

**BYLAWS FOR THE AHCCCS
STATE MEDICAID ADVISORY COMMITTEE (SMAC)**

MISSION

The SMAC will participate in the development of policy and program administration for the Arizona Health Care Cost Containment System (AHCCCS). Participation will include review of policy, rules, and administrative issues for applicable AHCCCS programs. The SMAC will advise the AHCCCS Director or a designee on policy, operations and administrative issues of the Medicaid program, including issues of concern to the community.

To facilitate accomplishing its mission, the SMAC will, whenever practicable, recommend issues, and/or policies for inclusion on the SMAC agenda in order to allow for consideration prior to recommendation and possible implementation by the AHCCCS. SMAC membership may also request background information and/or policy papers in advance of SMAC meetings, allowing for a deliberative discussion of the issues with AHCCCS Senior Management during the SMAC meeting.

AUTHORITY

The SMAC operates in accordance with 42 CFR 431.12 and the Arizona State Medicaid Plan.

DEFINITIONS

“AHCCCS” or “Administration” means the Arizona Health Care Cost Containment System as defined in Arizona Revised Statutes (A.R.S.) §§ 36-2901, -2931, -2971 and -2981.

“SMAC” means the State Medicaid Advisory Committee, as appointed by the AHCCCS Director. “AHCCCS Director” means the Director of AHCCCS as specified in A.R.S. §§ 36-2901, -2931, -2971 and -2981.

SMAC COMPOSITION

The SMAC shall include the AHCCCS Director or a designee, the Director of the Arizona Department of Health Services (ADHS) or a designee, and the Director of the Arizona Department of Economic Security (DES) or a designee. The remaining authorized members shall be no less than seventeen (17), as follows: eight (8) health care providers or professionals with a direct interest in the AHCCCS program (who shall be board certified physicians and other representatives of their respective health professions who are also familiar with the medical needs of low-income populations and with the resources available for their care); and nine (9) members of the public, (e.g., a Medicaid recipient, a consumer advocate, a representative of a tribal community, or a representative of the educational community, etc.).

APPOINTMENT PROCESS AND LENGTH OF TERM

The AHCCCS Director or a designee, ADHS Director or a designee, and DES Director or a designee positions are ex-officio (i.e., permanent positions by virtue of the position with their respective State agency). The remaining seventeen (17) committee members shall be appointed by the AHCCCS Director or a designee. A term of appointment to the SMAC shall last two years from the date of appointment, and no member shall serve more than three consecutive terms. After serving as a member for three consecutive terms, a member may be appointed again after a waiting period of 24 months. If a member resigns his or her membership before expiration of a term, or decides not to seek a consecutive membership term, then that member may not seek a subsequent membership term until the expiration of a 24-month waiting period. A member shall be permitted to hold no more than three membership terms, whether such terms are consecutive or not. The AHCCCS Director or a designee is the SMAC chairperson and is responsible for setting meeting agendas. Special meetings of the SMAC may be called by the chairperson. Written notice of a special meeting shall be given at least five (5) days before the meeting, specifying the date, time, and purpose of the meeting. The chairperson shall preside at all meetings and shall facilitate discussion by the members.

All vacancies shall be filled by a majority vote of the SMAC during a voting session. The appointment process will occur annually in October if one or more members are up for re-election or there is a vacancy that needs to be filled by a new member. The SMAC may hold a vote to fill vacant member seats at any other regular meeting with appropriate notice as set forth above. Prior to the October meeting, the SMAC shall submit to the Director a list of nominees for expiring terms. Should the SMAC move to fill a vacancy in any other regular meeting, as discussed above, the SMAC shall similarly submit the name(s) of candidates to the Director for approval. The Director may solicit or receive nominations for new members from other sources. A subcommittee of the SMAC will review all new applications. The SMAC liaison will distribute applications to the SMAC application review subcommittee. A spokesperson for the subcommittee will present all final nominations to the SMAC during the next meeting for an official vote. All newly appointed members will receive an appointment letter from the Director after the meeting.

Any appointed member of the SMAC may resign by giving written notice to the SMAC, SMAC chairperson, or SMAC liaison. Any such resignation shall take effect at the time specified therein, or, if not specified therein, upon its receipt.

Any SMAC member appointed by the Director may be removed by the SMAC, upon majority vote, or the Director, whenever it is deemed to be in the best interest of the SMAC and AHCCCS. The failure to attend SMAC meetings and perform the duties and responsibilities of SMAC members, as detailed above, may constitute cause for removal. A member is permitted to have a proxy attend a SMAC meeting without approval of AHCCCS and the SMAC one time per calendar year. Attendance via proxy at subsequent meetings in a calendar year requires approval of AHCCCS prior to each meeting.

STAFF ASSISTANCE

Staff assistance from the Administration shall be available to the SMAC at the request of the chairperson or the committee as a whole. The designated SMAC liaison shall provide staff assistance and as needed to conduct a needs assessment wherein the SMAC members suggest new membership based on the committee's needs. Independent technical assistance shall be available at the request of the SMAC, if determined necessary by the AHCCCS Director and appropriate funds are available.

MEETINGS

SMAC meetings are open to the public. The SMAC will have four (4) annual meetings per calendar year. Those meetings will be held on the second Wednesday of January, April, July, and October or otherwise as the Director deems appropriate. Notice of the time and location, as well as an agenda, for each meeting will be provided by AHCCCS in advance of each meeting.

A member may participate in a meeting in person, via teleconference, or via video conference, so long as that method does not detract from other participants' ability to communicate with one another. Participating in this manner shall constitute a person's attendance. If a SMAC member is unable to attend a meeting, that member is requested to notify the SMAC liaison of their absence prior to the date of the meeting. Members are encouraged to send a representative to meetings they are unable to attend. Members are requested to notify the SMAC liaison with the name of the individual who will be attending on their behalf.

MEETING MATERIALS

Meeting materials will be sent out to SMAC members at least 48 hours before any regularly scheduled SMAC meeting. A member may request that a written copy of the meeting materials be made available to them for pickup at the AHCCCS physical offices or, when possible, sent via regular mail.

If a member is unable to attend the meeting and is sending a representative/proxy, please forward the meeting materials to the representative to bring to the meeting.

FEDERAL FINANCIAL PARTICIPATION

Medicaid recipient members shall be reimbursed for necessary costs when allowed, such as transportation and childcare, to facilitate their attendance at committee meetings.

If determined necessary and available by the AHCCCS Director, federal financial participation at 50 percent shall be secured for expenditures for the participation of the Medicaid recipient members and for committee activities, including independent technical assistance costs.

AMENDMENT

These Bylaws may be altered, amended, or repealed and new or revised bylaws may be adopted by a majority of the SMAC at any regular meeting or special meeting, provided that at least ten (10) days written notice is given of intention to alter, amend, or repeal or adopt new Bylaws at such meeting.

42 Code of Federal Regulations (CFR)

Part 431-State Administration

Subpart A-Single State Medicaid Agency

42 CFR § 431.12 Medical care advisory committee

- a. ***Basis and purpose.*** This section, based on section 1902(a) (4) of the Act, prescribes State plan requirements for establishment of a committee to advise the Medicaid agency about health and medical care services.
- b. ***State Plan requirement.*** A State Plan must provide for a medical care advisory committee meeting the requirements of this section to advise the Medicaid agency director about health and medical care services.
- c. ***Appointment of members.*** The agency director, or a higher State authority, must appoint members to the advisory committee on a rotating and continuous basis.
- d. ***Committee membership.*** The committee must include:
 1. Board-certified physicians and other representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for their care,
 2. Members of consumers' groups, including Medicaid recipients, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others, and
 3. The director of the public welfare department or the public health department; whichever does not head the Medicaid agency.
- e. ***Committee participation.*** The committee must have an opportunity for participation in policy development and program administration, including furthering the participation of recipient members in the agency program.
- f. ***Committee staff assistance and financial help.*** The agency must provide the committee with:

1. Staff assistance from the agency and independent technical assistance as needed to enable it to make effective recommendations, and
 2. Financial arrangements, if necessary, to make possible the participation of recipient members.
- g. ***Federal financial participation***. FFP is available at 50 percent of expenditures for the committee's activities.

