

**BY-LAWS, POLICIES AND PROCEDURES
OF THE NEW MEXICO HEALTH POLICY COMMISSION**

ARTICLE I. NAME

The organization shall be known as the New Mexico Health Policy Commission, known in this document as NMHPC.

ARTICLE II. AUTHORITY

The legal authority for the New Mexico Health Policy Commission is Chapter 139 of the Laws of 1991, and Chapter 62 of the Laws of 1994 (9-7-11 as amended NMSA 1978) and Chapter 29 of the Laws of 1989 and Chapter 59 of the Laws of 1994 (24-14A-1 through 24-14A-10 as amended NMSA 1978).

ARTICLE III. PURPOSE

The purpose of the New Mexico Health Policy Commission is to provide a forum for the discussion of complex and controversial health policy and planning issues and for the development and recommendation of creative solutions to problems surrounding health policy and planning in New Mexico and to administer the Health Information System Act.

ARTICLE IV. FUNCTIONS AND DUTIES

The NMHPC shall perform the following functions and duties:

- A. Obtain and evaluate information from a broad spectrum of New Mexico society to develop and monitor the implementation of the state's health policy;
- B. Obtain and evaluate information relating to factors that effect the availability and accessibility of health services and healthcare personnel in the public and private sectors;
- C. Perform needs assessments on health personnel, health educational and recruitment and retention and make recommendations regarding training, recruitment, placement and retention of health professionals in underserved areas of the state;
- D. Prepare and publish an annual report describing the activities and reports completed in the past fiscal year as well as planned activities for the current fiscal year;
- E. Distribute all reports to the Governor, the Legislature, appropriate state agencies, and interested parties;
- F. Establish a process to prioritize recommendations on program development, resource allocation, and proposed legislation;

- G. Provide information and analysis on health issues by staff work or by contracting to qualified entities;
- H. Serve as a catalyst and synthesizer of health policy in the public and private sectors;
- I. Respond to requests by the Executive and Legislative branches of government;
- J. Operate and maintain the health information system;
- K. Collect, analyze and disseminate data and information for planning and policy development and for consumers to make informed health care decisions and to implement a statewide, integrated health data system;
- L. Support the Director in accomplishing the following responsibilities:
 - 1. Provide a Commissioner orientation process, including a briefing document, to acquaint new NMHPC participants with on going projects and current procedures;
 - 2. Manage the day-to-day operations of the NMHPC, - including budget, human resources, information technology, program, public information, internal and external relationships, and serve as the agency's spokesperson;
 - 3. Coordinate and cooperate with the Executive, Legislative, other executive agencies dealing in healthcare matters to include but not limited to the Department of Health, the Human Services Department, the Aging and Long Term Services Department, and the Children, Youth and Families Department, federal government, local government, quasigovernmental agencies, and the private sector;
 - 4. Develop, maintain, and recommend to the NMHPC the current status of health planning for the state of New Mexico and lead the commission in development of activity, recommendations, resolutions, or appearances before Legislative and Executive branches.
- M. Based upon input, recommendations, and approval of all Commissioners, the Chair shall conduct at least annually, a performance review of the Director.
- N. The Commission promotes quality initiatives in all of its endeavors.
- O. The Commission must operate under a series of policies and procedures as outlined by:
 - 1. The State Personnel Office for classified employees;
 - 2. The Department of Finance and Administration for exempt employees personnel and budget and finance directives for performance based budgeting;
 - 3. The Accountability in Government Act;
 - 4. The Open Meetings Act; and

5. The State of New Mexico Mileage and Per Diem Act.

In the event a policy or procedure is not covered by any of the above directives or in the event of conflicting directives, the Director will so advise the Commission for resolution.

ARTICLE V. MEMBERSHIP

A. Composition

The New Mexico Health Policy Commission shall consist of nine (9) members appointed by the Governor with the advice and consent of the Senate to reflect the ethnic, economic, geographic and professional diversity of the State. A majority of the commission members shall have no pecuniary or fiduciary interest in the health services industry or for three years preceding his/her appointment to the Commission.

B. Term of Office

All terms of appointments shall be for three years.

C. Vacancies

1. When a Commissioner's term expires, the Commissioner shall remain on the board until they are re-appointed or replaced. If a Commissioner wishes to be re-appointed to another term that Commissioner should so notify the Governor and the NMHPC Chair in writing before the expiration of the Commissioner's term. Failure to submit this request will be interpreted as the resignation of the Commissioner at the expiration of the term for which the Commissioner was appointed.
2. When a Commissioner resigns, the Commissioner shall submit a written resignation to the Governor with copies to the Chair of the Commission and Director. The resignation will be effective on the date of submission. A member who has resigned will not serve until replaced.
3. A Commissioner who has three unexcused absences from regularly scheduled meetings shall be deemed to have resigned and that position shall be considered vacant. (Unexcused would indicate that no notification of the impending absence was given to the Chair, Vice-Chair, Director or HPC staff.)
4. A person appointed to fill an un-expired term shall be a member for the un-expired term of his/her predecessor.
5. The Chair or Director shall notify the Governor if there is a vacancy on the Commission.

ARTICLE VI. OFFICERS

A. The officers of the NMHPC shall be a Chair and Vice-Chair. They shall be elected annually during the last meeting of the state's fiscal year from among the members of the Commission. The newly elected officers will assume their duties at the beginning of the state's fiscal year.

1. Duties of the Chair:

- a. Preside at all meetings of the NMHPC and the Executive Committee;
- b. Represent the NMHPC at meetings of outside agencies or organizations when participation of a Commissioner is requested, and report back to the entire commission and discuss at meetings;
- c. Coordinate and approve meeting agendas after consultation with the Director;
- d. Review all NMHPC meeting draft minutes prior to the meeting at which they are to be approved;
- e. Provide guidance and consultation to the Director on any NMHPC matters as needed; and
- f. Designate, in the absence of the Vice-Chair or when expedient to facilitate NMHPC business, other Commissioners to perform duties related to NMHPC business such as but not limited to attending other agency or public meetings, and approval and review of documents which require Chair action. In this case, the Commissioner assigned the responsibility will be entitled to mileage and per diem as allowed under the New Mexico Per Diem and Mileage Act.

2. Duties of the Vice-Chair:

- a. Perform all of the Chair's duties in his/her absence or inability to perform; and
- b. Perform any other duties assigned by the Chair after consultation with the Commission.

ARTICLE VII. MEETINGS

A. The New Mexico Health Policy Commission shall meet at the call of the Chair in consultation with the Commission members and staff or at the call of the majority of the members upon three (3) days notice. The Commission shall meet not less than quarterly. Any briefing books/packets, position papers or other support information used by Commissioners for a meeting will not be made available to the public until the public meeting is held for which the information was prepared.

B. The NMHPC shall conduct all its business meetings in public and in conformity with the New Mexico Open Meetings Act, and shall keep a written record of minutes of all its meetings for public showing. The minutes will be taken by a qualified recorder and will

include, as a minimum, the date, time, and place of the meeting, the names of members in attendance and those absent, the salient points of discussion of the issues upon which Commissioners made decisions, the substance of the proposals considered, and a record of any decisions and votes taken which show how each member voted. All minutes are open to public inspection. Draft minutes will be prepared within ten (10) working days after the meeting and will be immediately forwarded electronically to all Commissioners for review and correction. Minutes shall be approved, amended, or disapproved at the next meeting where a quorum is present. Minutes shall become official when approved by the Commission.

- C. The preliminary agenda will be available from the NMHPC office and posted on the NMHPC web site at least ten working days prior to the meeting. The Final Agenda will be established three working days prior to each NMHPC meeting.
- D. Special meetings of the NMHPC may be called by the Chair provided that not less than seventy-two (72) hours notice is given by telephone, fax or e-mail to all of the members and, when practical, upon acknowledgment of receipt of the notification. A special meeting may also be called by the majority of the members upon seventy-two (72) hours notice given by telephone, fax or e-mail and when practical, upon acknowledgement of receipt of the notification.
- E. Notice of all regular meetings shall be given at least ten (10) working days prior to such meeting date. Notice of any meetings shall state the date, time, place and be posted on the NMHPC web site. The notice shall be distributed to interested parties and posted in prominent places and may be distributed to the media. The agenda shall be available three working days before any Commission meeting. All notices shall include the following language:

If there is an individual with a disability and who requires assistance or an auxiliary aid, e.g., a sign language interpreter, to participate in any aspect of these meetings, arrangements must be made through the office of the N.M. Health Policy Commission, 2055 South Pacheco Suite 200. Santa Fe, NM 87505, (505) 827-6201, fax (505) 424-3222, **FIVE** days prior to the scheduled meeting date. If arrangements are made through anyone other than the N.M. Health Policy Commission staff, the Commission will not be liable for any charges. TDD or TDY users, please access the following number via the New Mexico Relay Network; for Albuquerque the TDD users number is (505) 275-7333; outside of Albuquerque the number is 1-800-659-1779.

- F. Five (5) Commissioners shall constitute a quorum. A majority of those present and voting shall be required for NMHPC action. There will be no voting by proxy. Each formal action or decision, except as otherwise noted, made by a majority of the members present and voting, if there is a quorum, is official. If a Commissioner is unable to attend a Commission meeting in person, the Commissioner may participate by conference telephone or internet conferencing provided that the absent Commissioner can be identified when speaking, all participants can hear each other and members of the public attending the meeting can hear any member of the Commission who speaks during the

meeting. Said Commissioner shall be considered in constituting a quorum.

- G. The NMHPC may close a meeting only for one or more of the ten (10) purposes permitted under Section 10-15-1(H) of the Open Meetings Act.
1. If any meeting is closed during an open meeting, such closure shall be approved by a majority of a quorum of the public body present and voting taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.
 2. If the decision to hold a closed meeting is made when the NMHPC is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.
 3. Following completion of any closed meeting, the minutes of the open meeting that was closed shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure. This statement shall be approved by the public body as part of the minutes.
 4. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the majority of a quorum of the members and the vote taken during the open public meeting.

ARTICLE VIII. REIMBURSEMENT FOR EXPENSES

- A. Members of the New Mexico Health Policy Commission shall not be paid but shall receive per diem and mileage expenses as provided in the State of New Mexico Per Diem and Mileage Act for attendance at NMHPC meetings and for other NMHPC business matters or activities assigned by the Chair or the Commission such as attendance at Legislative Committee Hearings subject to appropriations and availability of funds.
- B. Commissioners may be issued business cards, if requested.

ARTICLE IX. PARLIAMENTARY PROCEDURES

Robert's Rules of Order shall be the parliamentary authority and shall govern in all cases except when they are inconsistent with these Policies and Procedures or the law.

ARTICLE X. CONDUCT

- A. The Conduct in Government Act (0-16-4.1) shall pertain to all NMHPC Commissioners and staff.

No member of the NMHPC, Commissioner(s) or staff may request or receive an honorarium for a speech or service rendered on behalf of the NMHPC. For the purposes of this section, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars (\$100.00), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of business.

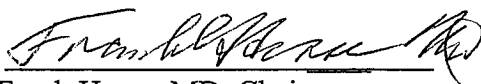
- B. In knowingly expressing an opinion, written or otherwise, that is related to or may be construed to be related to the mission of the NMHPC, Commissioner(s) and NMHPC staff shall clearly state that the opinion is his/her own and does not necessarily represent that of the NMHPC, unless the opinion reflects the recommendation of the NMHPC taken on a vote of the topic, in which case it may be so stated.
- C. Official NMHPC stationary shall not be utilized by a Commissioner to express an opinion, convey support or otherwise used in a manner as to convey the position of the NMHPC without the Chair's approval.

ARTICLE XI. AMENDMENTS

These Policies and Procedures may be amended by the NMHPC at any regular meeting by an affirmative vote of two-thirds of the members present and voting at any meetings with a quorum, provided that prior notice of such proposed amendments shall be included in the notice of the meeting and mailed to each NMHPC member at least one week prior to the date of the meeting at which the action is to take place.

ARTICLE XII. EFFECTIVE DATE

Commissioners Policies and Procedures became effective on October 3, 1991, having been adopted by a majority vote - a quorum being present and voting. The amended Policies and Procedures when approved by Commissioner vote will become effective immediately.

Approved: 
Frank Hesse, MD, Chairman
New Mexico Health Policy Commission

Date: 3/3/2010

Approved: 10/03/91
Revised: 9/17/93, 8/14/97, 04/14/00, 02/09/01, 12/18/03, 02/01/04, 02/05/10
Effective 02/05/10