



HHS CIRCULAR C-022

Health and Human Services

Enterprise Policy for Advisory Committees

Purpose

To establish enterprise-wide guidelines regarding health and human services (HHS) agency advisory committees.

Definitions

See Attachment 1.

Policy

HHS agencies are responsible for following the processes in this circular when providing staff support to advisory committees. Support services include soliciting nominations and making recommendations for advisory committee appointments to the Health and Human Services Commission (HHSC) Executive Commissioner in addition to completing evaluations of advisory committees.

These guidelines must be considered in accordance with all HHSC and HHS agency-adopted policies and procedures governing staff assistance. Absent a conflict with federal or state law, these guidelines apply to all HHS advisory committees.

Responsibilities

Advisory Committees

Unless otherwise described in the statute and/or rules for each committee, advisory committees are generally responsible for:

- Providing advice in accordance with the statute and/or rules that govern the committee.
- Transacting official business only during a legally constituted meeting in which a quorum is present.
- Ensuring coordination with appropriate agency staff.



- Following all applicable laws and agency rules and policies pertaining to advisory committees as advised by agency legal staff. When appropriate, applicable provisions may include:
 - The Texas Open Meetings Act, Texas Government Code, Chapter 551, and the Texas Public Information Act, Texas Government Code, Chapter 552 (open records and public information). (Office of Attorney General trainings are available at http://www.oag.state.tx.us/open/og_training.shtml.)
 - Ethics rules, laws, and the HHS Ethics Policy.
- Maintaining standard operating procedures, bylaws, or other written documentation for use in providing operational guidance to the advisory committee.
- Abstaining from participation in any legislative activity in the name of the agency or the advisory committee except with specific approval obtained through the agency legislative process. Advisory committee members are not prohibited from representing themselves or other entities in the legislative process.

HHS Agencies – Support for Advisory Committees

Agency staff assigned to an advisory committee will provide general support by performing various tasks including:

- Managing the appointment process.
- Training new and continuing advisory committee members.
- Coordinating meetings, including preparing the agenda, supporting materials and minutes.
- Coordinating with agency legal staff and HHSC Government Relations or the agency Center for Consumer and External Affairs (CCEA) to define the statutory authority and scope of responsibility for each advisory committees.
- Managing the reimbursement process, if reimbursement is allowed.
- Updating the *Report and Evaluation* template regarding advisory committee activity and submitting the evaluation to HHSC Government Relations or agency CCEA by April 1 of each even-numbered year. (Attachment 2: Section 1 is to be completed for all committees)



for which the agency is a member; Section 2 is to be completed for only those committees where the agency is the lead agency; and Section 3 is to be completed by the lead agency's budget staff.)

- Preparing advisory committee presentations to the agency council, as needed.
- Working with the advisory committees to prepare and submit reports to the Governor and/or Legislature, HHSC Executive Commissioner, and HHS agency commissioners as required by advisory committee statute, rules, and/or policy.
- Ensuring coordination with the appropriate HHSC Government Relations or CCEA staff on issues that impact legislative communications.
- Maintaining timely, updated information on agency websites (including a link available to the advisory committee page from the agency's home page) and ensuring meaningful access to individuals with limited English proficiency, sensory or mobility impairments, and/or speech impairments.

In some instances, advisory committees may rely on committee officers or members to perform some of the tasks as described above, such as preparation of the agenda or minutes.

HHSC Government Relations and HHS Centers for Consumer and External Affairs

HHSC Government Relations or the agency CCEAs serve to help facilitate communication between advisory committees (including advisory committee support staff) and the agency councils. This includes working with agency staff to coordinate the submission of the information gathered in the *Report and Evaluation* template and to then report this information to agency councils once every other year in order to keep council members up-to-date on advisory committee activities.

HHSC Government Relations or the agency CCEAs are responsible for providing an evaluation of advisory committees to the Executive Commissioner or the HHS agency commissioners. By March 1 of each even-numbered year, HHSC Government Relations or the agency CCEAs will forward the *Report and Evaluation* template to advisory committee support staff to complete.

By May 15 of each even-numbered year, each CCEA shall submit to HHSC Government Relations a list of all active and newly created agency advisory committees with updated information submitted by advisory committee staff. This list should include any



recommendations from the respective HHS agency commissioners regarding the abolishment or consolidation of an advisory committee.

By July 1 of each even-numbered year, HHSC Government Relations will submit a summary of recommendations from all five HHS agencies regarding abolishment and consolidation to the Executive Commissioner. HHSC Government Relations or the agency CCEAs will then prepare a report of their respective agency's approved recommendations to the Legislative Budget Board (LBB), as required by Chapter 2110 of the Government Code.

HHSC Government Relations, or the agency CCEAs, may also assist HHS agency staff in the following:

- scheduling and preparing advisory committee presentations to the agency councils;
- coordinating the submission of required advisory committee reports to the Governor, and/or Legislature, HHSC Executive Commissioner, and HHS agency commissioners as required by advisory committee statute, rules, and/or policy; and
- training of new and continuing advisory committee members on basic agency and program structure and the legislative process, through materials available to advisory committee support staff on the agency intranet.

HHSC Executive Commissioner

The HHSC Executive Commissioner makes appointments to advisory committees as directed by statute and/or rule, or may delegate this authority as appropriate. The Executive Commissioner may also forward names of potential candidates to external offices such as the Governor, Lieutenant Governor, or Speaker of the House, for their nominations to advisory committees, if suggestions are requested. The Executive Commissioner may call upon advisory committee members and/or program staff to offer advice or opinions regarding issues or rules relevant to the advisory committee. The Executive Commissioner retains the final determination on the acceptance of recommendations or advice provided by such advisory committees.

HHS Agency Commissioners

HHS agency commissioners make appointments to advisory committees as delegated by the Executive Commissioner, or as authorized by statute or rule. When requested, they may also forward names of potential candidates to external offices such as the Governor, Lieutenant Governor, or Speaker of the House, for their nominations to advisory committees. The HHS agency commissioners may call upon advisory committee members and/or program staff to offer



advice or opinions regarding issues or rules relevant to the advisory committee. They will also make recommendations to the Executive Commissioner regarding the abolishment or consolidation of advisory committees.

Communication Plan

Communication Between Advisory Committee and Agency Council

Each agency shall establish mechanisms to ensure the timely flow of appropriate information between advisory committees and the agency council. Periodic updates, distribution of minutes, website postings, the establishment of liaisons between committee and council members, and/or other methods may be used to facilitate communication, as appropriate. At a minimum, a biennial report of the activities of each advisory committee must be submitted to the agency council, as described below.

Biennial Report of Advisory Committee Activities

Each agency must submit a biennial report to communicate the activities of each advisory committee to the agency council. The *Report and Evaluation* template (Attachment 2) serves to collect standard information to be reported to agency councils. The template is used to develop an executive summary of the advisory committee's activities, accomplishments, and challenges during the preceding year. The process includes the following general guidelines:

- Agencies should collect information per the *Report and Evaluation* template and forward to HHSC Government Relations (for HHSC advisory committees) or the HHS agency CCEAs by April 1 of each even-number year, unless a specific due date is otherwise specified by statute and/or rule.
- Agencies may choose to extract the information collected in the template and use an alternate reporting format when presenting the information to their respective agency councils.
- HHSC Government Relations or agency CCEAs will coordinate submission of all reports of advisory committee activity to their respective agency councils.

Website Updates

Agency staff should follow agency internal processes for routing information about advisory committee meeting dates, times, and locations for posting on the agency website. Agencies are



required to maintain updated information relating to active agency advisory committees on the agency website. This information should include:

- a short description of each committee’s purpose and information on upcoming meetings;
- agendas, minutes, reports, membership lists; and/or
- a link to the GovDelivery portal (as appropriate or practical).

Agencies must ensure meaningful access is available to individuals with limited English proficiency, sensory impairments, and/or speech impairments.

Public Participation/Comment

An agenda item should be included in each advisory committee meeting, and when appropriate, in each subcommittee meeting agenda to allow for public comment.

Evaluation

The lead agency for each committee should conduct an evaluation to ensure the work and usefulness of the advisory committee continues to be relevant to the agency. State law establishes a mechanism for agencies to evaluate advisory committees that are subject to Texas Government Code, Chapter 2110. Other options are available for agencies to evaluate advisory committees not subject to Chapter 2110. The content of the evaluations for all advisory committees should be comparable. Should an agency determine an advisory committee should be re-configured or abolished, the process for recommending such action will depend on the authority or statutory basis for the establishment of the advisory committee as depicted in the flowchart in Attachment 3.

During the evaluation process, agencies may seek and consider input from stakeholders including advisory committee members and/or council members. In all cases, agency staff should consult with HHSC Government Relations or their agency CCEA before completing the evaluation.

1. **Committees Subject to Chapter 2110 Review** – Advisory committees that are subject to Texas Government Code, Chapter 2110 must be evaluated. The template for the *Report and Evaluation* (Attachment 2) contains the items specified in Government Code, Section 2110.006, requiring an evaluation of the:

- advisory committee’s work;
- advisory committee’s usefulness; and



- costs related to the advisory committee's existence, including the cost of agency staff time spent in support of advisory committee activities.

Per Chapter 2110 requirements, information developed in the evaluation is to be reported to the LBB in connection with the agency's legislative appropriations request (LAR). The evaluation may contain recommendations for changes in the advisory committee, including consolidation or abolishment of the committee. The evaluations will be forwarded to the Executive Commissioner by HHSC Government Relations. Final decisions on any recommendations from the evaluations to be included in each agency's LAR, including recommendations to consolidate or abolish any advisory committee, rest solely with the HHSC Executive Commissioner.

Note: The enabling statute for some advisory committees specifically excludes certain sections of Chapter 2110. Agencies should evaluate the advisory committee using the guidelines described above unless statute specifically excludes §2110.006 relating to Agency Evaluation of Committee Costs and Effectiveness. The evaluation should note any exceptions to Chapter 2110 that are specified in statute, such as exceptions regarding the duration or membership requirements of the committee.

Additionally, although the guidance in this circular addresses a biennial reporting process, it should be noted that Chapter 2110 includes an annual evaluation requirement. Agencies should continue to conduct annual evaluations of advisory committees, using either the same template used for the biennial evaluation/report, or something less formal. HHSC Government Relations and CCEAs however, will only collect information from the Report and Evaluation completed in even-numbered years.

2. **Committees Not Subject to Chapter 2110 Review** – Agencies should use the *Report and Evaluation* template to review the usefulness and relevance of each advisory committee that is not subject to Chapter 2110. All advisory committees, whether or not they are subject to Chapter 2110, are established either: (1) through a state or federal law that specifically created the committee to advise the agency; or (2) under the general authority granted by state or federal law that authorized the agency to create the committee to advise the agency.

- a. *Advisory Committees Specifically Created by State Law*

Although not all advisory committees are subject to Chapter 2110, Chapter 2110.004 (b)(3) allows agencies, to identify in the LAR process *any other* advisory committee that should be consolidated or abolished. Through the evaluation process, should an agency determine an advisory committee that was specifically created



by state law and not subject to Chapter 2110, is no longer useful or needs to be re-configured, that agency may identify the advisory committee to be considered for consolidation or abolishment in the report to the LBB in connection with the agency's request for appropriations. The Governor and the LBB will then jointly identify advisory committees that should be abolished.

b. Advisory Committees Created Under the General Authority Granted to Agency

Should an agency determine that an advisory committee created under the general authority granted to the agency and not subject to automatic abolishment under Chapter 2110 is no longer useful or needs to be reconfigured, that agency may submit a recommendation to the HHSC Executive Commissioner. The HHSC Executive Commissioner retains the final determination to reconfigure or abolish the advisory committee, or may delegate such authority to the HHS agency commissioner.

Timeline – Biennial Report and Evaluation

Each even-numbered year, staff shall submit to the following timeline:

- March 1 – HHSC Government Relations or agency CCEAs will forward the *Report and Evaluation* template to advisory committee support staff to complete.
- April 1 – Advisory committee support staff will submit completed Report and Evaluation templates to HHSC Government Relations or CCEA staff.
- May 15 – Each CCEA will submit completed templates for all active and newly created agency advisory committees. Recommendations from their agency commissioners regarding abolishment or consolidation of advisory committees shall be included.
- July 1 – HHSC Government Relations will submit a summary of recommendations for abolishment and consolidation from all five HHS agencies to the Executive Commissioner. A report of approved recommendations to the LBB will then be prepared by HHSC Government Relations or the agency CCEA.

Appointment Process and Procedures

Agencies should adhere to the following guidelines when seeking appointments for agency advisory committees. When agency staff is asked to provide nominations to external offices such as the Governor, Lieutenant Governor, or Speaker of the House, these guidelines should be



followed, as applicable. If agency staff does not have an opportunity to solicit membership or review applications for nominations to external offices, staff must, at a minimum, adhere to the guidelines provided under the section “Recommendations for Appointments.”

Solicitation for Membership

Various methods of solicitation may be necessary or appropriate depending on the advisory committee, existing by-laws or operating procedures, and the nature of the vacancy. Generally,

upon vacancy or shortly thereafter, or six months before the expiration date of a current advisory committee member’s term, appropriate associations, stakeholders, and other interested parties should be notified of the vacancy. In recognition of the staff time involved in the process of filling vacancies, agencies may at times choose to delay the immediate filling of a vacancy in order to include two or more vacancies in the solicitation process and request for appointments. Agencies should use discretion in any decision to delay the process of filling a vacancy, taking into consideration the impact of the vacancy on the advisory committee’s composition, ability to accomplish its work, and federal or state statutory requirements.

It is recommended that agencies use a standard application template and application process. At a minimum, all applications should collect:

- contact and demographic information;
- current employment;
- education, training, and experience, especially as it relates to the work of the committee;
- stated interest or reason for wanting to serve on the committee;
- information on whether the applicant has been convicted of a felony, with detailed information if the answer is yes (similar to the question on the State of Texas Application for Employment); and
- at least two references and related contact information.

Other Considerations

Agencies may need to modify the standardized application template as appropriate to obtain additional information relative to the specific requirements of individual advisory committees. Additionally, forms may need to be modified as appropriate for persons with limited English proficiency or persons with physical, sensory, and/or speech impairments. An equal opportunity statement, “The agency is an equal opportunity employer and provider,” should be included with the notification of vacancy, and/or included on the application form. Agencies may include a copy of the current statute and/or rules of the committee, or a reference/link to where the statute



and/or rules may be located. As appropriate, a vacancy notice that includes the equal opportunity statement should be placed on the agency website.

Application Packet

Each applicant should submit a completed application form to the program staff supporting the advisory committee. HHS agencies will exercise discretion in considering completed applications. Generally, agency program staff should compile and review the completed application packet at least one month before a vacancy will occur, or within three months of unanticipated vacancies. The completed application packet for each review team member should include the following:

- application forms for each applicant;
- the specific vacancy and category for which each applicant is applying;
- term of office for each vacancy to be filled; and
- a statement of whether the applicant is new or is applying for reappointment.

Application Review

HHS agency staff compiles the application packet and establishes and convenes an application review team. The team should include a non-voting advisor from the Civil Rights Office (CRO) and staff with experience and background to appropriately evaluate the applications and make recommendations. The teams may also include current members of the advisory committee and/or stakeholders. To the extent possible, the following information should be considered prior to making each recommendation:

- relevant experience, education and/or other credentials;
- expressed desire to serve;
- balance between skilled, knowledgeable members and new members, as appropriate;
- balance in geography;
- diversity in ethnicity, race, color, sex, age, national origin and disability;
- regulatory committee requirements;
- length of service;
- term limits;
- potential conflict of interest;
- any known criminal, civil or disciplinary actions or investigations; and
- any additional considerations or requirements identified by the program.



Prior to submitting recommendations to the HHSC Executive Commissioner, references should be checked. Any concerns regarding an applicant's qualifications; known criminal, civil or disciplinary actions; or investigations should be vetted within the agency, in consultation with the agency's legal department.

Recommendations for Appointments

Recommendations are routed for the HHSC Executive Commissioner's approval through the HHS agency commissioner and the HHSC deputy executive commissioner. The recommendation packet should consist of the following documents:

- action memorandum;
- appointment letters;
- a table (see Attachment 4) with the list of all the applicants, applicants' demographic information, credentials, background, and experience;
- a table of the current composition of the advisory committee;
- curricula vitae or resumes (if appropriate for the advisory committee); and
- additional supporting documentation.

Action Memorandum

To provide a complete description and analysis of the recommendations, the action memorandum should include the following:

- Legislative authority for appointments.
- Legislative authority for the committee or workgroup.
- Composition of the committee/workgroup, including information about the diversity of the membership relating to race/ethnicity, gender and geographic representation.
- Criteria/parameters for the committee appointments.
- Terms of appointment.
- Travel reimbursement.
- Frequency of meetings.
- Solicitation process/mechanism for notifying the stakeholders of vacancies.
- Evaluation process (which should take into account diversity and geographical considerations).
- Method for vetting the recommendations with key stakeholders (if applicable).



- Summary of nominee recommendations/rationale for recommendation, including notations of any recommendations to be forwarded to an external office such as the Governor, Lieutenant Governor, or Speaker of the House, for their nomination.
- Appointment letters for the HHSC Executive Commissioner’s signature. (Letters should be attached if the HHSC Executive Commissioner is being asked to appoint. Letters must comply with the standard HHSC Correspondence and Style Guides.)
- Indicate if the request is for the HHSC Executive Commissioner to delegate appointment to an HHS agency commissioner or HHSC deputy executive commissioner.

In some cases, the HHSC Executive Commissioner may delegate appointment authority to an HHS agency commissioner, or existing statute or rule may specify appointment by an HHS agency commissioner. In this case, agencies must provide the HHSC Executive Commissioner with notification of the appointment in an information memo, including the information required in the action memo and attachments above. In such instances, appointment letters would not be needed.

Attachments

The following table includes a listing of references and templates mentioned throughout this document.

Document	Template/Standard
Definitions	Attachment 1 – Standard Definitions
Report and Evaluation of Advisory Committee Activities	Attachment 2 – Template
Flowchart for Evaluation	Attachment 3 – Flowchart
Table of Applicants	Attachment 4 – Template

Inquiries

Inquiries regarding the content of this circular should be directed to Terry Beattie, Director, Office of Program Coordination for Children and Youth, at (512) 424-6528 or by e-mail at Terry.Beattie@hhsc.state.tx.us.