SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES BENEFICIARY ADVISORY COUNCIL BYLAWS

Article I. Name

The name of this Council shall be the Beneficiary Advisory Council (BAC). Hereinafter also referred to as the "Advisory Council"

Article II. Authority

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

Article III. Purpose

The purpose of the Beneficiary Advisory Council, which is comprised of current and former Medicaid beneficiaries, their family members, and caregivers, is to advise the State Medicaid agency, through the Beneficiary Advisory Council, 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 BAC 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, BAC, or State.

Section 2. Policy Development. Participate in policy development and program administration.

Section 3. MAC Meeting Attendance. A minimum of 25% of MAC members must come from the BAC.

(a) The BAC will select members to represent the BAC at the MAC quarterly meetings.

Article V. Membership

(a) Recruitment**.** The State must create a process for the recruitment and selection of members and publish this information on the State's website.

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

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

(a) Current Medicaid beneficiaries.

(b) Former Medicaid beneficiaries.

(c) Individuals with direct experience supporting Medicaid beneficiaries, including the following:

i Family members.

ii Paid caregivers of those enrolled in Medicaid.

iii Unpaid caregivers of those enrolled in Medicaid.

(d) Advisory Council members may not designate persons 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 Council shall submit their resignation to the Medicaid Director. The Medicaid Director will appoint a new BAC member to fill the vacancy. The new BAC member appointed to replace a member who has resigned may have either served on the BAC previously or be new to BAC membership.

Section 6. Financial Compensation. Advisory Council members shall serve without compensation, except that Council 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 Council 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 Council responsibilities by Council members shall be coordinated with and approved by the Department of Social Services.

Article VI. Meetings

Section 1. Frequency**.** The BAC shall meet quarterly, in advance of the Medicaid Advisory Committee.

(a) BAC meetings are not required to be open to the public.

(b) All public meetings will be held in accordance with the State open meetings law.

Section 2. Location. The BAC will offer a rotating, variety of meeting attendance options. All meetings must have a telephone dial-in option for BAC 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 BAC 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. If BAC meetings are held open to the public, 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 BAC meeting.
(b) 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 Council members.

Article VII. 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 VIII. Role of the State Agency

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

Section 2. Support. The single State Agency for the Medicaid program must provide staff to support planning and execution of the BAC to include:

(a) Recruitment of members.
(b) Planning and execution of all BAC meetings and the production of meeting minutes that include actions taken or anticipated actions by the State in response to interested parties' feedback provided during the meeting.
(c) The provision of appropriate support and preparation (providing research or other information needed) to the BAC members. These tasks include:
    i Providing staff whose responsibilities are to facilitate BAC member engagement.

A Attendance by at least one executive staff member from the single State Medicaid Agency at all BAC 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, by posting publicly on its website, the following:

(a) Bylaws for governance of the BAC.

(b) A current list of BAC members.

i BAC members may request to have their name excluded from publicly listed meeting minutes.

(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 BAC member recruitment and selection along with a process for selection of BAC leadership.

(e) A regular meeting schedule for the BAC.