

# Maryland Medicaid Advisory Committee By-Laws

## Definitions:

“Committee” refers to the Maryland Medicaid Advisory Committee.

“Secretary” refers to the Secretary of the State of Maryland Department of Health and Mental Hygiene.

“Department” refers to the Department of Health and Mental Hygiene.

“Appointments Office” refers to the Department of Health and Mental Hygiene Office of Appointments and Executive Nominations.

## ARTICLE I. Name.

The name of the organization, as defined in §15-103 (a) (27) (i) of the Annotated Code of Maryland shall be the Maryland Medicaid Advisory Committee to the Maryland State Department of Health and Mental Hygiene (hereinafter referred to as the Department).

## ARTICLE II. Mission.

The Medical Care Advisory Committee implemented under Section 1902(a) (22) of the Social Security Act has been reconstituted as the Maryland Medicaid Advisory Committee under §15-103 (a) (27) (i) of the Annotated Code of Maryland. The Medical Care Advisory Committee improves and maintains the quality of a medical assistance program by:

- 1) Contributing specialized knowledge and experience to be added to that available within the single State agency administering the program, and
- 2) Providing a two-way channel of communication with the individuals, organizations, and institutions in the community that, with the administering agency, provide and/or pay for medical care and services.

**ARTICLE III. Functions and Duties.**

In addition to any duties imposed by federal law and regulation the Committee shall:

- A) Advise the Secretary on the implementation, operation, and evaluation of Managed Care Programs under SB 750;
- B) Review and make recommendations on the regulations developed to implement managed care programs under SB 750;
- C) Review and make recommendations on the standards used in contracts between the Department and Managed Care Organizations (MCOs);
- D) Review and make recommendations on the Department’s oversight of quality assurance standards;
- E) Review data collected by the Department from MCOs participating in the program and data collected by the Maryland Health Care Access and Cost Commission;
- F) Promote the dissemination of MCO performance information, including loss ratios, to enrollees in a manner that facilitates quality comparisons and uses layman’s language;
- G) Assist the Department in evaluating the enrollment process;
- H) Review reports of the Ombudsmen; and
- I) Publish and submit an annual report to the Governor and, subject to §2-1312 of the State Government Article, the General Assembly.

**ARTICLE IV. Membership.**

- A) Composition

The Committee shall consist of no more than twenty five (25) members, the majority of whom are enrollees or enrollee advocates and shall include:

- 1) Current or former enrollees or the parents or guardians of current or former enrollees;
- 2) Providers who are familiar with the medical needs of low-income population groups, including board-certified physicians;
- 3) Hospital representatives;

- 4) Advocates for the Medicaid population, including representatives of special needs populations;
- 5) Two members of the Finance Committee of the Senate of Maryland, appointed by the President of the Senate; and three members of the Maryland House of Delegates, appointed by the Speaker of the House.
- 6) A designee of each of the following shall serve as an ex-officio member of the Committee:
  - a) The Secretary of Human Resources;
  - b) The Executive Director of the Maryland Health Care Access and Cost Commission (Maryland Health Care Commission); and
  - c) The Maryland Association of County Health Officers.

The Secretary shall appoint non-voting members from managed care organizations who may participate in Committee meetings, unless the Committee meets in closed session as provided in §10-508 of the State government article.

B) Appointment of Members

- 1) The Secretary shall make appointments based upon recommendations made to the Secretary by the Office of Appointments. Nominees must complete the application process required by the Office of Appointments. To the extent practical, members of the Committee shall be diversified as to geography, race, and gender.
- 2) Recommendations for appointment to the Advisory Committee shall be sent to the Advisory Committee staff to be forwarded to the Office of Appointments.
- 3) Anyone wishing to be considered for appointment should contact the appropriate organization or, where no organization is involved, contact Advisory staff.

C) Tenure and Vacancies

- 1) The term of a member is 4 years.
- 2) The terms of members are staggered as required by the terms provided for members of the Advisory Committee on July 1, 1996: The initial term of 5 members appointed in 1996 shall expire on June 30, 1997; the initial term of 5 members shall expire on June 30, 1998; the initial term of 5 members shall expire

on June 30, 1999; and 13 members shall expire on June 30, 2000.

- 3) At the end of a term, a member continues to serve until a successor is appointed.
- 4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.
- 5) A member may not be appointed for more than two consecutive full terms.
- 6) To the extent practicable, the Secretary shall fill any vacancy on the Advisory Committee within 60 days of the date of the vacancy.

D) **Removals and Resignations**

- 1) A member may be removed for incompetence or misconduct including violations of Article IX as defined in these by-laws.
- 2) A member of the Committee may resign by written notice to the Secretary, with a copy to the Committee chairperson. Any member of the Committee may be removed by the Secretary for good cause. Good cause shall include, but not be limited to, non-attendance. If a member misses more than three consecutive meetings during the year, his/her membership may be terminated.

**ARTICLE V. Meetings.**

- A) The Committee shall meet up to 12 times per year. Special meetings may be called by the Chairperson. All meetings, including full Committee meetings, work group and subcommittee meetings shall be open to the public pursuant to Comar 10.01.14. Notice of meetings must be posted in the Legislative Hearing Schedule at least two weeks prior to the date of the meeting.
- B) Each member of the Committee shall have one (1) vote. Nine Committee members present shall constitute a quorum for voting purposes.
- C) A member of the Committee may appoint a substitute to attend meetings in his/her place for up to 2 meetings a year. Substitutes will be non-voting participants.
- D) The Committee shall determine the time and location of its meetings.
- E) A member of the Committee may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations as provided in the state budget.

**ARTICLE VI. Officers.**

A) Appointment of Chairperson

1) From among the members the Secretary shall annually appoint a chairperson for the Advisory Committee. The term of the chairperson shall be one (1) year. The appointment of the chairperson will be made in July of each fiscal year and the new chairperson will preside at the second meeting of the new fiscal year.

B) Duties of the Chairperson:

- 1) Convene and chair all meetings of the Advisory Committee;
- 2) Oversee the overall function of the Advisory Committee;
- 3) Appoint members to the sub-committees as necessary to carry out the mission of the Advisory Committee; and
- 4) Appoint a temporary vice-chairperson to preside over meetings in the absence of the chairperson.

**ARTICLE VII. Subcommittees and Work Groups.**

The chairperson, with the approval of the members of the Advisory Committee, shall establish such sub-committees and work groups as is deemed necessary or desirable to carry out Advisory Committee responsibilities.

**ARTICLE VIII. Staffing.**

The Deputy Secretary for Health Care Financing shall appoint a permanent staff member to the Committee to serve as designated Department liaison.

**ARTICLE IX. Standards of Conduct.**

A) General

- 1) Committee members shall abide by the Public Ethics Law, which is contained in State Government Article - Title 15 of the Maryland Annotated Code. Staff shall provide to Committee members information on the State Public Ethics Law upon appointment.

B) Public Disclosure

- 1) Each member, upon appointment is considered an appointed official. As such, the Maryland Public Ethics Law applies to you. If there are employment or professional relationships, or any other interest which may potentially pose a conflict in your service on the Committee, these must be disclosed immediately upon appointment on the Appointee Exemption Disclosure Form/Partial Ethics Laws Exemption. For example:

Committee members shall publicly disclose any of the following interests that they may have with a company doing business with, or proposing to do business with, the State of Maryland. An interest shall be considered any of the following:

- a. Employment with said company;
  - b. A business relationship with said company;
  - c. A financial interest, other than the holding of common stock, in said company; and
  - d. A family relationship with the principals or employees of said company.
- 2) Notwithstanding the granting of an exemption, members will be subject to other provisions of the Ethics Law during their term of office. Any questions regarding the State Ethics Law should be directed to the State Ethics Commission at (410) 321-3636.

**ARTICLE X. Procedure for Amendment.**

- A) Amendment of the by-laws may be made at any regular or special meeting of the Committee 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.
- B) Amendment to the by-laws shall be subject to approval by the Secretary through the Office of Appointments and Executive Nominations.