



# Transitions Stakeholder Advisory Council Bylaws

## **Primary Functions:**

The primary functions of the Transitions Stakeholder Advisory Council, hereafter the Council, are to provide guidance and recommendations regarding operational policy and procedural changes to the transitions program and to create solutions to streamline community transitions. This group will also be charged with analyzing systemic barriers for transitions and providing recommendations for improved policies and practices. The work of this committee will inform the implementation of Colorado's Olmstead Plan.

The Council will meet monthly in support of legislation HB18-1326 - Support for Transition from Institutional Settings. Council members are expected provide input and recommendations about policy and procedure changes, and transition processes and assist the Department of Health Care Policy and Financing (HCPF), hereafter the Department, in stakeholder outreach and engagement.

## **Customers:**

Current and future long-term care Medicaid members pursuing community living options, transition services and Home and Community Based Services (HCBS) in Colorado.

## **The Advisory Council Reports to:**

Recommendations from the Council that involve policy, procedures, and practices for transition processes will be provided to the Department and other relevant state agencies. The Department Community Liaison or, in the event the Department Staff position is vacant, a Department Designee is the primary staff contact for the council.

## **Council Membership:**

Membership is voluntary and without compensation.

The Department and current Council members will actively seek additional members or representatives from all sectors which interact with transition services.

The Department will accept applications for Council appointment on a continuous basis and will keep all pending applications on file.

A Council membership term is three years, at which point a Council member may reapply for another term. Both new and returning representatives interested in serving as a member of the Council shall apply to the Department. If a Council member chooses not to re-apply for another term, they are encouraged to nominate a potential replacement.

The Department will consider pending applications on a rolling basis. All applications under consideration for appointment as a Council member shall be reviewed by current Council members, who in turn, shall make recommendations to the Department as to the appointment of one or more individuals.

All stakeholders interested in joining the Council are required to complete an application to join the Council and all will have the opportunity to speak to their application at the Council meeting following the submission of their application. Council members will anonymously submit votes for new applicants to join the Council. A simple majority of Council votes will be required for applicants to be approved.

Council will be composed of at least 10 but no more than 22 members.

#### **Resignation Procedures:**

Council members are encouraged to send written notice of resignation to Council co-chairs or Department staff at least one month prior to intended resignation date.

#### **Onboarding Process for Members:**

New Council members will meet with the Department Co-Chair for onboarding training.

#### **Participation and Engagement:**

Information on how to apply to become a member of the Council, along with information on Council meeting dates, how to access the meeting minutes and how to post a question to the Council shall be made publicly available on the Department website.

Any comments or inquiries received by the Department which are directed towards the Council shall be provided to Council members by the Department.

Council members will endeavor to attend all Council meetings in person or by telephone and/or video conferencing.

Council meetings are held at a frequency and duration which allows for timely discussion, deliberation and recommendations. Generally, meetings may be held monthly.

Minimally, the Council will meet at least semi-annually. Requests to add agenda items may be

submitted by Council members or stakeholders to the Department. Agenda items will be prepared for each Council meeting by the Department and the Stakeholder Co-Chair and will be prioritized by the Department based on time sensitivity and the nature of the issue, topic or concern. Minutes of each meeting will be documented by the Council Secretary and maintained on the Department website.

Information about the routine Council meeting schedule along with information on ways to attend shall be posted on the Department website. Previous Council meeting attendance information and at least three (3) meeting minutes shall also be posted on the Department website for up to one (1) year. All meetings are announced by the Department in advance, via electronic means (i.e. e-mail messages) to Council members and on appropriate Department distribution lists. All meeting attendees, whether in person or by conference call, may submit an e-mail with comments or suggestions to the Stakeholder Co-Chair if they are unable or unwilling to provide comment during a Council meeting. These e-mails will be forwarded to all Council members for review and consideration.

Attendance will be recorded at monthly meetings. If Council members are unable to attend monthly meetings, they are expected to notify either co-chairs or Department staff. In the event a Council member has had three (3) consecutive absences from scheduled meetings, the Council may consider the repeated absences as a voluntary resignation from the position and may deliberate as to the need to recommend a replacement for the position. Extenuating circumstances may be considered by the Council prior to recommending replacement of a Council member for repeated absences.

### **Council Meeting Proceedings:**

Council meetings are open public meetings.

The meeting will be called to order by Department Co-Chair. Roll call of Council members followed by introductions of attendees will be obtained and noted by the Council Secretary. Department Co-Chair will open the meeting by announcing the agenda items and opening the first agenda item for discussion. Council members shall discuss and deliberate each agenda item as meeting time allows. The Stakeholder Co-Chair will ask for additional input and comments from attendees for each agenda item. Council members shall issue recommendations to the Department as appropriate for each agenda item.

The members present at any properly announced meeting shall constitute a quorum.

If a vote is called during a meeting, a simple majority vote of Council members present at meeting will take place.

### **Role and Responsibilities of a Council Member:**

Membership is intended to leverage the experience, subject matter expertise, and insight into the community transition process. Members will:

- Advise on the transition process
- Problem-solve and make recommendations to resolve transition barriers
- Establish priorities of and make recommendations for use of designated funds and any future Money Follows the Person grant opportunities
- Provide input into services and benefit design
- Identify success stories
- Advise on outreach strategies
- Advise on resource development
- Represent a constituency, which includes, but is not limited to accepting and responding to stakeholder feedback, bringing feedback to the council and serving as a conduit of information between stakeholder groups and the Department. Council members are encouraged to allow the Department to list their names and contact information on the Department website
- One Council member will serve as Stakeholder Co-Chair of the Transitions Stakeholder Advisory Council

### **Role and Responsibilities of Stakeholder Co-Chair:**

The committee shall elect a Stakeholder Co-Chair to preside over meetings to:

- Ensure participants are equally heard.
- Ensure fairness and equality among participants and attendees
- Ensure conformance to the meeting agenda, outline, and objectives.
- Responsible for facilitating the Council Updates section of the meeting
- Attend pre-meeting planning sessions with Department Co-Chair and Secretary scheduled two weeks before scheduled monthly meeting to discuss the agenda

Stakeholder Co-Chair will share co-chair responsibilities with Department Co-Chair as needed.

### **Role and Responsibilities of Department Co-Chair:**

The Department Community Liaison or, if the position is vacant, a Department Designee, will act as the Department Co-Chair.

- Send agenda to Council members one week prior to monthly meeting and post on the Department's website
- Public announcement sent one week prior to monthly meeting
- Department Designee will share co-chair responsibilities with Stakeholder Co-Chair as needed

- Attend pre-meeting planning sessions with Stakeholder Co-Chair and Secretary scheduled two weeks before scheduled monthly meeting to discuss the agenda.

### **Role and Responsibilities of Secretary:**

The Council shall elect a Secretary to:

- Track and keep records of Council members attendance at monthly meetings
- Attend pre-meeting planning sessions with Co-Chairs scheduled two weeks before scheduled monthly meeting to discuss the agenda
- Take minutes of monthly meetings, send minutes to Department for final approval, and send minutes to Council members

If Secretary position is vacant, the Department Co-Chair will fill secretarial role. Should Stakeholder Co-Chair resign there will be an opportunity for Secretary to move into that role with Council approval.

Copies of the minutes of each regular meeting shall either be delivered electronically, mailed or by other means of communication to all Council members to assure receipt at least five business days prior to the next succeeding regular meeting. Minutes of the emergency or special meetings shall either be delivered electronically, mailed or by other means of communication to Council Members as soon as reasonably possible.

### **Role and Responsibilities of Department Staff:**

Department staff will engage in collaborative efforts with stakeholders to improve Transition Services program operational processes and community transition services. Department staff will:

- Bring issues to the Council related to the items listed in the section above
- Involve the Council with changes to the operations of the program
- Update Council with periodic progress reports that include agreed upon performance metrics
- Respond to Council's recommendations
- Be willing to modify and adjust within the federal constraints as the Department sees what works and doesn't, when the Council provides feedback and as the Department hears from the broader community

### **Workgroups and Special Committees:**

The Council may create special committees and/or workgroups. When establishing a special committee or workgroup, the Council shall specify the purpose, charge, objectives, staffing, and duration of each such committee. The members of each special committee shall be nominated by either the full Council or the Co-Chair with subsequent approval of the full Council. All members of special committees and workgroups are to perform their functions in accordance

with the procedures found in these Bylaws. The committee may call upon subject matter experts for information and advice as deemed necessary.

### **Decision Making Authority:**

The Department is committed to working directly with stakeholders to identify areas for systemic changes to promote transitions and develop best practices for all types of transitions in Colorado. Decision making responsibilities will be a collaborative process between the advisory council and the Department. The Department will solicit feedback and recommendations from the advisory council and incorporate them into final determinations or decisions. Ultimately, the Department must make decisions that align with State and Federal laws and regulations and fiscal constraints.

### **Authority/Delegation:** (*Statute, Regulation, Rule, etc.*)

- Money Follows the Person federal authorizations
  - Section 6071 of the Deficit Reduction Act of 2005
  - Section 2403 of Patient Protection and Affordable Care Act
- Colorado Department of Health Care Policy & Financing
- Targeted Case Management – Transition Coordination Rule – 8.519 and 8.760
- Transition Services, Section 8.553

### **Funding Authority:**

The statute authorizing HB18-1326 - Support For Transition From Institutional Settings was signed into law on April 30, 2018.

Federal authority for the Rule: 42 CFR § 441.18 The federal authority for this is implemented per the Colorado Medicaid State Plan, pending federal approval of the State Plan Amendment.

State Authority for the Rule: 25.5-1-301 through 25.5-1-303, C.R.S. (2017); CRS 25.5.-10-209.5 and CRS 25.5-6-106

### **In Scope:**

- Develop and propose recommendations to improve the transition services and supports. Recommendations can include procedural changes to streamline the transition process, benefit design for transition specific services and best practices for all types on transitions.
- Identify systemic barriers to transitions and provide recommendations to eliminate or mitigate the identified barriers.

### **Out of Scope:**

- Systemic issues in the delivery of long-term services and supports that are not directly pertaining to the transition of members.

- Other issues, tasks or projects being addressed by other stakeholder groups.

### **Bylaw Review and Amendments:**

Each appointed Council member must review these bylaws at time of initial appointment and must uphold the terms of these Bylaws during their tenure as an active member. On an annual basis or as needed, the council will review and amend, as deemed necessary and appropriate, these Bylaws. Recommendations for additions, deletions or any other amendment(s) in content of these Bylaws shall be reviewed and approved by current Council members and the Department prior to implementation.

### **Protected Health Information/Personally Identifiable Information During Meetings and in Documents**

Protected Health Information (PHI) is individually identifiable health information. The Health Insurance Portability and Accountability Act (HIPAA) prohibits the Department from purposely or inadvertently sharing members' PHI. Personally Identifiable Information (PII) is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used for deanonymizing previously anonymous data can be considered PII.

While the Council cannot prevent stakeholders from disclosing PHI/PII during a Council meeting, Department staff, Co-Chairs, and Council members will ensure that PHI/PII is not shared in meeting minutes, recordings, or other documents that may become public. The Council and the Department discourage including disclosed health information in meeting minutes. Meeting minutes will not attribute a stakeholder comment to a particular person when PHI/PII is disclosed.

Council members will be provided the opportunity to sign a release waiver that will allow them to be identified as recipients of services, prior to sharing their personal experiences with the Transition Services program. Council members have the right to decline to sign this release and their information will remain protected in all meeting minutes, recordings, or other documents that may become public.

If planning to share meeting recordings that include stakeholder disclosure of PHI/PII, Department staff ask said stakeholders to sign a release waiver that will allow them to be identified as recipients of services, prior to sharing the meeting recording. If it is not possible to obtain a release waiver, Department staff will ensure the comments containing PHI/PII are edited out from the recordings before sharing it or do not share the recording.