SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES MEDICAID ADVISORY COMMITTEE BYLAWS

Article I. Name

The name of this committee shall be the Medicaid Advisory Committee (MAC). Hereinafter also referred to as the "Advisory Committee"

Article II. Authority

Title 42 CFR 431.12 requires the establishment of a Medicaid Advisory Committee by the single State Medicaid agency, which in South Dakota is the Department of Social Services.

Article III. Purpose

The purpose of the Medicaid Advisory Committee is 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.

Article IV. Activities

Activities shall include the following:

Section 1. Advising. Advise the Director of the single State Agency for the Medicaid program on matters related to policy development and matters related to the effective administration of the Medicaid program. At a minimum, the MAC must determine, in collaboration with the State, which topics to provide advice on related to:

(a) Additions and changes to services.
(b) Coordination of care.
(c) Quality of services.
(d) Eligibility, enrollment, and renewal processes.
(e) Beneficiary and provider communications by the State Medicaid agency.
(f) Cultural competency, language access, health equity, and disparities and biases in the Medicaid program.
(g) Access to services, and
(h) Other issues that impact the provision or outcomes of health and medical care services in the Medicaid program as determined by the MAC, Beneficiary Advisory Council, or State.

Section 2. Annual report. The MAC, with support from the State, must submit an annual report describing its activities, topics discussed, and recommendations. The State must review the report and include responses to the recommended actions.

Article V. Membership

Section 1. Recruitment**.**

(a) The State will maintain an Expression of Interest form on the MAC webpage, interested parties can complete and submit the form.

(b) The Medicaid Director will select MAC members based on organizational and regional diversity.

Section 2. Appointment. The Advisory Committee shall consist of members who are appointed by the Director of the Medicaid agency.

Section 3. Composition and Attendance. The committee shall consist of the following:

(a) No less than 25% of the MAC will be comprised of South Dakota Medicaid Beneficiary Advisory Committee (BAC) effective July 10, 2027.

- i For the period from July 9, 2025, through July 9, 2026, 10% of the MAC members must come from the BAC.
- ii For the period from July 10, 2026, through July 9, 2027, 20% of MAC members must come from the BAC.
- iii and thereafter, 25% of MAC members must come from the BAC.

(b) At least one representative from the following categories:

- i State or local consumer advocacy groups or other community-based organizations (CBOs) that represent the interests of, or provide direct service, to Medicaid beneficiaries.
- ii 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.
- iii Department of Social Services, as ex-officio members.
- iv Other South Dakota State agencies serving Medicaid beneficiaries, as ex-officio members.

(c) Advisory Committee members may not designate persons to vote on their behalf.

Section 4. Term of Service. Members shall serve for a term of three years. To ensure continuity and the infusion of new perspectives, members shall not be eligible for immediate reappointment to a consecutive term. If an individual is appointed to fill a vacancy mid-term, then they are still eligible for one full term.

Members must be appointed on a rotating and continuous basis. The initial appointments shall be staggered as follows: one-third (1/3) of the members shall serve a one (1) year term, one-third (1/3) shall serve a two (2) year term, and one-third (1/3) shall serve a full three (3) year term. Thereafter, all new appointments shall be for a three (3) year term.

Section 5. Resignation. Any member desiring to resign from the Advisory Committee shall submit their resignation to the Medicaid Director and send a copy of the letter to the Committee Chairperson.

After such notice, the Medicaid Director shall appoint an interim member at their discretion. If an interim member is appointed, the interim member will serve the remainder of the term for which they are appointed. The interim member may submit an expression of interest to serve another term if they have served less than two (2) years as an interim member. Previous MAC members may not serve in an interim vacancy within one (1) year of their most recent term.

Section 6. Financial Compensation. Advisory Committee members shall serve without compensation, except that Committee members and subcommittee members shall be reimbursed for travel expenses as set forth in Article 5 of the Administrative Rules of South Dakota. Reimbursement for travel expenses shall be provided for a person attending with Committee members who require such assistance to participate. Reimbursement for other expenses, e.g., attendant care services, interpretive services, telephone, postage, etc., necessary to allow for participation and fulfillment of Committee responsibilities by Committee members shall be coordinated with and approved by the Department of Social Services.

Article VI. Committee Chair

Section 1. Positions. The Medicaid Director, or their designee, shall serve as the committee chair.

Article VII. Meetings

Section 1. Frequency. The MAC shall meet quarterly.

(a) All quarterly meetings are open to the public and those meetings shall include a dedicated time during the meeting for the public to make comments.

(b) Additional ad-hoc meeting may be called by the Chairperson as needed including ad-hoc meetings closed to the public.

i Special meetings of the Advisory Committee may be called by the Chairperson. Notice of special meetings shall be made to all committee members not less than 10 days prior to the meeting stating the time, date, location, and purpose of the meeting. No other business shall be transacted at a special meeting.

Section 2. Location. The MAC will offer a rotating, variety of meeting attendance options. All meetings must have a telephone dial-in option for MAC meeting members. Public meetings must also have a telephone dial-in option for members of the public. The attendance type options are:

(a) All in-person attendance,

(b) All virtual attendance, and

(c) Hybrid (in person and virtual) attendance options.

Section 3. Accessibility. To facilitate participation of beneficiaries, the MAC and State will ensure 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 42 CFR § 435.905(b) 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 4. Notice. Written notice of each meeting shall be provided to members and the public at least 30 days prior to the meeting.

(a) Notice shall include the date, location, and time of each public MAC meeting.

(a) Agendas must include:

i A time for members and the public (if applicable) to disclose conflicts of interest.

ii A dedicated time during the meeting for the public to make comments.

Section 5. Quorum. A quorum shall consist of a majority of the committee members, not including ex-officio.

Article VIII. Amendments to the Bylaws

Section 1. Proposal of Amendments. Amendments to these bylaws may be proposed by any member of the organization in good standing. Proposed amendments must be submitted in writing to the Medicaid Director for review and consideration.

Section 2. Voting. Amendments to these bylaws shall be adopted upon approval by a two-thirds majority of the voting members present at a duly called meeting, provided that a quorum is met.

Article IX. Role of the State Agency

Section 1. Considerations. The Medicaid agency must ensure that advice and recommendations provided by the MAC are considered.

Section 2. Support. The Medicaid agency must provide staff to support planning and execution of the MAC to include:

(a) Recruitment of members.

(b) Planning and execution of all MAC meetings and the production of meeting minutes that include actions taken or anticipated actions by the Medicaid agency in response to interested parties' feedback provided during the meeting.

(c) The provision of appropriate support and preparation such as providing research or other information needed to the MAC members who are Medicaid beneficiaries to ensure meaningful participation. These tasks include:

i Providing staff whose responsibilities are to facilitate MAC member engagement.

A Attendance by at least one executive staff member from the single State Medicaid Agency at all MAC meetings. Executive staff includes the Department Secretary, Deputy Secretary, Medicaid Director, or Deputy Director(s).

Section 3. Public Documentation. The State must develop and publish, and post the following publicly on its website:

(a) Bylaws for governance of the MAC.

(b) A current list of MAC members. BAC members may request to have their name excluded from publicly listed member lists.

(c) Past meeting minutes, including a list of attendees.

i Minutes must be posted within 30 calendar days following each meeting.

ii BAC members have the option to exclude their name from publicly listed meeting minutes.

(d) The process for MAC member recruitment and selection along with a process for selection of MAC leadership.

(e) A regular meeting schedule for the MAC.

(f) Annual Report

i States will have 30 days to post the annual report.

Section 4. Annual Report. The State must provide the MAC with support in preparing the annual report. The State must then:

(a) Provide MAC members with final review of the report.

(b) Ensure that the annual report of the MAC includes a section describing the activities, topics discussed, and recommendations of the BAC, as well as the State's responses to the recommendations.

(c) Post the report to the State's website.