

# Beneficiary Advisory Committee Bylaws

## ARTICLE I. NAME AND LOCATION

- Section 1. The name of the committee is the Beneficiary Advisory Committee (BAC), an advisory committee of the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid & Long-Term Care (MLTC).
- Section 2. The mailing address of the BAC is as follows:  
Beneficiary Advisory Committee  
DHHS, Division of Medicaid & Long-Term Care  
Nebraska State Office Building, Fifth Floor  
301 Centennial Mall South  
Lincoln, NE 68509
- Section 3. The email address of the BAC is as follows:  
DHHS.MACandBAC@nebraska.gov

## ARTICLE II. LEGAL AUTHORITY

- Section 1. In April 2024, The Center for Medicare and Medicaid Services (CMS) published the [Ensuring Access to Medicaid Services Final Rule](#). The Access Rule found at, [42 CFR 431.12](#), requires states to operate a Beneficiary Advisory Council. The Beneficiary Advisory Committee fulfills the federal requirements to create a Beneficiary Advisory Council.
- Section 2. Pursuant to this authority, the MLTC director shall appoint BAC voting members, including to fill any vacancies. The MLTC director shall create and administer an application process, and make it publicly available.

## ARTICLE III. PURPOSE

- Section 1. The purpose of the BAC is:
- (a) to lift up voices of Medicaid members and their representatives
  - (b) to provide an opportunity for people with Medicaid experience to share their stories and recommendations with each other and with MLTC
  - (c) to coordinate with the Medicaid Advisory Committee (MAC) and MLTC to improve the Medicaid program
  - (d) to increase community awareness, improve

beneficiary knowledge and education, and enhance Medicaid resources

- (e) to, analyze and recommend changes in programs and policies;
- (f) to identify opinions and needs regarding services provided to beneficiaries;
- (g) to provide a two-way channel of communication among the group members and MLTC;
- (h) to review health plan marketing materials, including but not limited to member handbooks and member information letters and notices;
- (i) to facilitate the representative process, create public understanding, and ensure that services meet the needs of Nebraskans served at a reasonable cost to the taxpayers; and,
- (j) to review or act in accordance with any other applicable law or directive

Section 2. The BAC is an advisory committee. Specifically, the BAC may advise and make recommendations regarding Nebraska Medicaid. The committee shall have the opportunity to participate in policy development and program administration; however, the BAC is not a policymaking body

#### ARTICLE IV. COMMITTEE STRUCTURE

Section 1. The BAC will be composed of current beneficiaries, former beneficiaries, and parents, family members, and caregivers of beneficiaries. It is important that the BAC include a diversity of interests, perspectives, and backgrounds. It is also important that the BAC include Nebraskans with a general understanding of DHHS programs as well as Nebraska Medicaid in particular.

Other characteristics to be considered include:

- (a) ability to place the interests of DHHS's total clientele above specific interests;
- (b) interest, willingness, and time to contribute;
- (c) commitment to support the BAC;
- (d) receptivity to new ideas;
- (e) objectivity;
- (f) courage to express ideas and defend convictions;
- (g) ability to work cooperatively with others;
- (h) respect for the integrity and ability of others;
- (i) personal integrity;
- (j) ability to accept community pressures and criticisms; and,
- (k) ability to grow in knowledge and character.

All these characteristics are rarely found in one individual. Therefore, voting members shall be selected to complement each other. If a committee has been chosen wisely, it will have the experience, wisdom, and potential to contribute.

- Section 2. The BAC shall include ten (10) voting members. The group aims to be comprised of representatives of a wide range of ages, races, ethnicities, Medicaid eligibility groups, abilities, geographical communities, and care settings.
- Section 3. DHHS directors and/or representatives shall be non-voting members.
- Section 4. At the initial commencement of these Bylaws (Insert Date), lots shall be drawn and one-half (1/2) of voting members shall be determined to serve a two-year term, one-half (1/2) of voting members shall be determined to serve a three-year term. Member terms will end on June 30<sup>th</sup> in the second or third calendar year after the calendar year in which they joined the BAC. For BAC members elected after the initial commencement of these bylaws, member terms will end on June 30<sup>th</sup> in the third calendar year after the calendar year in which they've joined the BAC. Voting members may not serve consecutive terms but may serve multiple non-consecutive terms.

#### ARTICLE V. OFFICERS AND EXECUTIVE COMMITTEE

- Section 1. The chair and vice-chair shall be selected by the voting members at the November meeting each calendar year, subject to the following: The chair, vice-chair, and BAC Representatives must be voting members. The chair and vice chair shall each serve a one-year term (beginning in January), and the vice-chair becomes chair at the expiration of the one-year term as vice-chair or the vacancy of the chair. In cases of vacancy in the chair, the vice-chair may serve out the remainder of the chair's one-year term and shall serve one (1) additional year as chair; and, in cases of vacancy in the vice-chair, a voting member shall be selected to serve out the remainder of the vice-chair's one-year term. If a voting member is selected to serve as vice-chair in the third year of their term, their term on the Committee may be extended to an additional calendar year to allow them to serve as the chair. The chair and vice-chair represent the BAC at the MAC meetings.

- Section 2. The chair, vice-chair, and MLTC director shall form an executive committee that shall set the agendas for meetings, including standing and other items. The executive committee shall meet between meetings and shall assist the chair in carrying out the day-to-day activities.
- Section 3. The chair may appoint subcommittee(s) to review or perform certain tasks and to report to the BAC. At least one (1) member of each subcommittee shall be a voting member other than the chair. The chair shall be a non-voting member of any subcommittee.
- Section 4. The chair (or in the absence of the chair, the vice-chair) shall preside over meetings.
- Section 5. The BAC representatives shall be selected by the voting members at the July meeting each calendar year, subject to the following: the BAC representatives must be voting members. The BAC representatives shall each serve a one-year term (beginning in September). At the initial commencement of these Bylaws (Insert date) the initial BAC representative shall serve through June 30<sup>th</sup>, 2027. The BAC representatives represent the BAC at the MAC meetings.
- Section 6. The chair, vice-chair, and BAC representatives will represent the BAC at MAC meetings. There will be five total BAC members (chair, vice-chair, and 3 BAC representatives) serving as MAC members by July 2027.

## ARTICLE VI. RESPONSIBILITIES

- Section 1. Responsibilities of BAC voting members include:
- (a) bringing concerns of the community to the attention of the chair;
  - (b) taking part in discussions;
  - (c) helping the BAC analyze issues and develop recommendations;
  - (d) completing assigned tasks or, if unable to do so, timely informing the chair;
  - (e) suggesting agenda items or presentations to the chair;
  - (f) review and provide any feedback regarding the BAC annual report; and,
  - (g) attending meetings consistently and preparing for meetings in advance
- Section 2. Special responsibilities of BAC members can include:

- (a) awareness of special problems confronting those seeking help;
- (b) awareness of community needs for which programs can be developed or improved;
- (c) knowledge of how to make programs widely known in the community;
- (d) knowledge of how to design outreach programs for potential beneficiaries who are unaware that they might be eligible for services;
- (e) knowledge of gaps in services;
- (f) knowledge of barriers to the use of services; and,
- (g) knowledge of how to help beneficiaries become informed.
- (h) collaboration with other organizations and stakeholders
- (i) coordinate and communicate with the MAC as needed

Section 3. Responsibilities of MLTC to the BAC include:

- (a) clearly defining DHHS and MLTC expectations of MAC members;
- (b) providing opportunities and ample time to respond to and advise about programs, policies, regulations, and other priorities;
- (c) responding to BAC's advice and explaining why advice might not be taken;
- (d) understanding and accepting the BAC members and the public as partners in the decision making process;
- (e) providing staff and technical assistance to enable the BAC to make effective recommendations and function;
- (f) Assist in completing and submitting the MAC/BAC annual report; and,
- (g) giving assurance that BAC feedback is taken into consideration.

## ARTICLE VII. MEETINGS

Section 1. The BAC shall meet at least six (6) times per year for regular meetings, reasonably spaced throughout the year, and the chair, vice-chair, or a majority of the voting members may call a special meeting.

Section 2. Notice and an agenda must be provided no less than thirty (30) days prior to a regular meeting. MLTC aims to provide any

relevant materials to the BAC 14 days prior to a regular meeting. Notice, an agenda, and any materials must be provided with as much notice as reasonably possible prior to a special meeting.

Section 3. A quorum for the transaction of business at any meeting is at least six voting members (6) present at the meeting.

Section 4. BAC members may be compensated at the rate of \$25 per hour. BAC members are not eligible for compensation if they are being compensated for their time spent at BAC meetings by other organizations or entities. BAC members may be reimbursed for mileage driven to and from BAC meetings and hotel and meal reimbursement at the discretion of Nebraska Medicaid. It is up to the BAC member to determine if compensation will impact their benefits. Members have the option to opt out of compensation at any time.

Section 5. Members who miss two (2) or more consecutive meetings are subject to being replaced.

Section 6. The current edition of *Robert's Rules of Order* shall govern procedural issues for which general consensus is not present.

#### ARTICLE VIII. REPORTS AND RECOMMENDATIONS

Section 1. The BAC generally strives for a consensus of opinion and reports that reflect the wishes of as many members as possible; however, the opinions of members who disagree must be recognized when they so choose. These members may prepare minority reports.

Section 2. MLTC is required to publish an annual report to their webpage every July. The report includes activities and recommendations from MAC and BAC meetings. MLTC will solicit input from the BAC as they are drafting the report. Members will vote to approve the report before it is published.

#### ARTICLE IX. RECORDS AND MINUTES

Section 1. Records of all official actions, minutes, reports, and otherwise shall be maintained by MLTC on behalf of the BAC.

#### ARTICLE X. CONFLICT OF INTEREST

Section 1. Members who have personal financial interests, other than fees for providing health services that would benefit from any actions or recommendations must declare the conflict and disqualify

themselves from voting on topics that relate to such funds or services. Members are required to complete a conflict of interest form at the beginning of their term.

ARTICLE XI. OPEN MEETINGS LAW

Section 1. BAC meetings are open to the public, in compliance with Nebraska Revised Statutes 84-1407 through 84-1414.

ARTICLE XII. AMENDMENTS

Section 1. To the fullest extent permitted by applicable law, these Bylaws may be amended by (a) a simple majority of all voting members at one meeting if notice of the suggested change is given to all committee members at least twenty-one (21) days prior to the regular meeting.

Adopted: January 15, 2026