

Texas Respite Advisory Committee Bylaws

1. Name and Legal Authority

The Texas Respite Advisory Committee (Committee) is established in accordance with Texas Government Code §531.012 and Title 40 Texas Administrative Code § 89.7 and governed by Texas Government Code Chapter 2110 (State Agency Advisory Committees).

This Committee is abolished on the date specified in Title 40 Texas Administrative Code § 89.7(e).

2. Purpose and Role

The purpose of the Committee is to advise the Texas Health and Human Services Commission (HHSC) on matters as described below:

- A. Assisting HHSC to identify barriers and best practices for providing and coordinating respite services in Texas;
- B. Responding to requests from HHSC for information about the respite needs of caregivers;
- C. Advising HHSC about effective methods of expanding the availability of affordable respite services in Texas through the use of funds available from respite care programs;
- D. Cooperating and sharing resources and knowledge among community stakeholders to facilitate barrier free access for primary caregivers; and
- E. Educating the public on the need for community-based options for primary caregivers.

The Committee will file an annual written report to the HHS Executive Commissioner.

3. Definitions

Executive Commissioner: The Executive Commissioner of HHSC.

HHSC: The Texas Health and Human Services Commission.

HHS: The Texas Health and Human Services system comprised of HHSC and the Texas Department of State Health Services.

High Level of Integrity: For purposes of these bylaws, this means that the member is honest and behaves in a morally upright way, at a level above a normal or average level, such that the public's trust in the member is warranted. A high level of integrity includes disclosing conflicts of interest as required by HHS policy and these bylaws.

Personal or Private Interest: Issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest. This does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.

4. Committee Composition

The Committee is composed of no more than 24 members appointed by the Executive Commissioner, each of whom is authorized to vote.

This membership includes:

- A. Family caregivers;
- B. Primary caregivers;
- C. Providers of respite services;
- D. Faith-based organizations;
- E. Respite care advocacy organizations; and
- F. Members of the general public interested in the issue of respite care.

To the greatest extent possible, the Executive Commissioner appoints members who reflect the geographic diversity of Texas.

5. Member Terms

All members will serve a term of three years, except when appointed to complete the remaining unexpired term of an outgoing member or as necessary to stagger terms. Initial terms will be staggered over several years so that the terms of one-third of the members will expire on December 31st of each year to ensure continuity of committee work. Individuals may apply to serve one additional term. These terms may be served consecutively.

Regardless of the term limit, a member serves until his or her replacement has been appointed. This ensures sufficient, appropriate representation.

6. Resignations and Vacancies

If any member of the Committee wishes to resign, the member will contact, in writing, the Executive Commissioner, current Chair and HHSC Committee Liaison requesting the appointment of a successor member.

In the event of a vacancy for any reason, agency staff will work with the HHS Executive Commissioner to solicit applications as appropriate to fill the vacancy with a representative of the same membership category to serve the unexpired portion of the term of the vacant position. People who submitted applications within the previous year through the HHSC may be reconsidered for membership.

7. Presiding Chair

Members of the Committee will elect a Chair from among the Committee's current members. The Chair will serve a term of one year. The Chair will serve no more than two consecutive terms. If the Chair is unable to complete his or her term for any reason, the members will elect a new chair. Regardless of the expiration of the term, the Chair will serve until the Committee elects a successor; however, a presiding officer may not remain in office past his or her membership term.

The role of the Chair is to:

- A. Report to HHSC;
- B. Participate in agenda planning and preparation for Committee meetings;
- C. Provide leadership in conducting Committee meetings, or in his or her absence, appoints a member to serve as temporary chair to carry out the duties of the Chair;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Committee Liaison, to call meetings to accomplish the work of the Committee;
- F. Ensure the Committee adheres to its charge;
- G. Call for the establishment of subcommittees and serve on subcommittees (if applicable and with approval of agency staff); and
- H. Confer with HHSC staff to acquire the support needed for Committee operations.

8. Committee Operations and Meetings

A. Meetings

- 1. The Committee meets during regular business hours quarterly. On occasion, the Committee may schedule additional meetings between the Committee's regularly scheduled meetings.
- 2. The Committee is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act) as if it were a governmental body.

B. Quorum

Five members constitutes a quorum for the purpose of transacting official business. If less than a quorum of the Committee is present, members may not vote upon action items but may take testimony and public comments so long as the meeting is being conducted in accordance with the Texas Open Meetings Act.

C. Voting

- 1. Members are authorized to vote on any subject that is listed on the agenda (subject to the limitation placed on the Chair under section 7D). However, members must abstain from deliberating or voting on issues that may affect the member's personal or private interest.

2. The Committee may determine procedural matters by majority vote of the members attending the meeting or may use Robert's Rules of Order as a guide to its operations and proceedings.
3. A member may participate and vote by telephone conference as deemed necessary by agency staff.
4. A member may not authorize another individual to represent the member as a substitute.
5. For all business except adopting or amending bylaws, a simple majority is needed on a motion duly made and seconded. (A simple majority is defined as more than half of the votes cast by persons entitled to vote who are in attendance with a quorum, excluding abstentions.)
6. In the event of a tie, the Chair will call for a second vote. If the second vote results in a tie, the Chair will cast the deciding vote.

D. Adoption and Revision to Bylaws

1. Bylaws will be adopted and amended pursuant to a two-thirds vote (of members attending the meeting) on a motion duly made and seconded.
2. Committee members or HHSC staff may propose changes to these bylaws. All proposed changes from Committee members, along with the rationale for the changes, should be submitted in writing to the HHSC Committee Liaison at least 30 days before the next Committee meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration.
3. The Committee will review the Bylaws by December 31 of every even-numbered year. Committee-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by HHSC staff.
4. All proposed changes are subject to review and approval by HHSC staff.
5. The Bylaws will become effective as of the date they are adopted by the Committee. The Committee will make note of the date of the adoption of the Bylaws in its minutes. Members will sign a Statement by Members when bylaws are amended (see attached Statement).

9. Responsibilities of Members

A. Attendance

Members are expected to attend all meetings in person. A member unable to attend a meeting should notify the Committee Liaison no later than 24 hours in advance. The Committee Liaison will notify the Chair and appropriate program staff. Members may not send a substitute to attend a meeting in their place.

Any member missing two meetings within a one-year period with or without notice to the Committee Liaison, may be removed from the Committee.

B. Member expectations:

1. Attend meetings in person;
2. Participate in subcommittees as assigned;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Submit travel expenses (if applicable and if reimbursement is desired) within 30 calendar days of the meeting;
6. Abstain from deliberating or voting on issues that may affect the member's personal or private interest;
7. Attend/participate in an orientation session for the Committee;
8. Complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Committee Liaison. If a member has taken the trainings within the last five years, a copy of the Certificates of Completion may be submitted to the Committee Liaison in lieu of taking the trainings;
9. Sign and submit to the Committee Liaison the Statement by Members document (attached) within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Committee members must agree;
10. Notify the Committee Chair and Committee Liaison if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;

11. Maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act; and
12. Hold and maintain in strictest confidence all confidential information and all agency-generated information, including information in draft form, until such time as the information or document is released and made public, the HHSC Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. In addition, the member must confirm that he or she will require the member's interpreters, attendants, or other support persons if any, to comply with this requirement. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

Failure to comply with member expectations numbers 6-12 above by a member is grounds for dismissal and may result in removal from the Committee.

C. A Committee member may not:

1. Claim or appear to represent HHSC or the Committee in any legislative or advocacy activity without written approval from the Committee Chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office and the Committee Liaison. A member is not prohibited from discussing a report that has been formally adopted by this Committee, so long as he or she does not purport to represent HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.
2. Accept payment for any services offered to the member because of his or her position on the Committee.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through his or her participation on the Committee until such time as that information or document is released and made

public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media;

4. Fail to require the member's interpreters, attendants or support persons, if any, to keep confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through the member's participation on the Committee until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media.

A violation of any of these items are grounds for dismissal and may result in removal from the Committee.

10. Removal from the Committee

The Executive Commissioner may remove a member from the Committee for the following reasons:

- A. A member votes or deliberates on an issue that may affect the member's personal or private interest.
- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member claims or appears to represent HHSC or the Committee in a legislative or advocacy activity without approval from the Committee Chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office and Committee Liaison. (A member is not prohibited from discussing a report that has been formally adopted by this Council, so long as he or she does not purport

- to represent HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.)
- F. A member receives payment for any services requested because he or she holds a position on the Committee.
 - G. A member discloses confidential or draft information acquired through his or her participation on the Committee not in accordance with the Bylaws.
 - H. A member fails to require his or her interpreter, attendant or support person, if any, to keep confidential any information or draft information acquired through the member's participation on the Committee as required by the Bylaws.
 - I. A member, in a 12-month period, misses two meetings with or without notice to HHSC staff.
 - J. The Executive Commissioner may remove a member who has violated the conflict of interest provisions or made a statement in violation of the Statements by Members form. Decisions to remove a member of the Committee due to violations of this nature will require input from HHS legal counsel.

11. Subcommittees

Unless otherwise noted in statute, the Chair, with the approval of agency staff, may establish subcommittees that meet at other times for purposes of studying and making recommendations on issues the Committee determines appropriate to the charge of the Committee. A subcommittee may be created for a limited period of time and will cease to exist when the assigned tasks are completed or upon determination of the Chair, or it may be a standing subcommittee. The Chair and agency staff will evaluate the need for all existing subcommittees annually.

Subcommittee Operations and Meetings

- A. Unless otherwise noted in statute or required by a grant document, members of subcommittees are required to be members of the TRAC or Aging and Disability Resource Centers Advisory Committee.
- B. Except as set out in #D below, subcommittee(s) will follow the general rules of the Committee as applicable.
- C. Subcommittee(s) must keep minutes of the meetings and report back to the full body.

- D. The presence of a quorum of the full Committee at a subcommittee meeting:
 - 1. Constitutes a full Committee meeting that requires posting appropriate notice of the meeting as a full Committee meeting in accordance with the Texas Open Meetings Act; and
 - 2. Requires the subcommittee meeting to be held in compliance with the Texas Open Meetings Act to include posting appropriate notice of the subcommittee meeting.

12. Subject Matter Experts

HHSC recognizes the value of subject matter experts (SMEs) to provide information to the Committee as it develops recommendations and initiatives relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis to be considered by the Committee. SME participation will be subject to the request of Committee members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of Committee members, the Chair, and HHSC staff;
- B. An invited SME may be recognized by staff or the Committee Chair to provide information or analysis during allotted time periods at a specified Committee or subcommittee meeting;
- C. SMEs will participate in questions and answers at the direction of the staff or Committee Chair;
- D. All SMEs will participate and serve at the pleasure of the Committee;
- E. SMEs do not hold any official capacity on the Committee or subcommittees and do not have rights of deliberation or the right to vote on any Committee activities or decisions;
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Committee; and
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Committee as allowed under the Texas Open Meetings Act.

13. Responsibilities of Support Staff

The HHSC Office of Aging and Disability Resource Centers will provide reasonable administrative and technical support and coordination for all Committee and subcommittees activities. HHSC will coordinate as needed to provide the accommodations and supports needed by a Committee member requiring accommodations to enable him or her to fully participate in Committee and subcommittee meetings and activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Committee members;
- B. Solicit nominations for membership in accordance with the appropriate HHSC procedures;
- C. Submit required reports to the Executive Commissioner on behalf of the committee;
- D. Serve as liaison between members and operating agencies' staff; and
- E. Plan, coordinate, and organize Committee and subcommittee meetings and activities, including:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted in the *Texas Register* in a timely manner and on the HHS website;
 - 5. Serve as point of contact for the public, including ensuring that contact information, agendas, and meeting support materials are easily accessible on the HHS website;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Prepare and maintain Committee records and documentation in accordance with the HHSC records retention policy; and
 - 8. Assist eligible members with travel arrangements and reimbursement.
- F. Coordinate as needed to provide any accommodations and supports required for a Committee member who has a disability to enable the member to fully participate in Committee meetings and activities; and
- G. Staff may perform other duties within staff discretion provided the necessary resources are available.

14. Compensation and Travel Reimbursement

To the extent permitted by the current General Appropriations Act, a Committee member who is a person receiving services or a family member may be reimbursed for his or her travel expenses to and from Committee meetings if funds are available and in accordance with the HHS Travel Policy.

Members eligible for such reimbursement are subject to rates established in the General Appropriations Act. Staff will assist members in requesting reimbursement. Committee members are responsible for providing the required information as per instructions provided within 30 calendar days of the meeting.

A member who would like to seek travel reimbursement must:

- A. Keep accurate record of allowable travel expenses (as per the HHS Travel Policy) during travel to attend Committee meetings; and
- B. Submit receipts and appropriate documentation to the Committee Liaison in a timely manner.

Bylaws approved on _____ by a two-thirds vote of members attending the meeting.

Chairperson
Printed Name

Signature

HHSC
Printed Name

Signature

Statement by Members

- Health and Human Services Commission and the Texas Respite Advisory Committee (Committee) are not bound in any way by any statement or action on the part of any Committee member except when a statement or action is in pursuit of specific instructions from HHSC or the Committee.
- The Committee and its members may not claim or appear to represent HHSC or the Committee in any legislative or advocacy activity without approval from the Committee Chair and the HHS Ethics Office in coordination with the HHSC Government and Stakeholder Relations Office. Committee members are not prohibited from discussing a report that has been formally adopted by this Committee, so long as members do not purport to represent HHSC. Committee members are not prohibited from representing themselves or another entity in the legislative or advocacy process.
- A Committee member may not accept payment for services that are requested because of the members' title or position on this Committee.
- A Committee member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Committee duties.
- A Committee member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Committee member shall complete the Texas Open Meetings Act Training and the Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Committee Liaison. If a member has taken the training within the last five years, a copy of the Certificate of Completion may be submitted to the Committee Liaison in lieu of taking the training.
- Nondisclosure agreement. A Committee member may not disclose confidential information or agency-generated information, including information in draft form, acquired through his or her Committee membership, unless HHSC has released and made public the information or document, the Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Committee. In addition, the member must confirm that he or she will require the member's interpreters, attendants or support persons, if any, to comply with this requirement. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.
- Conflict of Interest Statement. I agree to disclose any personal or private interest that myself or my family have in a measure, proposal, or decision pending before HHSC. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private interest, in giving feedback on the subject matter.) If there is a direct personal or private interest in a motion under consideration, I further agree to disclose that fact in a public meeting and will recuse myself from any Committee deliberations or decisions on that matter.

I have been provided a copy of the Texas Respite Advisory Committee bylaws. I understand that as a member of the Committee I must adhere to the bylaws.