

MI VIA ADVISORY COMMITTEE (MVAC) BYLAWS

ARTICLE I. NAME

The organization referred to in these Bylaws shall be known as the Mi Via Waiver Advisory Committee, also referred to as the Mi Via Advisory Committee (MVAC).

ARTICLE II. AUTHORITY

Authorized by DOH and HSD, (hereafter referred to as “the State”) and appropriate representatives of which will attend all Mi Via Advisory Committee meetings. It is designated as a standing committee of The Advisory Council on Quality Supports for People with Intellectual/Developmental Disabilities (ACQ) being authorized in accordance with the New Mexico Developmental Disabilities Act of 2017 (Section 28-16A-13 NMSA 2017). “...the department may... establish advisory councils and task forces as necessary to guide the development and review of support and services to persons with developmental disabilities.”

ARTICLE III. PURPOSE

Mission Statement: The New Mexico Mi Via Waiver Program Advisory Committee works with the State and community to keep the philosophy of self-direction as the basis of all discussions about the Mi Via Waiver to continuously improve the quality of life for all participants.

ARTICLE IV. DUTIES

The Mi Via Advisory Committee (MVAC) duties include, but are not limited to, the following:

- Conduct 4 scheduled meetings per year with the option of additional meetings as needed
- Discuss issues relevant to individuals on the Mi Via Waiver program in New Mexico
- Engage with the State “on the ground floor” by providing input and recommendations during policy considerations or other developing Mi Via activities. The State will inform the MVAC membership of upcoming policy changes and other activities related to Mi Via so that the MVAC may accomplish this duty. The State will provide this information a minimum of 90 days prior to the opening of public comment unless it is an emergency and, in that case, as soon as possible. It is preferable that involvement of the MVAC is done at the onset of discussions amongst State personnel
- Advise the DOH, HSD and the ACQ on issues relevant to individuals served by the Mi Via Waiver program in New Mexico. After receiving input from the MVAC, taking action and reporting of actions to the Mi Via Advisory Committee (MVAC) are the responsibility of the State
- Participate in the monitoring, evaluation and improvement of Mi Via Waiver program services
- Reinforce the Mi Via philosophy of self-direction whenever possible, such as during encounters with policy makers
- Help to identify ways to simplify the Mi Via processes
- Share knowledge and resources with the DOH, HSD and ACQ as well as with individuals with disabilities and other interested parties in New Mexico
- Interact and/or collaborate with other committees, task forces and workgroups as needed and as identified by the Mi Via Advisory Committee (MVAC)

- Participate in recruitment of individuals for membership on the Mi Via Advisory Committee (MVAC)

ARTICLE V. MEMBERSHIP

1. **Composition:** The Mi Via Advisory Committee (MVAC) shall consist of 17 voting members. Voting members of the Mi Via Advisory Committee (MVAC) will have the majority being Mi Via participants and EORs (Employer of Record) and the rest a sampling of other Mi Via stakeholders, which may include a legally responsible individual (LRI-parent of a minor participant or spouse of a participant), another relative, a guardian, a representative appointed by the participant, an advocate, an employee or an individual care provider. Membership will include a spokesperson from two of the consultant agencies. The two consultant agency spokespersons are requested to come to Mi Via Advisory Committee (MVAC) meetings prepared with input from several of the participants and families they serve and engage with the membership as “the voice” of the participants with whom they interact. Membership will include mandatory attendance at Mi Via Advisory Committee (MVAC) meetings of one or more persons with decision-making authority from both the Mi Via Third Party Assessor (TPA) and the Financial Management Agency (FMA), who will be non-voting “ex-officio” members and will be considered crucial to the Committee for their input and interaction with other committee members to accomplish our Mission Statement and our Duties. Ex-officio membership is continuous and not subject to the election process.

Membership will reflect the demographics of New Mexico relative to the groups served by Mi Via: disability, age, ethnicity, and region of the state. Preference will be given to Mi Via participants, EORs, legally responsible individuals, guardians, and representatives, with a minimum of 9 being reserved for individuals from those groups.

2. **Collaboration with ACQ:** a minimum of one Mi Via Advisory Committee (MVAC) elected member will also be a member of the ACQ, who will represent the Mi Via Advisory Committee (MVAC) at every ACQ meeting as a liaison and present the “Mi Via Matters” segment at the ACQ meeting. If necessary, that MVAC liaison for the ACQ may ask another MVAC member to present the “Mi Via Matters” section and/or other ACQ duties as a proxy. The Mi Via Advisory Committee (MVAC) member(s) serving as the ACQ liaison will be chosen by the Mi Via Advisory Committee (MVAC) Chairperson from among interested members. Any member interested in serving as an ACQ/MVAC liaison shall contact the MVAC Chairperson with their request for consideration at any time.

3. **Becoming A Member:** All stakeholders are welcome to submit applications either for themselves or for someone else who is willing and interested in serving on the Mi Via Advisory Committee (MVAC). After an application process (see “Request for Nominations” form on website), prospective new members will have their applications reviewed by the Membership Committee. Those who are identified as suitable candidates will be recommended for open positions by the Membership Committee at the next regular meeting of the Mi Via Advisory Committee (MVAC). New members will be accepted by vote, with a simple majority of MVAC current active members determining approval.

The Mi Via Program Manager will inform the leadership of the MVAC as well as the Membership Committee of upcoming vacancies at least 6 months prior to expiration of

members' terms. The Mi Via Program Manager will also post the announcement of the application process on the Mi Via website at least 60 days prior to the submission due date and will announce it in the Mi Via Newsletter for at least two issues preceding the submission due date. The Program Manager will notify all Consultant Agencies/Consultants of membership openings on the Mi Via Advisory Committee (MVAC) in order that consultants inform their clients/participants of these openings and assist them in the application for membership process if support is needed and requested by those participants. The Program Manager is responsible for providing information to Consultant Agencies/Consultants for dissemination to all their participants regarding the MVAC and its functions during each participant's first annual renewal of their Service and Support Plan (SSP.) and each subsequent annual renewal thereafter.

Records will be kept by the Mi Via Program Manager of the basis for recommended applicants for a minimum of 6 years.

ARTICLE VI. TERM DURATION

1. Members will be appointed for 3-year terms with exception of Mi Via Consultant Agency members who will each have a 2-year term in order to afford all consultant agencies the opportunity to participate in the future.

2. A member may be reappointed for additional terms, by the usual nomination and approval process.

3. A member may resign at any time, for any reason and without notice, although it is preferred that a member give at least 2 months' notice, if possible, in order to allow for a more seamless membership replacement.

4. If a member resigns, or is asked to resign, notice will be provided to both the Mi Via Program Manager and MVAC Chair. At that point the Mi Via Program Manager will review the membership applications already received in the past to find the applicant with the next highest score (on the Membership Committee Scoring Sheets) who has not yet become a member and who represents the same demographics as the member leaving. They will contact the applicant to see if that person still wishes to become a member. If not, the process continues down the list of applicants from previous elections, with a cut-off on the list for scores below 70%. If the list is exhausted, then a new application process is started (see Article V)

5. In order to keep a balance of new and experienced members within the MVAC, new members may not comprise more than 1/3rd of the total membership in any one year. If new members ever unavoidably exceed 1/3rd of the total membership in a given year, the Chairperson will initiate a staggered membership protocol by entertaining volunteers from the membership who agree to take a 1-year or 2-year term in order to ensure future expiration of terms does not perpetuate an imbalance. If there are not adequate volunteers to create staggered membership, then a lottery process will be devised by the Membership Committee to create the necessary adjustment. Members who volunteer to a shorter term for the purpose of staggered membership will be given additional consideration for their next term application should they decide to seek additional terms. In the future, if membership shortfalls are anticipated, the Membership Committee will assign one-year, two-year and three-year terms as needed for each new member. If those new members reapply for future terms, their terms would then be three-year terms.

ARTICLE VII. OFFICERS

1. The membership shall elect, every 2 years from its voting membership (not ex-officio members, not State personnel and not third-party representatives), a Chairperson, and a Vice-chairperson. If desired, the Chairperson and Vice-chairperson may choose to act as Co-chairpersons, sharing duties as they prefer. Any voting member of the MVAC may choose to be considered for either the Chairperson position or the Vice-Chairperson position by making their interest known to the Membership Committee, the current Chairperson, and the MVAC Program Manager. The election shall be held the first meeting of each appropriate calendar year. If more than one person is interested in each position, those interested will be given equal time during the meeting and prior to the vote to state their reasons for seeking office. It is preferred but not required that these two officers are members who have served at least 1 year and still have 2 years to follow. If an officer's membership with the MVAC is due to expire prior to their elected term's expiration, then that individual's application to the MVAC is given extra weight in his/her reconsideration for membership. If voted back into membership, that individual may finish off his/her term as an officer. The third officer is Immediate Past Chairperson, who is the retiring former Chairperson, who serves a two-year term to assist with the transition to new officers. This position is ex-officio (non-voting) membership, although the person may finish his/her regular membership (voting) term within that two-year term before moving to ex-officio status.

2. In the event the Chairperson resigns the office, or has their membership expire before their elected term ends without gaining renewed membership, the Vice-chairperson will fill the Chairperson office for the remainder of the term and there will be no Vice-chairperson until the next election. If the Vice Chairperson leaves office prematurely for any reason, the Membership Committee would then present their recommendations for a new Vice Chairperson by the same process as regularly scheduled elections, to be presented for voting at the next regularly scheduled Mi Via Advisory Committee (MVAC) meeting. In the event both the Chair and the Vice Chair have their terms end prematurely, a new election will be held.

3. In the event the Advisory Committee desires removal of the Chairperson or the Vice-chairperson, such action may be achieved by a 2/3 vote of full membership for removal by the Mi Via Advisory Committee (MVAC) at a regular meeting. A key vote like this must be done by a vote of the entire membership, but votes may be sent in electronically. The identified Chairperson or Vice-chairperson will not be included in the vote.

4. The duties of the Chairperson include but are not limited to:

- Presiding at all meetings of the Mi Via Advisory Committee (MVAC)
- Signing any document authorized by the Mi Via Advisory Committee (MVAC)
- Reviewing and clarifying as needed the meeting minutes taken by the Mi Via Program Manager before they are sent to be posted in "Draft" status on the website, and then provided to all membership for review, editing and vote
- Creating each upcoming meeting agenda in cooperation with the Mi Via Program Manager before the Program Manager posts it on the website with "Draft" status and sends it out to the membership
- It is the responsibility of the Chairperson to ensure that we have appropriate membership on the ACQ by appointing a minimum of one voting member as the MVAC liaison(s) to the ACQ. The ACQ member(s) will make a short presentation of Mi Via

activities at each ACQ meeting and be the communication conduit between ACQ and the MVAC

- Providing ongoing guidance to the State based on MVAC meeting discussions, recommendations from committees, between meeting feedback, and votes
- Other duties as requested by the Mi Via Advisory Committee (MVAC)

5. The duties of the Vice-chairperson include but are not limited to:

- Acting as Chairperson when the Chairperson is absent
- Other duties as requested by the Mi Via Advisory Committee (MVAC) or Chairperson.

ARTICLE VIII. VOTING

1. Each elected member shall have one vote. Each member may assign their vote to another as needed, which is known as a proxy vote (see ARTICLE IX). If a member is serving as another's proxy, they would provide that member's vote as well as their own.

ARTICLE IX. PROXIES

If unable to attend a meeting, a Mi Via Advisory Committee (MVAC) member must select another existing MVAC member to vote for him/her by proxy. The authorization must be submitted to the Chairperson and a State support person in writing prior to the vote, with electronic communication allowed.

ARTICLE X. QUORUM

1. A quorum shall consist of a simple majority of the active elected members of the Mi Via Advisory Committee (MVAC).
2. A quorum is required for any action of the Mi Via Advisory Committee (MVAC) that requires a vote, with the exception made in voting new membership (see Article V (3)).
3. Members present by conference call shall be counted in constituting the quorum.
4. Proxy votes will be counted towards the quorum as if the member was present.

ARTICLE XI. ATTENDANCE

1. Members are expected to attend all regularly scheduled meetings.
2. Individuals who are absent without notice from three (3) regularly scheduled meetings over the course of the member's term may be asked to resign. The Mi Via Program Manager will keep a record of those members who have been absent from regularly scheduled meetings over the course of the member's term and will inform the Chairperson quarterly, within 10 business days of the date of the last meeting. The record will include the members' names, the dates of their terms, the dates of all meetings during which they were absent, and if a notice was provided for an absence. Partial attendance will also be noted for all members. The Program Manager will include a reminder of the attendance expectations with every new meeting notice.

3. Individuals are expected to inform both the Chairperson and the Mi Via Program Manager prior to the meeting if he or she will not be in attendance. This may be done by any means of communication available.

4. The Chairperson may ask for the resignation of or provide notice of removal from MVAC membership to those individuals who were absent without notice from three (3) regularly scheduled meetings over the course of a member's term. Partial-meeting attendance will be considered as meeting attendance at the discretion of the Chairperson.

ARTICLE XII. SUBCOMMITTEES

1. There shall be one (1) standing committee called the Membership Committee composed of no fewer than 5 members, the majority of which are participants, EORs or family members, and who are appointed by the Mi Via Advisory Committee (MVAC) Chairperson. The Membership Committee duties are as follows:

- Develop the slate of officers for nomination as needed and present to membership at next regularly scheduled Mi Via Advisory Committee (MVAC) quarterly meeting for a vote, according to the same process of voting for new members
- Review the Request for Nomination applications for membership as needed
- Present the recommendations for membership to the Mi Via Program Manager who will contact the applicants to find out if they are still interested in having a membership position,
- Present recommended applicants at the next Mi Via Advisory Committee (MVAC) meeting for a vote,
- The Membership Committee Chair will request the Mi Via Program Manager to contact the voted-in new members, to give new members details about the next Mi Via Advisory Committee (MVAC) meeting and to include them in all future communications,
- Provide a written summary of activities to the MVAC membership a minimum of 10 business days prior to a quarterly meeting. This will be done by providing the written summary to the Mi Via Program Manager at least 10 business days prior to a quarterly meeting, who will include it in quarterly meeting preparation documents.
- Provide supportive services for members as directed by the full membership.

2. There shall be one (1) standing committee called the Bylaws Committee, composed of no fewer than 4 Mi Via Advisory Committee (MVAC) members, the majority of which are participants, their EORs or family members and who are appointed by the Mi Via Advisory Committee (MVAC) Chairperson. The Bylaws Committee duties are as follows:

- Review the Bylaws annually in the third quarter of the calendar year
- Make recommendations for any changes to the Bylaws no later than December 15 of each year, to be presented to the full membership of the Mi Via Advisory Committee (MVAC) for a vote in the first quarter meeting of the upcoming calendar year

- The Chairperson of the Bylaws Committee will request that the Mi Via Program Manager provide copies of the Bylaws with recommended changes from the Bylaws Committee to the full membership of the Mi Via Advisory Committee (MVAC) either electronically or by mail at least ten business days prior to the first quarter MVAC meeting to give members adequate time to review and prepare comments.
- In the event the bylaws committee has activity beyond the review and/or revision of the bylaws, the chairperson will provide a written summary of activities to the MVAC membership a minimum of 10 business days prior to a quarterly meeting. This will be done by providing the written summary to the Mi Via Program Manager at least 10 business days prior to a quarterly meeting, who will include it in quarterly meeting preparation documents.

3. As needed and future standing committees and workgroups are formed at the discretion of the Chairperson after discussion by Mi Via Advisory Committee (MVAC) membership as to whether they are needed to carry out the work of the Mi Via Advisory Committee (MVAC).

4. The Chairperson of every subcommittee, standing committee and/or workgroup must be a voting member of the Mi Via Advisory Committee (MVAC).

5. Each subcommittee, standing committee and/or workgroup shall report to the Mi Via Advisory Committee (MVAC) as a whole.

6. Subcommittees, standing committees and workgroups are permitted to invite topical experts or other meaningful contributors as guest speakers during their meetings.

ARTICLE XIII. MEETING LOGISTICS, PREPARATION, AND RECORDS

1. Minutes of all Mi Via Advisory Committee (MVAC) meetings shall be sent either electronically or mailed to all members by the Mi Via Program Manager within ten business days after the date of the meeting to which they apply, called the “Draft” minutes, and are provided for membership to review and correct if needed. Members will have 10 business days from receipt of “draft” minutes to provide corrections/clarifications to the Mi Via Program Manager, for incorporation into the “draft” document.

2. Ten business days before the next regularly scheduled MVAC meeting, the Mi Via Program Manager must post “Draft” minutes to the previous meeting and a Draft agenda to the upcoming meeting to the Mi Via Advisory Committee (MVAC) DDS website.

3. Ten business days before the next regularly scheduled MVAC meeting, the Mi Via Program Manager shall send out electronically or by mail to all MVAC membership the “Draft” minutes of the previous meeting and “Draft” agenda of the upcoming meeting as well as any other pertinent documents and information relevant to the upcoming MVAC meeting.

4. At the beginning of the regularly scheduled (quarterly) Mi Via Advisory Committee (MVAC) meeting, the membership votes on whether to approve the “Draft” minutes of the previous meeting and the current meeting’s “Draft” agenda. If needed, the vote may include “approval with indicated changes.”

5. Within 10 business days after the members’ vote, the Mi Via Program Manager shall update the “Draft” minutes of the previous meeting and “Draft” agenda already posted on the MVAC

website, moving them from “Draft” form to “Final” form. The reason for the above procedures is to avoid any errors in the Mi Via Advisory Committee (MVAC) public record.

6. The regularly scheduled (quarterly) Mi Via Advisory Committee (MVAC) meetings will be recorded electronically by the Mi Via Program Manager or other designated State staff. The recordings will be posted to the Mi Via Advisory Committee (MVAC) website within ten business days of the date of the meeting to which they apply. This will allow members who needed to miss a meeting or any portion of a meeting to review the substance of the meeting and be prepared for the next one, which is advised for members.

6. The State will carry out administrative duties related to the Mi Via Advisory Committee (MVAC), such as producing the meeting agendas (in cooperation with the Chairperson and Vice-chairperson), preparing minutes of the meetings, reserving the meeting location and room, and communicating meeting information to the Mi Via Advisory Committee (MVAC). The State will also set up phone/internet attendance capability for regular meetings and standing committee/subcommittee/workgroup meetings and/or arrange for alternative forms of communication as needed by members. The State will post all pertinent documents and meeting recordings on the MVAC section of the website according to Section XIII of these bylaws. The State will also have the responsibility to share documents in alternative formats as needed. The State will provide support to the Chairperson and Vice Chairperson as needed for them to perform the duties of their office.

ARTICLE XIV. BYLAWS REVISION

1. Proposed Mi Via Advisory Committee (MVAC) Bylaw changes will be distributed at least 10 business days in advance of the scheduled Mi Via Advisory Committee (MVAC) meeting where the Bylaws will be discussed and voted upon.

2. The Mi Via Advisory Committee (MVAC) may adopt revisions and modifications of the Bylaws at that scheduled meeting or prior to that meeting via electronic communication, by a 2/3 vote of the entire membership of the Mi Via Advisory Committee.

3. The Bylaws shall be reviewed as needed and at least annually by the Mi Via Advisory Committee (MVAC) membership at the first meeting of each year.

GLOSSARY

Participants in Mi Via: People who are being served by the Mi Via Self-Directed Waiver.

Self-Direction: A person-centered, community-oriented approach used by individuals with disabilities and their supports that empowers those individuals to make their own choices as to how to participate in their lives and communities. For the purpose of the MVAC and Mi Via, this is a process applied to the service delivery system wherein the eligible recipient identifies, accesses and manages the services that meet his or her assessed therapeutic, rehabilitative, habilitative, health or safety needs to support the eligible recipient to remain in his or her community.

Employer of Record (EOR): The individual responsible for directing the work of the Supports Waiver or Mi Via Waiver employees, including recruiting, hiring, managing and terminating all employees.

Legally Responsible Individual (LRI): A person who has a legal obligation under the provisions of state law to care for another person. Legal responsibility is defined by State law, and generally includes the parents (natural or adoptive) of minor children, legally assigned caretaker relatives of minor children, or spouses.

Bylaw: a rule made by the MVAC to control the actions of its members

Chair: the person in charge of the MVAC meeting

Advisory Council on Quality (ACQ): Advises the New Mexico Department of Health on the systems guiding the provision of services and supports that assist people with Intellectual and/or Developmental Disabilities (I/DD) of all ages and their families to be fully included in New Mexico communities.

Developmental Disabilities Supports Division (DDSD): The Developmental Disabilities Supports Division (DDSD) oversees four Home and Community Based Waiver programs. These include the Developmental Disabilities Waiver, the Medically Fragile Waiver, Mi Via Self-Directed Waiver and the Supports Waiver.

Human Services Department (HSD): Designated by the Center for Medicare and Medicaid Services (CMS) as the Medicaid administering agency in New Mexico.

Third Party Assessor (TPA): The Medical Assistance Division contractor who determines and re-determines Level of Care and medical eligibility for the Developmental Disabilities Waiver, Medically Fragile Waiver, Mi Via Waiver and Supports Waiver programs. The Third-Party Assessor also reviews the eligible recipient's person-centered plans and approves budgets for the eligible recipient. The Third-Party Assessor performs utilization management duties for budget requests.

Fiscal Management Agency (FMA): Human Services Department (HSD) Contractor that helps self-directed participants implement the Authorized Annual Budget (AAB) by paying the eligible recipient's service providers and tracking expenses.

Proxy: the authority to represent someone else, especially in voting.

Quorum: the minimum number of members of the MVAC that must be present at any of its meetings to make the proceedings of that meeting valid

Mi Via Program Manager: Staff manager at DDSD who manages and oversees the Mi Via Waiver and the DDSD Mi Via Waiver Unit. This role additionally provides assistance to the MVAC.