



BYLAWS

CHIPAC Bylaws

ARTICLE I – NAME

The name of the committee is the Children’s Health Insurance Program Advisory Committee, hereinafter known as the Committee.

ARTICLE II – MISSION OF THE COMMITTEE

The mission of the Committee is to advise the Director of the Department of Medical Assistance Services (DMAS) and the Secretary of Health and Human Resources on ways to optimize the efficiency and effectiveness of DMAS programs to address the health needs of children.

ARTICLE III – LEGAL BASE AND POWERS AND DUTIES OF THE COMMITTEE

Legal Base: Code of Virginia, § 32.1-351.2:

The Department of Medical Assistance Services shall maintain a Children’s Health Insurance Program Advisory Committee to assess the policies, operations, and outreach efforts for Family Access to Medical Insurance Security (FAMIS) and FAMIS Plus and to evaluate enrollment, utilization of services, and the health outcomes of children eligible for such programs. The Committee shall consist of no more than 20 members and shall include membership from appropriate entities, as follows: one representative of the Joint Commission on Health Care, the Department of Social Services, the Department of Health, the Department of Education, the Department of Behavioral Health and Developmental Services, the Virginia Health Care Foundation, various provider associations and children’s advocacy groups; and other individuals with significant knowledge of and interest in children’s health insurance. The Committee may report on the current status of FAMIS and FAMIS Plus and make recommendations as deemed necessary to the Director of the Department of Medical Assistance Services and the Secretary of Health and Human Resources.

ARTICLE IV – MEMBERSHIP OF THE COMMITTEE OF THE DEPARTMENT

Section 1. Composition (as stipulated in the Code of Virginia):

The Committee shall consist of no more than 20 members and shall include a member from each of the following appropriate entities:

- The Joint Commission on Health Care,
- The Department of Social Services,
- The Department of Health,
- The Department of Education,
- The Department of Behavioral Health and Developmental Services, and
- The Virginia Health Care Foundation.

Other members may come from various provider associations and children’s advocacy groups or may be individuals with significant knowledge of and interest in children’s health insurance issues.

Section 2. Terms:

A. Appointments

1. Organizational Members Mandated in the Code of Virginia

Membership from six organizations is mandated in the Code of Virginia. A representative of a mandated member organization shall serve a term of three years. After three years, that representative may be reappointed at the discretion of the organization, or the organization may appoint another representative to serve on the Committee. If the representative leaves his/her position or can no longer serve on the Committee, the mandated member organization shall appoint another representative to complete his/her term.

2. All Other Committee Members

The Committee will make recommendations to the Director of DMAS to fill the other fourteen membership positions. The Director of DMAS maintains final authority to invite individuals or groups to serve on the Committee.

Committee members other than representatives of the mandated member organizations shall serve for a term of two years. Members may serve no more than four consecutive two-year terms. A person appointed to fill a vacancy during a term may serve three additional consecutive terms. If a person cannot complete his/her term, the Committee will recommend appointment of a replacement to the Director of DMAS.

B. Absences

1. Organizational Members Mandated in the Code of Virginia

If a mandated member organization’s representative misses two consecutive meetings of the Committee (without providing a substitute), inquiry shall be made of the organization to ascertain whether they desire to appoint another representative.

2. All Other Committee Members

For all other Committee members who miss two consecutive meetings (without providing a substitute), the Committee may ask the member to resign and recommend a replacement to serve the remainder of the member's term. If a person misses three or more meetings without providing a substitute during his/her term, he/she may be asked to resign and the Committee would then recommend a replacement to serve the remainder of the member's term.

C. Substitutes

1. If a person is unable to attend a meeting, they may send an appropriate substitute in their place. The member is responsible for letting the Chairperson or appropriate DMAS staff know of such substitution, if possible, in a reasonable time frame.
2. The substitute will be understood to have the authority to vote on behalf of the person/organization they are representing on matters before the Committee on the day of the meeting.

Section 3. Authority of Individual Members:

No member of the Committee shall at any time act or purport to act on behalf of or in the name of the Department or the Committee without prior authority from the Committee and the Department.

ARTICLE V – ORGANIZATION

Section 1. Officers of the Committee:

The officers of the Committee shall be a Chairperson and a Vice-Chairperson.

Section 2. Selection of Officers:

A. The Chairperson shall be elected by the Committee from among its membership in odd-numbered years. The Chairperson shall serve for a term of two years. The incumbent shall be eligible to serve an additional consecutive term of two years.

B. The Vice-Chairperson shall be elected by the Committee from among its membership in even-numbered years. She/he shall serve for a two-year term. The Vice-Chairperson shall also be eligible to serve an additional consecutive term of two years.

C. Elections for Chairperson and Vice-Chairperson shall be held in the month of December, with the term of office beginning at the start of the new calendar year. In the case of the Chair being vacant, the Vice-Chairperson shall serve as the temporary Chairperson until the next Committee meeting, at which time a new election shall be held to fulfill the remainder of the original term.

Section 3. Duties of Officers:

A. The Chairperson shall preside at all meetings of the Committee, shall be a member ex officio of all standing subcommittees, and shall perform such other duties as may be imposed by action of the Committee or as set forth in other sections of these policies and procedures.

B. The Vice-Chairperson shall serve in the absence of the Chairperson of the Committee and shall perform such other duties as may be imposed by action of the Committee or as set forth in other sections of these regulations.

Section 3. Executive Subcommittee:

A. The Executive Subcommittee shall consist of the Chairperson, the Vice-Chairperson, Chairpersons of any existing subcommittees, and one or more at-large CHIPAC members appointed at the discretion of the CHIPAC Chair.

B. The Executive Subcommittee shall carry out functions as assigned by the Committee in keeping with the purposes of the Committee. The Executive Subcommittee may assist Department staff in problem solving and decisions.

C. The Executive Subcommittee may be called to meet as needed and at the request of the Chairperson.

Section 4. All other subcommittees:

A. Subcommittees shall be appointed by the Chairperson whenever they are deemed necessary by the Committee. A subcommittee shall be restricted to its assigned task, shall report its recommendations to the Committee, and shall be dissolved when its report is complete and accepted by the Committee unless otherwise provided by the Committee.

B. Subcommittees may invite others with topic expertise who are not serving on the full Committee to participate as advisors or consultants in subcommittees. Only full Committee members or their substitutes will be counted in the quorum and can vote.

C. The chair of any subcommittee must be a member of the full Committee.

ARTICLE VI – MEETINGS OF THE COMMITTEE

Section 1. Regular Committee Meetings:

A. A gathering, whether physical or by electronic means, of three or more Committee members discussing or transacting Committee business is considered a meeting.

B. The Committee shall meet at the call of the Chairperson, but no less than four times a year.

C. Meetings will be held quarterly in March, June, September, and December.

Section 2. Special Meetings:

A. Special meetings may be called by the Chairperson, upon the written request of any three members of the Committee, or by the Director of the Department of Medical Assistance Services.

B. Notice to all Committee members stating the time, place and purpose of the special meeting shall be e-mailed as early as possible, but in no case less than five working days prior to the meeting.

Section 3. Agendas:

A. The agenda for each meeting of the Committee shall be prepared by the Department in consultation with the Chairperson. Copies of the tentative agenda shall be provided in hard copy or electronically to each member at least three working days prior to each regular meeting.

B. Copies of the agenda and materials provided to the Committee members shall be available to the public at the same time they are made available to the Committee members.

Section 4. Meetings to be Public:

A. All regular and special meetings of the Committee shall be open to the public, provided that the Committee may meet in Closed Meeting to consider matters as permitted by the Freedom of Information Act (Va. Code §2.2-3711). Such Closed Meetings shall be held when feasible after all items of business on the agenda have been conducted.

B. Notice of a regular Committee meeting shall be posted publicly at least three working days prior to the meeting.

Section 5. Citizen Participation:

A. Individuals or representatives of groups may speak on agenda topics at a publicly announced time on the agenda during each meeting, provided the Chairperson has approved this request prior to the meeting being called to order. Such individuals or group representatives will be allotted up to ten minutes to present their information to the Committee. At the discretion of the Chairperson or by majority vote of the Committee, such time limit may be extended as appropriate.

B. After the Committee has dispensed with items on the agenda, members of the public will be permitted to speak during a designated public comment period. Each individual/group shall be allotted up to two minutes to make their comment. At the discretion of the Chairperson or by majority vote of the Committee, such time limit may be extended as appropriate.

C. Except in emergencies, the Committee shall not attempt to decide upon any question before examining and evaluating the information any person requests the Committee to consider. The appropriate subcommittee of the Committee shall be given an opportunity to examine and to evaluate all such information and to recommend action before the Committee makes a decision.

Section 6. Quorum:

A majority of the filled Committee member positions shall constitute a quorum for the transaction of business at a full Committee meeting. For a subcommittee meeting, a quorum shall consist of at least half of the subcommittee membership.

Section 7. Voting:

If a quorum exists, an affirmative vote of a majority of the Committee members present is required for the Committee to act. All votes must be recorded and take place in an open meeting.

Section 8. Closed Meetings:

A. A closed meeting may be held within an open meeting under certain conditions. There must be an affirmative vote during an open meeting to hold a closed meeting. The motion to approve the closed meeting must include the following: (1) the subject of the closed meeting, (2) the purpose of the closed meeting, and (3) the reference to the applicable exemption from the open meeting requirements.

B. Following the closed meeting, the Committee must reconvene an open meeting and take a vote to affirm that they restricted their discussion during the closed meeting to only those items specifically mentioned in the closed meeting motion. A decision made during a closed meeting only becomes official once the Committee reconvenes an open meeting and votes on the decision.

Section 9. Remote Participation and All-Virtual Meetings:

A. Remote Participation of Individual Members

Consistent with § 2.2-3708.3 of the Code of Virginia, effective September 1, 2022, an individual member of the Committee may participate remotely instead of attending a meeting in person if, in advance of the public meeting, the member notifies the CHIPAC Chair and DMAS staff of the following:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A family member's medical condition requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting.

The member and the Committee must follow the Procedure for Remote Participation Approval outlined below. When an individual member participates remotely under this process, the Code of Virginia requires that a quorum of the Committee be physically assembled at the primary or central meeting location. Members participating remotely may participate in discussions, make motions, vote, join in closed meetings, and otherwise participate fully as if they were physically present. A separate set of requirements apply to all-virtual meetings, described below under All-Virtual Meetings Policy.

B. Procedure for Remote Participation Approval

1. Request: The member requesting to participate remotely must notify the Chair and DMAS staff on or before the day of the meeting. The member must include the reason for the request for remote participation, citing one of the specific reasons listed above.
2. Approval: Approval shall be granted unless a member's participation would violate this policy or the provisions of § 2.2-3708.3. If a member's participation from a remote location is challenged, then the Committee shall vote whether to allow such participation.
3. Documentation: The following information must be included in the meeting minutes:

- a. The fact that the member participated through electronic communication means and the reason as listed in A.1, 2, or 3 above.
 - b. Notwithstanding the disclosure requirement, the specific medical condition(s) or related clinical information affecting the member requesting remote participation shall not be publicly disclosed.
 - c. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
4. Limitation: There is no limit on the number of times per calendar year an individual member may participate remotely.
 5. Consistent Application of Policy: In accordance with § 2.2-3708.3 of the Code of Virginia, this policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The policy for remote participation and procedures for approval shall also apply to meetings of any subcommittee designated by the Committee to perform delegated functions or to advise the Committee.

C. All-Virtual Meetings Policy

Consistent with § 2.2-3708.3 of the Code of Virginia, effective September 1, 2022, the following policy defines the circumstances under which an all-virtual public meeting of the CHIPAC will be allowed. All-virtual meetings may be held at the option of the Chair or by vote of the full Committee. No more than two (2) all-virtual meetings shall be held per calendar year, such meetings must be non-consecutive, and the following requirements must be met.

1. An indication of whether the meeting will be in-person or all-virtual shall be included in the required meeting notice along with a statement notifying the public that the method by which the Committee chooses to meet shall not be changed unless the Committee provides a new meeting notice in accordance with the provisions of § 2.2-3707.
2. Public access to the all-virtual public meeting shall be provided via electronic communication means.
3. The electronic communication means used shall allow the public to hear all members of the Committee participating in the all-virtual meeting and, when audio-visual technology is available, to see the members as well.
4. A phone number or other live contact information shall be provided to alert the Committee if the audio or video transmission of the meeting provided fails. Committee staff shall monitor such designated means of communication during the meeting, and the Committee shall take a recess until public access is restored if the transmission fails for the public.

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members shall be made available to the public in electronic format at the same time that such materials are provided to members.
6. The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, when public comment is customarily received.
7. No more than two members of the Committee shall be together in any one remote location unless that remote location is open to the public to physically access it.
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public shall resume before the Committee votes to certify the closed meeting as required by subsection D of § 2.2-3712.
9. Minutes shall be taken as required by § 2.2-3707 and shall include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

Section 10. Recordings of the Meeting:

A. Typed minutes of each meeting shall be maintained as a public record in the custody of the Department of Medical Assistance Services. These minutes shall be sent to each Committee member and approved at the next full Committee meeting.

B. Draft minutes will be posted on the Department of Medical Assistance Services web site and on a central electronic calendar maintained by the Commonwealth within ten days of the meeting. Approved minutes will be posted within three days of the meeting at which they were approved.

Section 11. Adjourned Meetings:

Meetings may be adjourned as the business of the Committee requires. At the time of adjournment, the time, date, and place of the continuation of the meeting or next meeting shall be determined and announced.

Section 12. Parliamentary Procedure:

Robert's Rules of Order shall prevail except as otherwise provided herein.

ARTICLE VII – REPORTING

The Committee shall, at its discretion, report on the current status of the FAMIS programs and submit recommendations to the Director of the Department of Medical Assistance Services and the Secretary of Health and Human Resources.

ARTICLE VIII – AMENDMENTS

These bylaws, except those quoted from the enabling statute, may be amended at any meeting of the

Committee by a simple majority.

ADOPTED by the Committee December 8, 2022.