

MDH/DDA Rate Review Advisory Group (RRAG) Charter

I. EXECUTIVE SUMMARY

The Rate Review Advisory Group is a voluntary body of Developmental Disabilities Administration (DDA) stakeholders selected by the Maryland Department of Health (MDH) to advise State leadership on Medicaid rates for DDA operated Home and Community Based Waiver services.

It is guided by a structured timeline to support the long-term development and maintenance of DDA rates. This Advisory Group will examine key components of the rate methodology and externalities that impact the rate development process such as policy, program, and operational changes as well as the evolution of the Developmentally Disabled (“DD”) population, their service needs, and best practices in DD service delivery.

This charter establishes and outlines the processes of the RRAG including membership selection, removals and resignations, meeting cadence and documentation, communications, subgroups, and standards of conduct.

II. BACKGROUND

The MDH/DDA Rate Review Advisory Group (RRAG) was established in January 2022, under the leadership of the Secretary of the Maryland Department of Health, to provide a formal, consistent and unified approach for the DDA’s stakeholders to advise on Medicaid rates for Home and Community Based Waivers services for approximately 18,000 Maryland citizens.

III. DEFINITIONS

In this charter, the following terms have the meanings indicated.

- a. **“Advisory Group”** means the Maryland Department of Health/Developmental Disabilities Administration (“MDH/DDA”) Rate Review Advisory Group. It is a voluntary body of stakeholders selected to advise State leadership on Medicaid rates for DDA operated Home and Community Based Waiver services.
- b. **“Co-Chairs”** means the assigned MDH staff by the Secretary of the Maryland Department of Health who assume responsibility for coordination of the Rate Review Advisory Group.
- c. **“Department”** means the Maryland Department of Health.

- d. **“Rate Setting Consultants”** means the contracted consultants of MDH/DDA for the LTSS rate setting process.
- e. **“Secretary”** means the Secretary of the Maryland Department of Health who assumes final decision-making authority regarding recommendations, membership, and functions of the Rate Review Advisory Group.

IV. **AUTHORITY**

- a. The RRAG is a subordinate advisory body to the Secretary, and it does not have authority to make decisions or act on behalf of the Secretary. The Secretary retains ultimate decision-making for Medicaid rates.
- b. The RRAG represents a public body subject to the Open Meetings Act. [Maryland Open Meetings Act](#)
- c. A recommended amendment of this charter may be made at any regular or special meeting of the Advisory Group by a two-thirds vote of the members present and voting, provided a quorum is present and that written notice of the proposed amendment is sent to each member at least ten (10) days prior to the meeting.
- d. Amendment to this charter shall be subject to approval by the Secretary.

V. **MEMBERSHIP**

- a. The twelve member Advisory Group is composed of ten external seats and two seats for State-led co-chairs. Leadership of the RRAG, as assigned by the Secretary, is co-chaired by MDH’s Director of Finance, Medicaid and DDA’s Director of Administrative Services. As co-chairs, they provide leadership and guidance to the RRAG including, but not limited to: meeting schedules and location; agenda development; rate priority setting; oversight and adherence to the Open Meeting requirements; member selection; and recommendations to the Secretary. All requests from seated members for substitute representation and/or participation of non-seated members is at the discretion and approval of the co-chairs.
- b. Meetings are also supported and attended by other members of the State team as well as State contracted rate setting consultants.

- c. Seats include reserved, designated and open seats designed to ensure a broad cross section of stakeholders with experiences in managing, providing or accessing services. The details for the RRAG membership composition is included in the addenda.
- d. Requests for interested applicants are communicated broadly to the DD community by RRAG co-chairs through RRAG meetings, the RRAG web page posting as well as through the DDA's community listserv. All complete applications are reviewed by the RRAG co-chairs against the qualifications established above for the open and reserved seats as well as to ensure that applicants and members provide statewide representation and a full array of DD services. RRAG co-chairs will make applicant recommendations to the Secretary for membership decisions.
- e. RRAG members will not be compensated by the State in their capacity as RRAG members, unless they are participating in their role as a State employee.

VI. TENURE AND VACANCIES

- a. The term of members is 2 years long renewable at the discretion of the Secretary. The Secretary will regularly review the membership and membership criteria to ensure the RRAG membership remains in line with the role of the RRAG.
- b. As open seats turnover every two years, DDA will publicly solicit interest in filling vacant seats.

VII. REMOVALS AND RESIGNATIONS

- a. A member of the Advisory Group may resign by written notice to the Secretary, with a copy to the RRAG co-chairs.
- b. A member may be removed from the RRAG by the Secretary for good cause, in the Secretary's sole discretion. Good cause shall include, but not be limited to: incompetence; misconduct; or non-attendance. Non-attendance for purposes of this charter means that a member misses more than three consecutive meetings during a calendar year.
- c. Either of the co-chairs may communicate to the Secretary instances that may warrant member removal.
- d. Removals by the Secretary are effective upon his or her decision.

VIII. MEETINGS

- a. **Regular Meetings.** Regular meetings of the RRAG shall be held on a monthly basis from January through August of each calendar year. September sessions may be requested at the discretion and agreement of the co-chairs for the purposes of soliciting final feedback on proposed rate changes for the upcoming fiscal year.
- b. **Notice of Meeting.** Written notice, stating the date, time and location of each meeting, will be posted on the DDA website one week in advance of the scheduled meeting. [Pages - RATE REVIEW ADVISORY GROUP.](#)
- c. **Location and Access.** All in-person meetings will be conducted in an accessible location that is open to the public. Requests for reasonable accommodations can be made for all interested attendees by emailing donna.will@maryland.gov.
- d. **Meeting Minutes and Materials.**
 - 1. All full RRAG meetings conducted virtually will be recorded and posted for public access consistent with meeting documentation guidelines.
 - 2. Following the review and approval of meeting minutes by RRAG members, meeting minutes and meeting materials will be posted to the website.
 - 3. Presentation requests, recommended topics for discussion, or the sharing of information must be submitted by an approved electronic form to the co-chairs no less than 2 weeks in advance of the meeting to allow for review and adjustment of the agenda if applicable. The agenda will be established at the sole discretion of the co-chairs.
 - 4. For any emerging items identified or presented less than 2 weeks before the meeting, these will be reviewed and included on the agenda at the sole discretion of the co-chairs.
- e. **Quorum.** A quorum for the purpose of holding a meeting shall consist of not less than seven (7) group members who are present in-person, through teleconference, videoconference, virtually, or through the exchange of communications which might rise to the level of a meeting.

- f. **Reserved and Open Seat Member Access to Information.** Reserved and Open Seat Member access to data and information shall be in accordance with the Maryland Public Information Act, Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601. This shall include, but not be limited to, the limitations on access to medical or psychological information, confidential commercial or financial information, or trade secrets.

IX. COMMUNICATIONS

- a. As requested by RRAG members, contacts of an administrative nature for validation or fact finding between the MDH rate setting consultants and/or State leadership with sitting members of the RRAG is permissible. These contacts must be clearly defined in advance through the co-chairs and limited to the defined scope/topic. A summary of these administrative contacts will be provided at the following RRAG meeting and will include the date and time of the contact as well as those present during contact.
- b. State leadership can provide status updates of publicly available information to groups or individuals outside of the RRAG. If State leadership is given recommendations pertaining to rate setting outside of the RRAG, that information shall be subsequently shared with the RRAG.

X. SUBGROUPS

- a. Subgroups, composed of members of the Advisory Group, may be created to support the work of the RRAG. Subgroup structures and functions could serve to progress work during rebase years and/or for rate priorities that would benefit from focused reviews to inform and guide discussions of the RRAG. To complete this work, subgroups may outreach to provider representatives outside of RRAG membership.
- b. The co-chairs, with the approval of the majority of the members of the Advisory Group, shall establish such subgroups as is deemed necessary or desirable to advise the Advisory Group. These may not replace the functions of the RRAG or perform the functions of the Advisory Group behind closed doors. All subgroups will report out to the Advisory Group.

XI. STANDARDS OF CONDUCT

- a. Advisory Group members are expected to use good judgment and to avoid situations that create an actual, potential, or perceived conflict with the purposes and activities of the RRAG.

- b. Advisory Group members shall report any such existing conflicts to the co-chairs in writing upon appointment. Any such conflicts that develop after appointment to the RRAG shall be immediately reported in writing to the co-chairs.

XII. REFERENCES

<https://health.maryland.gov/dda/Pages/RATE-REVIEW-ADVISORY-GROUP.aspx>

XIII. ADDENDA / EXHIBITS / APPENDIX

Seat	Open Or Reserved	Position	Qualifications/Experiences	Associations
1.	Reserved	Industry Representative	Executive Director, Maryland Association of Community Services (MACS), major provider trade association	DD Coalition Member
2.	Reserved	User of Services	Representative of Self-Directed Advocacy Network of Maryland (SDAN) with experience/expertise with SDS budgets and delivery of services	SDAN
3.	Reserved	Industry Representative	Designated DDA Provider Organization who is a member of MACS and provides an array of services, but primarily residential and day who can commit the time and has access/support of the agency including individuals with fiscal responsibilities	MACS
4.	Reserved	Industry Representative	Designated DDA Provider Organization who is a member of MACS and provides primarily non- site based community services which rounds out the mix of provider representatives to assure the Advisory Group is representative as a whole who can commit the time and has access/support of an agency including individuals with fiscal responsibilities	MACS
5.	Open	Industry Representative	DDA Provider who who provides an array of services, but primarily residential and day who can commit the time and has access/support of the agency including individuals with fiscal responsibilities	N/A

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6.	Open	Industry Representative	DDA Provider who is not associated with a trade association who provides primarily non-site based community services which rounds out the mix of provider representatives to assure the Advisory Group is representative as a whole who can commit the time and has access/support of an agency including individuals with fiscal responsibilities	N/A
7-8.	Open	Industry Representatives	Providers, regardless of affiliation, who bring expertise and demonstrate innovative approaches to implementing inclusive, community services and supports, and whose agencies will support the role of the individual attending the meeting (SMEs around services, billing, finances)	N/A
9.	Open	At-Large	Individual who brings knowledge and expertise of how policy, rates and service definitions should align to drive the system	N/A
10.	Open	Self-Advocate, Current or Past User of Services	User of DDA Services who DDA will provide supports and adapt materials as appropriate or requested or who is supported, if needed, by an advocacy organization	N/A
11-12	Designated	State chairs	Director of Finance, Medicaid, MDH and the Director of Administrative Services, DDA	MDH

APPROVED:



Dennis R. Schrader, Secretary, MDH

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Effective Date**