

## Kentucky Advisory Council for Medical Assistance

Any prior by-laws are hereby repealed and the by-laws contained in this document are approved by the Advisory Council for Medical Assistance (otherwise known as the Medicaid Advisory Council and hereinafter referred to as the "MAC") on January 25, 2018.

### **I. Purpose**

The MAC is established in accordance with 42 CFR 431.12 and pursuant to KRS 205.550 to advise the Cabinet on the following subjects:

- (1) The council shall advise the Cabinet for Health and Family Services about health and medical care services.
- (2) The council shall have the opportunity for participation in policy development and program administration and shall advise the Cabinet for Health and Family Services on such matters.
- (3) The council shall give advice regarding how to further the participation of recipient members in the policy development and program administration of the Medical Assistance Program.

### **II. Duties of the MAC**

The duty of the MAC is to advise the Cabinet for Health and Family Services (CHFS) and the Department of Medicaid Services (DMS) on the above subjects related to the Medical Assistance Program, including, but not limited to, recommending program and policy changes. Although the MAC has no administrative authority for the operation of the Medicaid program and is an advisory body, DMS values the work of the MAC and gives their recommendations serious consideration.

### **III. Membership**

- A. Effective as of the effective date of these by-laws, the Council shall consist of nineteen (19) members as defined in KRS 205.540. The Secretary of Health and Family Services shall be an ex-officio member. The Governor shall appoint the other eighteen (18) members.

Eleven (11) of the appointments shall be from the following organizations:

- Kentucky State Medical Association
- Kentucky Dental Association
- Kentucky Hospital Association
- Kentucky Medical Equipment Suppliers Association
- Kentucky Pharmacists Association

- Kentucky Association of Health Care Facilities
- Kentucky Nurses Association
- State Board of Podiatry
- Kentucky Home Health Association
- Kentucky Optometric Association
- Kentucky Association of Non-Profit Homes and Services for the Aging

The other seven (7) appointed members shall be health care advocates knowledgeable about health care and the health care industry, and shall include:

- Three (3) medical assistance recipients.
- One (1) representative of a recognized consumer advocacy group representing the elderly.
- Three (3) representatives of recognized consumer advocacy groups whose membership includes low-income persons, children and youth, women, and disabled persons.

B. Terms of membership

1. Members shall serve for a term of four (4) years and until their successors are appointed, unless they resign, are terminated or have their position deemed vacant.
  - If a member fails to attend at least fifty percent (50%) of the MAC meetings in a calendar year, or misses two (2) consecutive meetings in a calendar year, the Chair of the MAC will send a letter to the Governor with a recommendation that the member be removed and someone else appointed.
  - Absences may be excused, under extenuating circumstances, by a joint decision of the chair, vice-chair and secretary and no recommendation would be sent to the Governor.
2. If absences have not been excused, the chairperson shall notify the MAC members if a member has missed more than 50% of meetings or two consecutive meetings in a calendar year.
3. Following notification of the MAC, the Chair will send a letter to the member advising the MAC has recommended they be replaced.
4. Each appointed member of the MAC shall serve without compensation, except travel expenses made in accordance with state regulations relating to travel reimbursement.

5. Members may not speak publicly on behalf of the MAC without prior permission from the chairperson and only in accordance with a majority vote of the members present at a MAC meeting.

C. Member Responsibilities

1. Members are expected to be present at all scheduled meetings
2. Members are expected to notify the chair or DMS liaison in advance if they will be absent from any MAC or subcommittee meeting.
3. Members are expected to participate in MAC discussions without prejudicial bias or favoritism toward any one special interest group.
4. Members are to prepare for MAC meetings and speak on behalf of their respective organization.
5. Members are to listen to the different perspectives of other members and work towards consensus on specific issues.

**IV. MAC Officers and Members**

- A. The MAC shall elect a chair, vice-chair and secretary from among its members at its first meeting in each state fiscal year (July 1 – June 30), if a quorum is present, or at the next meeting in which there is a quorum.
- B. Nominations for officers shall be called for at the last meeting of the fiscal year and shall be sent to the membership for consideration thirty (30) days prior to the meeting in which the election is to take place.
- C. If the chair is absent or late for a meeting, the vice-chair shall assume responsibilities of the chair.
- D. If the chair resigns from the MAC, the vice-chair shall assume the responsibilities of the chair for the remainder of the term. The MAC may, by a majority vote, call for a special election of a new chair to be held at the next meeting in which there is a quorum.
- E. Role of the chair:
  1. Facilitate the MAC meetings
  2. Serve as the spokesperson for the MAC
  3. In collaboration with the MAC members, establish meeting agendas, which should be submitted to the DMS liaison no later than two (2) weeks prior to the meeting date, with the understanding that revisions can be made up to one (1) week prior to the MAC meeting. DMS may make suggestions for meeting agenda items.
  4. Be familiar with MAC by-laws.
  5. Appoint sub-committees as needed.
  6. Ensure ongoing communication between the MAC and the administrators of the Medicaid program.

7. Assist in recruiting nominees for appointment to the MAC and acquiring the three (3) nominees and applications from the various nominating organizations. The chair may request the vice-chair and secretary to assist.
  8. Review MAC attendance with the secretary.
  9. Open and close discussions and ensure decisions are reached by calling for a vote, if applicable.
- F. Role of vice-chair
1. Assume responsibilities of the chair if the chair is unable to attend a meeting or unable to fulfill the term of office.
  2. Be familiar with the by-laws.
  3. Assist the chair when requested.
- G. Role of secretary
1. Conduct roll call of attendees
  2. Contact absent members and encourage attendance.
  3. Be familiar with the by-laws
  4. Assist the chair and vice-chair as requested.
- H. Role of members
1. Members should understand their duty to attend and participate in each meeting of the MAC. Failure to attend meetings reduces the MAC's ability to conduct business.
  2. Members should review material provided prior to the meetings to allow for discussion.
  3. Ensure the membership effectively represents all relevant and concerned viewpoints.
  4. Maintain familiarity with current financial and legal aspects of the Medicaid program.
  5. Be familiar with the Technical Advisory Committees (TAC) that report to the MAC. Review the TAC recommendations for understanding prior to voting to accept the recommendations.
- I. Role of Department of Medicaid Services (DMS)
1. DMS staff shall support the work of the MAC by providing administrative and technical information assistance. DMS shall provide a designated person to serve as the DMS liaison for the MAC.
  2. DMS shall respond to the MAC and TAC recommendations in a timely manner, which shall be no more than forty-five (45) days.
  3. DMS shall provide the MAC with requested documents and reports, except any information that would contain Protected Health Information.
  4. DMS shall maintain a website for the MAC, which contains data provided at each meeting, the minutes, once approved by the MAC, a listing of MAC members, listing of meeting dates and times and any other information requested by the MAC. All material

maintained on the MAC website is subject to DMS approval based on state maintained website protocol.

5. DMS shall provide the necessary forms to apply for vacancies on the MAC.

## V. Operating Procedures

### A. Meetings:

1. The MAC shall meet on the fourth Thursday of January, March, May, July, September and the third Thursday of November. Meeting dates may be changed with notice, at the discretion of the MAC chair.
2. Additional meetings may take place at the call of the chair, upon request of three (3) or more members, or at the request of the DMS Commissioner.
3. The chair shall solicit agenda items from the members in advance of a meeting, establish an agenda, and provide the agenda to the DMS liaison no later than one (1) week prior to a scheduled meeting.
4. A quorum must be physically present, or present via video conference, if the required equipment is available, for the purpose of conducting official business.
5. Items may be added to the agenda on the day of the meeting, if time allows.
6. Action on agenda items, requiring a vote for approval, may only be taken if a quorum is present.
  - a.) The MAC may request and receive information or clarification from DMS without a quorum.
7. All meetings must meet Kentucky Open Meeting guidelines.
8. All meetings will be recorded by a court reporter and members will be sent an electronic version of the minutes.

### B. By-laws:

1. The MAC shall establish by-laws.
2. The MAC by-laws, including revisions and amendments must be approved by a two-thirds majority of the MAC members.
3. A subcommittee will review the by laws every two years, or as needed, to make recommendations for revisions to the MAC.
4. Meetings shall be conducted in accordance with the by-laws.
5. The by-laws shall be reviewed by the DMS to ensure all by-laws are in accordance with both federal and state laws and Medicaid policies and procedures.

### C. Subcommittees

Subcommittees may be formed, as needed, to address Medicaid, Medicaid related, or MAC matters.

1. Members may request the formation of a subcommittee at a meeting and identify the lead member of the subcommittee.
2. If the subcommittee requests assistance, DMS will identify the DMS subject matter expert within three (3) business days of the of the sub-committee's request.
3. The subcommittee lead member is responsible for organizing subcommittee meetings and other activities.
4. With the exception of the by-laws subcommittee, subcommittee meetings addressing Medicaid or Medicaid related matters shall follow Kentucky's open meeting guidelines.
5. The subcommittee lead member will report subcommittee findings and recommendations to the full MAC for their information and action.

## **VI. Technical Advisory Committees**

- A. Pursuant to KRS 205.590, Technical Advisory Committees (TAC) were established for the purpose of acting in an advisory capacity to the MAC with respect to the administration of the medical assistance program and in performing the function of peer review.
- B. As of the effective date of these by-laws, KRS 205.590 established the following Technical Advisory Committees:
  1. Physician Services
  2. Hospital Care
  3. Dental Care
  4. Nursing Services
  5. Nursing Home Care
  6. Optometric Care
  7. Podiatric Care
  8. Primary Care
  9. Home Health Care
  10. Consumer Rights and Client Needs
  11. Behavioral health
  12. Children's Health
  13. Intellectual and developmental Disabilities
  14. Therapy Services
  15. Pharmacy
- C. The membership of each TAC is outlined in KRS 205.590 and shall be

appointed accordingly. The TAC Chair shall notify the DMS Commissioner and the MAC liaison of appointments and shall fill vacancies, as they occur, to ensure a quorum.

- D. Each appointed member of the committee shall serve without compensation, but shall be entitled to reimbursement for necessary expenses in accordance with state regulations relating to travel reimbursement.
- E. The TAC may make recommendations to the MAC at any regularly scheduled meeting. The MAC shall accept the TAC recommendations for action by DMS.
  - 1. The MAC will not be required to have a quorum in order to accept TAC recommendations, if the TAC recommendations were approved at a TAC meeting with a quorum.
  - 2. DMS shall respond to TAC recommendations within forty five (45) days
- F. Each TAC shall elect a chair and vice chair.
- G. In order to conduct official business and vote on recommendations of the TAC, a majority of members must be present, or attend via video conference. Members who call in without a video conference do not count toward a quorum.
- H. The TAC chair, or a member of the TAC appointed by the chair, shall present the TAC recommendation to the MAC. The recommendations of the TAC shall not be presented by anyone not appointed to the TAC.
- I. Non-appointed individuals may make a request of the TAC chair to speak at a TAC meeting, but may not vote, conduct the meeting or represent the TAC at MAC meetings. These duties may only be done by appointed members of the TAC.
- J. The TAC may-set the meeting schedule for the following year and shall notify the DMS TAC liaison to ensure the meeting notices are posted on the web site. If the TAC prefers to not schedule a year in advance, they must provide the DMS TAC liaison a thirty (30) day notice of a scheduled meeting.
- K. Members may not speak publicly on behalf of the TAC without prior permission from the chairperson and only in accordance with a majority vote of the members present at a TAC meeting.

- L. TAC members may not speak publicly on behalf of the MAC.
- M. All meetings must meet Kentucky Open Meeting guidelines.

VII. Effective Date and Superseding Law

These by-laws become effective on the date a majority of the members vote to adopt them when a quorum is present. These by-laws shall govern the proceedings of the MAC and TACs. If any state law or regulation governing the MAC or TACs is in conflict with these by-laws, then the state law or regulation shall supersede. If any federal law or regulation governing the MAC or TACs is in conflict with state law or regulation or these by-laws, then the federal law or regulation supersedes.