

Correctional Managed Health Care Committee	Number:	CMHCC-A-01 (rev.5)
	Date:	June 10, 2020
POLICY STATEMENT	Page:	1 of 4
	Supersedes:	CMHCC-A-01 (rev. 4) (November 1, 2017)
COMMITTEE MEMBERSHIP		

AUTHORITY: Sections 501.131, 501.133-501.140, 501.144, Texas Government Code

DEFINITIONS:

- (1) “Committee” means the Correctional Managed Health Care Committee.
- (2) “Contracting entity” means an entity that contracts with the department to provide health care services under this chapter.
- (3) “Medical school” means the medical school at The University of Texas Health Science Center at Houston, the medical school at The University of Texas Health Sciences Center at Dallas, the medical school at The University of Texas at Austin, the medical school at The University of Texas Health Sciences Center at San Antonio, The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, the Baylor College of Medicine, the college of osteopathic medicine at the University of North Texas Health Sciences Center at Fort Worth, or The Texas A&M University System Health Sciences Center.
- (4) “Texas Trade Association” means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. (Section 501.135, Texas Government Code)

PROCEDURES:

- I. The Committee consists of nine voting members and one non-voting member as follows:
 - A. One member employed full-time by the department, appointed by the executive director;
 - B. One member who is a physician and employed full-time by the University of Texas Medical Branch (UTMB) at Galveston, appointed by the president of the medical branch;
 - C. One member who is a physician and employed full-time by the

Texas Tech University Health Sciences Center (TTUHSC), appointed by the president of the university;

D. The two Committee members appointed by the Governor who are physicians employed full time by a medical school other than UTMB or TTUHSC serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of the appointment. On the expiration of the terms, the Governor shall appoint one member from each of the next two medical schools that, based on an alphabetical listing of the names of the medical schools, follow the medical schools that employ the vacating members. These two committee members may not be employed by the same medical school at any given time;

E. The two licensed mental health professionals appointed by the Governor serve concurrent four-year terms expiring on February 1 following the fourth anniversary of the date of appointment;

F. The two public members appointed by the Governor serve staggered four-year terms with the term of one of those members expiring on February 1 of each odd-numbered year;

G. The Governor shall designate a public member of the Committee who is licensed to practice medicine in Texas as Presiding Officer/Chair. The Presiding Officer/Chair serves in that capacity at the will of the Governor. The members of the Committee shall elect a Vice-Chair who shall serve a term of two years beginning in September of each odd-numbered year. The Chair may appoint standing or ad hoc committees as necessary to assist the Committee in its duties; and

H. The state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, to serve ex officio as a non-voting member.

II. Appointments to the Committee shall be made without regard to race, color, disability, sex, religion, age or national origin of the appointee.

III. A person may not be a public member of the Committee if the person or the person's spouse:

A. Is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the Texas Department of Criminal Justice or the Committee;

B. Owns or controls, directly or indirectly, more than a ten percent interest in a business entity or other organization regulated by or receiving money from the Texas Department of Criminal Justice or the

Committee; or

- C. Uses or receives a substantial amount of tangible goods, services, or money from the Texas Department of Criminal Justice or the Committee other than compensation or reimbursement authorized by law for Committee membership, attendance or expenses.
- IV. A person may not be a member of the Committee and may not be a Committee employee employed in a “bona fide executive, administrative or professional capacity” as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act (as amended) if:
- A. The person is an officer, employee, or paid consultant of a Texas trade association in the field of health care or health care services; or
 - B. The person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care or health care services.
- V. A person may not be a member of the Committee or act as the general counsel to the Committee if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the Committee.
- VI. If a CMHCC member has knowledge that a potential ground for removal of a Committee member exists, the CMHCC member shall notify the Chair of the Committee. The Chair shall then notify the Governor and the Attorney General that a potential ground for removal exists. If the potential ground for removal involves the Chair, the vice chair of the Committee shall then make the required notifications. It is grounds for removal from the Committee if a member:
- A. does not have at the time of taking office or does not maintain the qualifications for office set forth by law;
 - B. is ineligible for membership due to prohibitions outlined in paragraphs IV and V above;
 - C. cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
 - D. is absent from more than half of the regularly scheduled Committee meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the Committee.
- VII. A person who is appointed to and qualifies for office as a member of the

Committee may not vote, deliberate or be counted as a member in attendance at a meeting of the Committee until the person completes a training program. The Presiding Officer/Chair of the Committee shall insure that each new appointee to the CMHCC is contacted and scheduled for training within 10 days of the announcement of the appointment. The training must provide the person with information regarding:

- A. the legislation that created the Committee;
- B. the role and functions of the Committee;
- C. the results of the most recent formal audit of the Committee;
- D. the requirements of the open meetings law, the public information law, the administrative procedure law and other laws relating to public officials (including conflict-of-interest laws); and,
- E. any applicable ethics policies adopted by the Committee or the Texas Ethics Commission.

Adopted: June 10, 2020



Robert D. Greenberg, M.D.
Presiding Officer, CMHCC