

MICHIGAN MEDICAID ADVISORY COMMITTEE (MAC)

BYLAWS

ARTICLE I: NAME AND LOCATION:

Section 1: *Name:* The name of the committee shall be the Medicaid Advisory Committee (MAC).

Section 2: *Location:* The MAC principle office shall be located at: Michigan Department of Health and Human Services, Capitol Commons Center—7th Floor, P.O. Box 30479, Lansing, MI 48909.

ARTICLE II: LEGAL AUTHORITY:

Section 1: *Social Security Act, Section 1902(a)(4)(A):* The MAC is established pursuant to the Social Security Act, Section 1902(a)(4)(A)[42 U.S.C. §1396a], which provides: “A State plan for medical assistance must—...(4) provide (A) such methods of administration...as are found by the Secretary to be necessary for the proper and efficient operation of the plan...”

Section 2: *Social Security Act, Section 1902(a)(22):* The MAC is established pursuant to the Social Security Act, Section 1902(a)(22), which provides: “A State plan for medical assistance must—...(22) include descriptions of (A) the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have...and (D) other standards and methods that the State will use to assure that medical or remedial care and services provided to recipients of medical assistance are of high quality.”

Section 3: 42 C.F.R. §431.12: The MAC is established pursuant to 42 C.F.R. §431.12, which provides, in part:

“§431.12 Medicaid Advisory Committee and Beneficiary Advisory Council.

(a) Basis and purpose. This section, based on section 1902(a)(4) of the Act, prescribes State Plan requirements for establishment and ongoing operation of a public Medicaid Advisory Committee (MAC) with a dedicated Beneficiary Advisory Council (BAC) to advise the State Medicaid agency on matters of concern related to policy development, and matters related to the effective administration of the Medicaid program.

(b) State plan requirement. A State plan must provide for a Medicaid Advisory Committee and Beneficiary Advisory Council...”

ARTICLE III: NATURE, PURPOSE, AND FUNCTION:

Section 1: *Nature:* The MAC is an advisory committee. The MAC is charged with providing consultation, advice, and/or recommendation(s) to the Medicaid agency and Medicaid agency director. The Medicaid agency and Medicaid agency director are bound by federal and state law and regulation. The Medicaid agency and Medicaid agency director are not bound by the consultation, advice, and/or recommendation(s) of the MAC.

Section 2: *Purpose and Function:* The purpose and function of the Michigan MAC is as follows:

- (1) To advise the director of the single State Agency for the Medicaid program on matters of concern related to policy development and matters related to the effective administration of the Medicaid program;

- (2) To participate in policy development and program administration, including furthering the participation of beneficiary members in the agency program;
- (3) To provide a two-way channel of communication with the individuals, organizations, and institutions in the community that, with the Department of Health and Human Services, provide and/or pay for medical care services;
- (4) To provide advice and consultation to the Medicaid Agency director regarding the overall direction of the Medicaid program;
- (5) To make recommendations;
- (6) To contribute to the formulation of agency policy and standards;
- (7) To provide the agency advice from the viewpoints of providers, consumers, and/or the general public.

Section 3: *Purpose and Function*: The purpose and function of the Michigan BAC is as follows:

- (1) To advise the State regarding their experience with the Medicaid program, on matters related to policy development and matters related to the effective administration of the Medicaid program;
- (2) To establish separate bylaws, which includes direct collaboration with the MAC;
- (3) To develop recommendations on topics of interest from the BAC and propose MAC agenda items for the Medicaid agency;
- (4) To include representation and participation in the MAC.

ARTICLE IV: MAC COMMITTEE COMPOSITION:

Section 1: *Background*: The MAC membership should include:

- (1) Member(s) with technical knowledge of Department programs, and an understanding of the governmental processes involved;

- (2) Member(s) who represent or members of various interest groups affecting and/or affected by the Medicaid program;
- (3) Member(s) of the American Indian tribe(s) located in whole or in part in the State of Michigan, and the Department's tribal liaison; and
- (4) Representative from the Department responsible for Community Services, including Housing Services.

Section 2: *Mandatory Members:* The MAC membership shall include:

- (1) Members from the BAC, including, the required percentage of the MAC membership per federal requirements.
- (2) State or local consumer advocacy groups or other community-based organizations that represent the interests of, or provide direct service, to Medicaid beneficiaries. Members of consumers' groups, including Medicaid beneficiaries, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others;
- (3) Clinical providers or administrators who are familiar with the health and social needs of Medicaid beneficiaries and with the resources available and required for their care. This includes providers or administrators of primary care, specialty care, and long-term care.
- (4) As applicable, participating Medicaid Managed Care Organizations (MCOs), Prepaid Inpatient Health Plans (PIHPs), Prepaid Ambulatory Health Plans (PAHPs), Primary Care Case Management (PCCM) entities or PCCMs as defined in [§ 438.2](#), or a health plan association representing more than one such plans
- (5) Other State agencies that serve Medicaid beneficiaries (for example, foster care agency, mental health agency, health department, State agencies delegated to conduct eligibility determinations for Medicaid, State Unit on Aging), as ex-officio, non-voting members.

- Section 3: *BAC Members*: The BAC membership should include individuals with lived experience as a Medicaid beneficiary, family member of a beneficiary or caregiver and:
- (1) represent the diversity of the population of Medicaid beneficiaries, including individuals representing persons with Intellectual/Developmental Disabilities, substance use disorders, physical disabilities and other medical conditions covered by Medicaid;
 - (2) include older adults, family members of children and working age adults;
 - (3) represent the racial, ethnic and rural/urban/suburban diversity of Michigan's population.

ARTICLE V: MEMBERSHIP:

- Section 1: *Application and Recruitment*: The Department of Health and Human Services and/or its designee(s) may contact providers, consumers, payers, insurers, community organizations, and/or any entities or persons for potential applications and selections. Potential application and selections may also be: Solicited by MAC officers or members; nominated by persons, entities, and/or groups; and/or self-nominated. The process of application, recruitment and membership selection must be published to the Department's website.
- Section 2: *Selection and Terms*: Selected individual members to the MAC shall be made, in writing, by the Director of the State Medicaid agency or his/her designee(s). Selections are staggered. Individual membership selections have a term length of two (2) years to (3) years, which may not be followed immediately by a consecutive term for the same member, on a rotating and continuous basis. Term lengths will be neutrally selected, based upon applicant interest in length of commitment. If member leaves position prior to their end of the term, the Director of the State Agency may select to fill the position for the remaining term or leave vacant. Prior applications may be used to select and fill the vacant membership.

Section 3: *Attendance:* MAC members are expected to attend all meetings. A member may send a substitute, upon advance approval by the Chairperson(s), whose attendance shall count as attendance by the member. The substitute shall not have the same voting rights, privileges and obligations as the member. If a member misses three consecutive regularly scheduled meetings without good cause, his/her seat may be declared vacant at the discretion of the MAC Chairperson(s) and Director of the State Medicaid agency and/or Director's designee(s). The Director of the State Medicaid agency and/or his/her designee(s) may appoint another member to the MAC to fill a vacant seat.

Section 4: *Duties:* Each member's duties shall include, but not be limited to, the following:

- (1) Prepare for all meetings, including review of agenda and applicable materials prior to meetings;
- (2) Attend all meetings;
- (3) Participate in all meetings, including participate in discussions, share knowledge and expertise, and share comments, questions and/or concerns;
- (4) Complete all assigned tasks prior to due date (or, if unable to, notify the Chairperson(s) ahead of the due date to seek assistance);
- (5) Disclose to the MAC Chairperson(s) any conflict (and/or potential conflict) of interest involving any MAC member;
- (6) Complete other duties, as assigned by the MAC Chairperson(s).

ARTICLE VI: OFFICERS:

Section 1: *Titles:* Officers of the MAC shall consist of Co-Chairpersons.

Section 2: *Selection:* The Co-Chairpersons of the MAC shall be elected. One Co-Chair must be a current BAC member or an individual with lived Medicaid experience, as elected by the

BAC. In the absence of BAC Co-Chair, the MAC has the ability to elect a current member with lived experience. The election of the other Co-Chairperson shall be held in the following manner:

- (1) During the last meeting of the calendar year, the MAC members shall nominate candidates for the office of MAC Chairpersons.
- (2) The names and biographies of all nominated candidates shall be provided to all MAC members at least ten (10) days prior to the election.
- (3) An election shall be held to select the officers.
- (4) The election shall be held during the first quarterly meeting of the MAC in each calendar year.
- (5) Officers shall be elected by simple majority of those present and voting in the election.
- (6) Officers shall serve until his/her successor is elected (barring disqualification, termination, and/or resignation of the officer).

Section 3: *Duties: Chairperson(s):* The Chairperson's duties include, but are not limited to, the following:

- (1) Act as liaison between the State Medicaid Agency Director, MAC membership, BAC membership, public groups, special interest groups, other state agencies, the legislature, and any other entities;
- (2) Develop the agenda for each meeting in consultation with the State Medicaid Agency Director (and/or any other persons at the Chairperson's discretion) and align key agenda items from preceding BAC meetings;
- (3) Identify members' support needs and work with the Department to ensure they are met;
- (4) Preside over and conduct all MAC meetings;
- (5) Determine the acceptability of the format and completeness of any resolution, motion, or recommendation of the MAC prior to the MAC formally adopting and/or taking action regarding the resolution, motion, or recommendation;

- (6) Confer with MDHHS staff and BAC membership (and other persons at the Chairperson's discretion) to: Prepare meeting agendas, plan MAC activities, ensure MAC responsibilities are met; establish subcommittees and/or ad hoc committees as necessary; appoint MAC members to serve on any sub and/or ad hoc committees.

ARTICLE VII: MEETINGS:

- Section 1: *Regular:* Regular meetings of the MAC shall be held quarterly. At least two MAC meetings per year shall be open to the public. These meetings must include a public comment period. Each of the MAC meetings must include representation from the BAC membership. Each meeting must include a telephonic option to attend. BAC members participating in MAC have the option to remain anonymous. Each MAC and BAC meeting agenda must include a time for members and the public (if applicable) to disclose conflicts of interest.
- Section 2: *Special:* Special meetings of the MAC may be called by the Chairperson(s).
- Section 3: *Notice:* Meeting dates will be published annually at the beginning of the year on the State website. Notice of the date, time, location for each public MAC meeting (regular and/or special) shall be provided to all MAC members not less than thirty (30) days before the meeting.
- Section 4: *Meeting Accessibility:* State must offer a rotating, variety of meeting attendance options. These meeting options are: all in-person attendance, all virtual attendance, and hybrid (in person and virtual) attendance options. Regardless of which attendance type of meeting it is, States is required to always have at a minimum, telephone dial-in option at the MAC meetings for its members. If the MAC meeting is deemed open to the public, the State must offer at a minimum a telephone dial-in option for members of the public. Must

ensure that the meeting times and locations for MAC meetings are selected to maximize member attendance and may vary by meeting.

Facilitate participation of beneficiaries by ensuring that that meetings are accessible to people with disabilities, that reasonable modifications are provided when necessary to ensure access and enable meaningful participation, and communications with individuals with disabilities are as effective as with others, that reasonable steps are taken to provide meaningful access to individuals with Limited English Proficiency, and that meetings comply with the requirements at [§ 435.905\(b\) of this chapter](#) and applicable regulations implementing the ADA, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act, and section 1557 of the Affordable Care Act at [28 CFR part 35](#) and [45 CFR parts 80, 84 and 92](#), respectively.

- Section 5: *During the First MAC Meeting of the Calendar Year:* The MAC shall:
- (1) Elect MAC officers;
 - (2) Set MAC meeting dates;
 - (3) Review and evaluate any existing MAC subcommittee charge, status, and/or membership;
 - (4) Address any other items as indicated.
- Section 6: *Conduct:* The Chairperson(s) shall conduct MAC meetings. If the Chairperson(s) is not present, Committee members may elect an acting Chairperson for that meeting only.
- Section 7: *Participation:* MAC meetings are open to the public. Participation in MAC meetings by non-MAC members shall be at the discretion of the Chairperson(s). The Chairperson(s) has the right to limit the length of any person's address and/or participation at any MAC meeting in order to conform to the MAC agenda. Meetings open to the public will include a public comment period open to anyone. Comments may also be provided in written form prior to the meeting.

- Section 8: *Agenda:* Any MAC member may add an item(s) to the agenda for consideration and/or action at the next meeting, if the item(s) is submitted to the State Medicaid Agency prior to the date the agenda for that meeting is provided to members. BAC agenda items must be taken into consideration and incorporated into MAC agenda, as necessary. Upon the affirmative vote of a simple majority of the members present at a meeting, an item(s) may be added to the agenda for consideration and/or action at the same meeting.
- Section 9: *Action:* Each formal resolution, motion, recommendation, position, and/or other action of the MAC shall become the formal resolution, motion, recommendation, position, and/or other action of the MAC only after such resolution, motion, recommendation, position, and/or other action is subject to motion, seconded and passed by a majority of the MAC members. A quorum is required to pass any such resolution, motion, recommendation, position, and/or other action. Once passed by a quorum of the MAC, a formal resolution, motion, recommendation, position, and/or other action of the MAC shall be reported to the Medicaid Agency director by the MAC Chairperson.
- Section 10: *Quorum:* A Quorum for the transaction of business at any regular or special meeting shall be a simple majority of MAC members. Only an MAC member (or the member's designated substitute) may vote.
- Section 11: *Materials:* The MAC Chairperson(s) (and/or his/her designee) shall determine which supporting materials shall be provided to MAC members in advance of each MAC meeting. Any supporting materials to be provided to MAC members shall be provided to each MAC member not less than three (3) days before the meeting. The materials shall be provided to each MAC member by or at the direction of the State Medicaid Agency. Materials will be made available in multiple formats upon request to ensure accessibility.

Section 12: *Minutes and Records:* State Medicaid Agency staff shall record the minutes of each MAC meeting. The minutes shall summarize the discussion held and actions taken at each MAC meeting. The minutes shall be transcribed as soon as practicable following each MAC meeting. After transcription, the minutes shall be reviewed by the Medicaid Director and the MAC Chairperson(s). Minutes from the immediate past meeting shall be provided to all MAC members not less than (30) thirty days after the scheduled meeting.

Permanent records of all formal resolutions, motions, recommendations, positions, and/or other actions taken by the MAC, as well as all agendas, minutes, reports, membership lists, shall be maintained by the State Medicaid Agency, and shall be available on the Department website.

Section 13: *Annual Reporting:* With support from the state, submit an annual report describing its activities, topics discussed, and recommendations, as well as the state's responses to those recommendations. The report must include a separate section providing the same information for the BAC, including its recommendations and state responses. After providing MAC members with final review, the state must post the report to the state's website.

ARTICLE VIII: COMMITTEES / SUBCOMMITTEES:

Section 1: *Creation:* The MAC Chairperson(s) is authorized to create any MAC subcommittee he/she deems appropriate.

Section 2: *Structure:* Subcommittees shall be comprised of a Sub-Chairperson(s) and member(s). Subcommittees may include person(s) who are not members of the MAC. Each subcommittee shall have at least one MAC member.

Section 3: *Reporting:* Each subcommittee shall report the subcommittee's analysis, findings, conclusions,

recommendations, etc. directly to the full MAC. A subcommittee's analysis, findings, conclusions, recommendations, etc., may be adopted and approved by the full MAC as the analysis, findings, conclusions, recommendations, etc. of the full MAC by a simple majority vote of the full MAC. Once adopted and approved by a simple majority vote of the full MAC, such analysis, findings, conclusion, recommendations, etc. shall be reported to the State Medicaid Agency director by the MAC Chairperson(s).

Section 4: *Dissolution:* During the first meeting of each calendar year, the MAC shall review and evaluate any existing subcommittee charge, status, and membership. The MAC Chairperson(s) is authorized to dissolve any subcommittee as he/she deems appropriate, and may do so at any time.

ARTICLE IX: FINANCIAL AND STAFF ASSISTANCE:

Section 1: *Financial:* Federal financial participation is available at 50 percent in expenditures for the committee's activities.

Section 2: *Staff Assistance:* The State Medicaid Agency shall provide the MAC with:

- (1) Staff assistance from the State Medicaid Agency, and independent technical assistance as needed to enable the MAC to make effective recommendations, including but not limited to the following:
 - (a) The State Medicaid Agency director and/or his/her designee shall serve as the MAC official consultant. The State Medicaid Agency director may designate members of staff to assist in such consultation.
 - (b) A manager shall be assigned to the MAC to provide support to the MAC officers and members, and to work with the Chairperson(s) to provide recruitment and orientation to new members;

- (c) State Medicaid Agency staff responsible for minutes, packets, notifications, mailings, secretarial support for the MAC, distribution of agendas and other materials, and provision of technical assistance to the MCAC.
- (2) Financial arrangements, if necessary, to make possible the participation of beneficiary members, in accordance with Medicaid policy.
- (3) The provision of appropriate support and preparation (providing research or other information needed) to the MAC and BAC members who are Medicaid beneficiaries to ensure meaningful participation. These tasks include—
 - (a) Providing staff whose responsibilities are to facilitate MAC and BAC member engagement.
 - (b) Providing financial support, if necessary, to facilitate Medicaid beneficiary engagement in the MAC and the BAC.
 - (c) Attendance by at least one staff member from the single State Agency for the Medicaid program's executive staff at all MAC and BAC meetings.

Section 3: *Compensation and Expenses:* The following individuals are eligible for compensation and reimbursement:

- (1) MAC members attending who are also BAC members.
- (2) Community members with direct personal experience related to subject matter discussed requested to attend. Such attendees are eligible to be compensated for the following:
 - (a) Hourly payments for time attending MAC meetings.
 - (b) Childcare or respite care expenses accrued during MAC meetings.
 - (c) Travel reimbursement for any in person meetings such as mileage, food, and lodging.

The following individuals are not eligible for compensation and reimbursement:

- (1) MAC members attending as part of their employed duties.
- (2) Ex-officio attendees representing their employer.
- (3) General public attendees not requested to attend for presenting purposes.

ARTICLE X: CONFLICT OF INTEREST:

Section 1: *Definition:* A conflict of interest is any situation in which a person involved with the MAC:

- (a) has a duty and/or obligation to more than one person and/or entity, and the duty and/or obligation to the persons and/or entities are or may be adverse; and/or
- (b) has a personal financial and/or professional interest or concern that interferes or may interfere with the person participating in MAC activities in a fair, neutral, objective, and unbiased manner; and/or
- (c) has a personal and/or professional interest or concern that is contrary to his/her duties as a member of the MAC.

Section 2: *Disclosure:* A person involved with the MAC who has a conflict or potential conflict of interest shall disclose same to the MAC Chairperson(s). The disclosure shall be made immediately upon perception of the conflict or potential conflict by the person who has the conflict or potential conflict of interest.

A conflict or potential conflict of interest may also be raised and/or disclosed by an MAC member, or any person involved with the MAC.

Section 3: *Disqualification:* A person who has a conflict or potential conflict of interest is expected to disqualify him/herself from any further participation in MAC activity regarding the item of conflict or potential conflict of interest (including but not limited to discussions, votes, and recommendations).

If a person who has a conflict or potential conflict of interest does not disqualify him/herself from any further participation in MAC activity regarding the item of conflict or potential conflict of interest (including but not limited to discussions, votes, and recommendations), the MAC Chairperson(s) shall address the conflict or potential conflict of interest. The MAC Chairperson(s) shall address the conflict or potential conflict of interest by doing the following:

- (1) *Holding a conflict discussion:* At an MAC meeting, the Chairperson(s) shall ask for comments from any members of the MAC regarding the conflict or potential conflict of interest; and
- (2) *Holding a conflict vote:* At an MAC meeting, and after holding a conflict discussion regarding the conflict or potential conflict of interest, the MAC members shall vote on whether a conflict of interest exists. A conflict of interest exists when a conflict of interest is found to exist by the affirmative vote of a simple majority of the MAC members present at the meeting during which the conflict vote is held.

The person regarding whom the conflict vote is held shall be bound by the outcome of the vote as to whether a conflict of interest exists.

If the MAC vote indicates that a conflict of interest exists, the person who has the conflict of interest shall be disqualified from any further participation in MAC activity regarding the item of conflict (including but not limited to discussions, votes, and recommendations).

Section 4: *Record:* Any disqualification of a person for reason of conflict of interest shall be documented in the MAC meeting minutes. The meeting minutes shall record detail regarding disclosure of the conflict, nature of the conflict, and any vote pertaining to disqualification. Any disqualification of a person for reason of conflict of interest shall apply only to MAC activity regarding the item of conflict (including but not limited to discussions, votes, and recommendations).

Section 5: *Duration:* Any disqualification of a person for reason of conflict of interest shall continue as long as the conflict exists.

ARTICLE XI: AMENDMENTS:

Section 1: *Proposals:* A proposal to amend these bylaws may be initiated by an, MAC member, or any person involved with the MAC.

Section 2: *Submission:* Any proposal to amend these bylaws shall be submitted in writing to the MAC Chairperson(s).

Section 3: *Distribution:* Any proposal to amend these bylaws shall be distributed to each MAC member. Such distribution shall occur not less than (3) days before the next scheduled MCAC meeting.

Section 4: *Vote:* Any proposal to amend these bylaws shall be put to vote at the next MAC meeting following submission of the proposal, unless such vote is deferred by the MAC Chairperson(s). A proposal to amend these bylaws shall become effective and shall be made a part of these bylaws immediately upon affirmative vote of a majority of the full MAC.

ARTICLE XII: MARKETING MATERIALS REVIEW:

Section 1: *Consultation:* In the event the MAC is consulted by any State agency or State actor for review of marketing materials pursuant to 42 C.F.R. §438.104(c), the MAC Chairperson(s) shall evaluate the consult and shall, at the Chairperson's discretion, provide consultation to the State agency or State actor consistent with 42 C.F.R. §438.104(c). The MAC Chairperson(s) shall act as a liaison between the consulting State agency or State actor relative to the MAC's review of any marketing materials.