

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-64-.03

Rule Title: Governing Board of Directors – NEW RULE

X New Rule; _____ Amend; _____ Repeal; _____ Adoption by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed rule have any economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: Stephanie Lindsay

Date: 10/20/2016

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ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-64-.03 – Governing Board of Directors

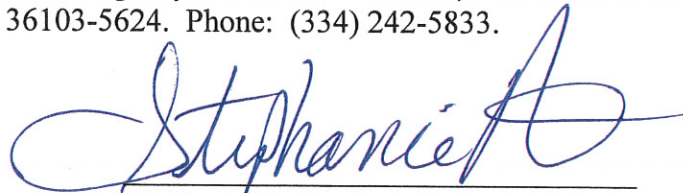
INTENDED ACTION: Add New Rule 560-X-64-.03

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to establish criteria for an ICN governing board in accordance with § 22-6-231(a)(1) of the Alabama Code.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than December 5, 2016.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.

A handwritten signature in blue ink that reads "Stephanie A". The signature is written in a cursive style with a large, looped initial "S" and a capital "A" at the end.

Stephanie McGee Azar
Commissioner

Rule No. 560-X-64-.03 Governing Board of Directors – NEW RULE

(1) An integrated care network shall have a governing board of directors composed of the following twenty members:

(a) Twelve members shall be persons representing risk-bearing participants in the integrated care network. A participant bears risk by contributing cash, capital, or other assets to the integrated care network.

(i) Six of the twelve risk-bearing participants shall be long-term health care or medical providers, or representatives thereof, who serve or will serve Medicaid beneficiaries enrolled in the integrated care network.

(ii) The long-term health care or medical providers must collectively contribute cash, capital, or other assets approved by the Agency to satisfy at least fifty percent of the capital and surplus requirements of Alabama Medicaid Administrative Code Chapter 560-X-64.

(b) Eight members shall be persons who do not represent a risk-bearing participant in the integrated care network and are not employed by a risk bearing participant. At least four of these members must be long-term health care or medical providers who serve or will serve Medicaid beneficiaries enrolled in the integrated care network.

(i) Two members shall be appointed by the Medical Association of the State of Alabama, or its successor organization;

(ii) One member shall be appointed by the Alabama Hospice and Palliative Care Organization, or its successor organization;

(iii) One member shall be a representative of an organization that is part of the Disabilities Leadership Coalition of Alabama or Alabama Arise, or their successor organizations;

(iv) One member shall be a representative of the Alabama chapter of AARP or the Alabama Disabilities Advocacy Program, or their successor organizations;

(v) One member shall be a representative of the Disability Rights and Resources or the Arc of Alabama, or their successor organizations;

(vi) The chair of the citizen's advisory committee established pursuant to Alabama Medicaid Administrative Code Rule 560-X-64-.04; and,

(vii) One members shall be a community representatives.

(2) A majority of the members of the board may not represent a single provider. Any provider shall meet licensing requirements set by law, shall have a valid Medicaid provider number, and shall not be otherwise disqualified from participating in Medicare or Medicaid.

(3) Medicaid shall have the power to approve the members of the governing board and the board's structure, powers, bylaws, or other rules of procedure. No organization shall be granted integrated care network certification without approval.

(4) Any vacancy on the governing board of directors in connection with non-risk bearing members appointed as described in Section 22-6-221(d)(1) shall be filled by the appropriate authority. A vacancy in a board of directors' seat held by a representative of a risk-bearing participant as defined in Section 22-6-221(d)(1)(a) shall be filled by a majority vote of the remaining directors of the integrated care network. Notwithstanding other provisions of this rule, the Medicaid Commissioner shall fill a board seat left vacant for more than three months.

(5) The governing board may, by resolution adopted by a majority of the directors, appoint an executive committee, which shall consist of two or more directors, who may have such authority and take such action as authorized by the governing board and consistent with state law; provided, however, any at-risk provider type shall be represented on the executive committee. For purposes of this subsection, a legal entity shall be considered the same provider type of the majority owner(s), principal(s) or member(s) of that entity. The governing board shall set policy and direction for the integrated care network and the executive committee shall execute the policies established by the governing board. The governing board may also appoint such other committees as are consistent with Alabama law. All actions of the executive committee and all other committees shall be reported to the governing board. At least one member of an executive committee and any other committee shall be one of the members appointed to the board by the Medical Association of the State of Alabama.

(6) The governing board shall meet at least quarterly. If provided for in the ICN's bylaws, a member may participate and/or vote in a meeting of the governing board of directors by means of telephone conference, videoconference, or similar communications equipment only if:

(a) All persons participating in the meeting may hear each other at the same time.

(b) The meeting of the governing board of directors is conducted at a physical location whereby members have the option to attend the meeting in-person. Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum.

(7) All appointing authorities for the governing board and the executive committee shall coordinate their appointments so that diversity of gender, race, and geographical areas is reflective of the makeup of the population served.

Author: Stephanie Lindsay, Administrator, Administrative Procedures Office.

Statutory Authority: Code of Alabama, 1975 Section 22-6-220 *et seq.*

History: New Rule: Filed October 20, 2016