawing a term they believe they will be unable to serve may exchange the term they drew with another member.

Individuals will normally serve for only one term; however, at the discretion of the Executive Commissioner, an individual may be appointed [or apply] for one additional term. These terms may be served consecutively. The expiration of membership terms occurs on December 31st of the year terms expire. To ensure sufficient, appropriate representation, a member serves until his/her replacement has been appointed.

5. Resignations, Expirations, Terminations, and Vacancies of Membership

If any member of the Committee wishes to resign, the member will contact, in writing, the Executive Commissioner, current Chair, and Committee point of contact requesting the appointment of a successor member.

In the event of a vacancy for any reason, the Executive Commissioner shall 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 previously submitted applications through HHSC may be reconsidered for membership. Additionally, a solicitation of nominations from other interested individuals in the same membership category may occur.

Membership can be terminated for one or more of the following reasons:

- Absence of three meetings within 365 day period;
- Inactivity and lack of responsiveness between two quarterly meetings;
- Member does not adhere to Open Meetings Act and/or Public Information Act;
- Conflict of interest arises;
- An ethical breach has been made.

6. Presiding Chair and Vice-Chair

Except for the initial appointment, the Committee membership selects the Chair and Vice-Chair of the Committee. The role of the Chair and Vice-Chair is to:

- Report to the HHSC;
- Provide democratic leadership in conducting Committee meetings;
- Promote, maintain and encourage a participatory environment;
- Call meetings as needed to accomplish the work of the Committee;
- Ensure the Committee adheres to its charge;
- Call for the development of subcommittees (if applicable);
- Confer with HHSC staff to acquire the support needed for Committee operations; and
- Leads Committee strategic planning efforts.

7. Committee Operations and Meetings

- Meetings
 - The Committee meets during regular business hours at least semi-annually or at the call of the Chair.
 - The Committee is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act).
- Quorum
 - A majority of voting members (one over 50%) shall constitute a quorum for the purpose of transacting official business. If less than a quorum of the Committee is present, action items may not be voted upon, although testimony and public comments may be taken.
 - 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.)
 - Committee recommendations will be adopted pursuant to a simple majority vote on a motion duly made and seconded.
- Voting
 - Members have the right to vote on any subject that is provided on the agenda. Committee members may also vote on operational or procedural matters that come before the Committee.
 - Members may not authorize another individual to represent the member by proxy.

- The Committee may use Roberts Rules of Order as a guide to its operations and proceedings.
- Adoption and Revision to Guiding Principles/Bylaws
Committee members of HHSC staff may propose changes to these guiding principles/bylaws. All such proposed changes, along with the rationale for the changes should be submitted in writing to staff at HHSC at least 30 days prior to the next Committee meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration. Amendments will be passed and become effective based on a two-thirds (2/3) vote of a of the Committee membership.

The Bylaws will become effective as of the date they are adopted by the Committee. The Committee will make note of the date of the adoption of the Bylaw in its minutes.

8. Responsibilities of Members

- Attendance
Members are expected to attend all meetings. A member unable to attend a meeting should notify HHSC staff in advance as soon as they are able. Staff will notify the Chair and appropriate program staff. Members may not send a substitute to attend a meeting in their place.

If any member misses three (3) meetings within a 365 day period, with or without notice to the designated HHSC staff, the member will be removed/terminated from the Committee.

- Member expectations:
 - Attend meetings;
 - Participate in subcommittees/work groups as assigned;
 - Prepare for meetings - Review agendas and other information sent by staff prior to each meeting;
 - Participate in discussions at meetings;
 - Build a collaborative working relationship with other members;
 - Maintain a level of integrity that warrants public trust;
 - Submit travel expenses (if applicable) within 30 calendar days of the meeting;
 - Comply with all aspects of the Texas Open Meetings Act and Public Information Act;

- Abstain from voting on issues that would provide monetary gain to the member or that could be a conflict of interest;
- Notify the Committee chair and point of contact if a change of job alters the category of membership which they were filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties due to illness or disability; and
- Comply with all ethics policies adopted by HHSC or the Texas Ethics Commission.

Subcommittees and workgroups that meet at other times for purposes of studying and making recommendations on issues the Committee determines appropriate to the charge of the subcommittee. Subcommittees may be created for a limited period of time and will cease to exist when their assigned tasks are completed or upon determination of the Chair and/or Executive Commissioner.

Members of subcommittees are not required to be members of the Committee, but a member of the Committee must be the chair or co-chair of any such subcommittee. Such subcommittee(s) will follow the general rules of the Committee as applicable. The subcommittee(s) must keep and report the minutes of the meetings.

9. Responsibilities of Support Staff

HHSC support staff will provide reasonable administrative and technical support and coordination for all Committee activities. The Commission will provide the accommodations and supports needed by a Committee member who is a consumer of [intellectual or developmental disability or other specific type] services to enable them to fully participate in Committee meetings and activities.

Staff is expected to perform the following tasks:

- Develop an effective working relationship with members;
- Solicit nominations for membership;
- Act as liaison between members and operating agencies' staff; and
- Plan, coordinate, and organize Committee meetings, subcommittees, and workgroup activities, including but not limited to:

- Notify members of upcoming meeting dates, times, and locations;
- Develop agenda and support materials for each meeting;
- Prepare and oversee that agenda is posted in the *Texas Register* in a timely manner and the HHSC website;
- Act as point of contact for the public including ensuring contact information, agendas, and meeting support materials are easily accessible on the HHSC website;
- Prepare and distribute information and materials for member review;
- Prepare and maintain Committee records and documentation;
- Arrange meetings and meeting sites; and

10. Compensation

A member of the State Medicaid Managed Care Advisory Committee (SMMCAC) is entitled to a per diem allowance and reimbursement at rates established in the General Appropriations Act for travel expenses to and from meetings.

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