

## **Title 20. Public Health and Welfare**

### **Chapter II. Arkansas Minority Health Commission, Department of Health**

#### **Subchapter A. Generally**

#### **Part 250. Bylaws of the Arkansas Minority Health Commission**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"By-laws adopted April 11, 2008

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#### **Subpart 1. Generally**

##### **20 CAR § 250-101. Mission statement and vision.**

(a) **Mission statement.** The Arkansas Minority Health Commission's mission is to:

(1) Ensure all minority Arkansans have equal access to preventive health care;

and

(2) Seek ways to promote health and prevent diseases and conditions that are prevalent among minority populations.

(b) **Vision.** The commission's vision is that minority Arkansans and underserved communities of color have equal opportunity and access to:

(1) Health;

(2) Health care; and

(3) Preventive well care.

**Authority.** Arkansas Code § 25-15-203.

##### **20 CAR § 250-102. Powers and duties.**

(a) The Arkansas Minority Health Commission shall be the comprehensive agency in the state for:

(1) Analyzing disparities in:

(A) Health;

(B) Health care; and

(C) Access to healthcare services; and

(2) Coordinating statewide educational events to remediate these disparities, in partnership with other appropriate organizations.

(b) The commission shall collaborate with the Department of Health, the Department of Human Services, the Division of Environmental Quality, the Fay W. Boozman College of Public Health of the University of Arkansas for Medical Sciences, and the Arkansas Center for Health Improvement to:

(1) Make specific public policy recommendations addressing the disparity in healthcare services for minorities to:

(A) Relevant agencies;

(B) The Governor; and

(C) The General Assembly;

(2) Promote public awareness and education about healthy lifestyles;

(3) Make recommendations for improving delivery and access to health services for minorities to:

(A) Relevant agencies;

(B) The Governor; and

(C) The General Assembly;

(4) Study and make recommendations about the availability of adequate services to ensure minority health needs will be met;

(5) Perform and disseminate a comprehensive survey of racial and ethnic disparities in health and health care every five (5) years, including disparities arising from geographic location and economic conditions; and

(6) Publish evidence-based data, define state goals and objectives, and develop pilot projects to decrease disparities identified in the surveys.

(c) The commission shall report two (2) times per year to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-103. Membership.**

(a) **Authority.**

(1) According to Arkansas Code § 20-2-102, the Arkansas Minority Health Commission shall consist of twelve (12) members to be appointed as follows:

(A) Six (6) of the general public to be appointed by the Governor, with each of the four (4) congressional districts represented;

(B) Three (3) members to be appointed by the President Pro Tempore of the Senate; and

(C) Three (3) members to be appointed by the Speaker of the House of Representatives.

(2) All persons appointed to the commission shall be persons who have actively participated in health issues for minorities or have special knowledge or experience with minority health issues.

(b) **Terms of appointment.** All members of the commission shall serve staggered two-year terms.

(c) **Resignations.**

(1) Any member of the commission may resign at any time by giving written notice to the Governor of the State of Arkansas.

(2) The resignation of any member shall take effect upon receipt of notice thereof or at such later time as shall be specified in such notice, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

(d) **Vacancies.** Any vacancy in the membership that shall occur in the commission by reason of death, resignation, disqualification, or removal or any cause whatever shall

be filled by the appropriate body for which the position was appointed (Governor, President Pro Tempore of the Senate, or Speaker of the House of Representatives) as provided by law.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-104. Meetings of members.**

(a) All meetings of the Arkansas Minority Health Commission shall conform to the open meeting requirements of Arkansas Code § 25-19-106.

(b) **Office and place of meetings.** Meetings of the commission may be held at such place or places, within or without the State of Arkansas, as shall be fixed by the commission and stated in the notice thereof.

(c) **Regular meetings.**

(1) The commission shall meet and conduct its regular meetings in the months of January, April, July, and October of each year.

(2) Notice of regular meetings shall be given by the Executive Director of the Arkansas Minority Health Commission to each member of the commission during the month of January and again ten (10) days before each meeting is to be held.

(d) **Notice of regular meetings.** The time and place of each regular meeting shall be:

(1) Posted on the State of Arkansas's website calendar ten (10) days prior to each meeting; and

(2) Provided to anyone who requests the information.

(e) **Special meetings.**

(1) Special meetings of the commission, for any purpose, may be called by the chair or a majority of the commission members.

(2) The meeting requested by a majority shall be called by the chair upon receipt of a written request from the majority stating the purpose for which such meeting is to be called.

(f) **Notice of special meetings.**

(1)(A) Notice of special meetings shall be given to all members at least two (2) hours prior to the scheduled meeting date.

(B) Notice may be given by:

(i) Telephone;

(ii) Delivery of the notice personally;

(iii) Mailing the notice to the members by regular United States mail;

or

(iv) Email.

(2) The person calling the special meeting, or his or her designee, shall notify:

(A) Representatives of newspapers, radio stations, and television stations, if any, in the county in which the special meeting is to be held; and

(B) Any news media located elsewhere that cover regular meetings of the commission and that have requested to be notified of emergency or special meetings.

(g) **Notice of committee meetings.** Notice of meetings of commission committees:

(1) Must be posted on the State of Arkansas's website calendar ten (10) days prior to each meeting; and

(2) Shall be provided to anyone who requests the information.

(h) **Quorum and manner of acting.**

(1) The presence of a majority of commission members shall constitute a quorum for the transaction of commission business.

(2) In the absence of a quorum, a majority of the commission members present may adjourn the meeting from time to time unless a quorum shall be present.

(3) At all meetings of the commission, a quorum being present, all matters shall be decided by the affirmative vote of a majority of the members present and voting, except as otherwise required by the laws of the State of Arkansas.

(i) **Executive session.** The commission may meet in executive session solely for the purposes and in the manner prescribed in Arkansas Code § 25-19-106.

(j) **Compensation.**

(1)(A) Members shall receive no compensation for their services as members of the commission.

(B) However, members not employed by the State of Arkansas may receive expense reimbursement in accord with Arkansas Code § 25-16-901 et seq.

(2) Pursuant to Arkansas Code § 20-2-104, at the first regularly scheduled meeting of each calendar year, by a majority vote of its total membership, the commission may authorize expense reimbursement for its members performing official duties of the commission.

(3) Any expense reimbursement shall not exceed the rate established for state employees in the state travel rules.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-105. Committees of the Arkansas Minority Health Commission.**

(a) All committee meetings of the Arkansas Minority Health Commission shall conform to the open meeting requirements of Arkansas Code § 25-19-106.

**(b) Establishing committees.**

(1) The commission may establish and create from time to time such committees as it deems necessary to carry out the affairs and further the purposes of the commission.

(2) The standing committees of the commission shall be the:

- (A) Executive Committee;
- (B) Legislative Committee; and
- (C) Personnel & Contracts Committee.

**(c) Executive Committee.**

(1) During the intervals between the meetings of the commission, the Executive Committee shall:

- (A) Meet as frequently as it deems necessary; and
- (B) Receive reports and conduct routine business.

(2) The Executive Committee shall be composed of commission officers and chairs of the standing committees.

**(d) Legislative Committee.**

(1)(A) The Legislative Committee shall consist of four (4) members appointed by the chair for a term of two (2) years.

(B) Commissioners who are interested in the topic and are willing to serve may volunteer to serve on the Legislative Committee.

(2) This committee shall:

(A) Monitor all legislation, both federal and state, that impacts on the commission and its functions; and

(B) Make recommendations to the commission regarding appropriate action, if warranted.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-106. Officers.**

(a) **Designated officers.** The officers of the Arkansas Minority Health Commission shall be:

(1) Chair;

(2) Vice chair; and

(3) Secretary.

**(b) Election and term of office.**

(1) The chair, vice chair, and secretary of the commission shall be elected every year by a majority vote of the commissioners.

(2) Each officer shall maintain their office until the next election and until his or her successor shall have been elected and qualified or until his or her earlier death, resignation, or removal.

(b) **Date of elections.** Elections for officers of the commission will be conducted every two (2) years on or after the beginning of the state fiscal year, July 1.

**(c) Resignation.**

(1) Any officer may resign from his or her office at any time by giving written notice to the Executive Director of the Arkansas Minority Health Commission.

(2) Such notice will be immediately announced to the commissioners.

(3) Any such resignation shall take effect immediately upon the date of receipt, or at any later time specified in the notice.

(4) Unless specified in the notice, the acceptance of such resignation shall not be necessary to make it effective.

(d) **Removal.** Any officer may be removed, with cause, at any time, by a vote of a two-thirds (2/3) majority of the members of the commission present and voting at any regular or special meeting of the commission at which proper notification of such proposed action was made in advance to each member.

(e) **Vacancies.** A vacancy in any office may be filled for the unexpired portion of the term in the manner prescribed in this part for election or appointment to such office for such unexpired term.

**Authority.** Arkansas Code § 25-15-203.

#### **20 CAR § 250-107. Duties of officers.**

(a) **Chair.**

(1) The chair shall have general supervision and management of all Arkansas Minority Health Commission meetings.

(2) In general, he or she shall perform all duties incident to the office of chair as herein detailed, and all such other duties as from time to time may be assigned to him or her by the commission.

(b) **Vice chair.**

(1) The vice chair shall perform the duties of the chair in the event of the chair's absence or inability to serve.

(2) The vice chair shall perform such other duties as may from time to time be assigned to him or her by the majority vote of the commission.

(c) **Secretary.**

(1) The secretary shall review and clarify the official minutes of the commission.

(2) Minutes are to be made available to the secretary for review no later than twenty (20) working days after a:

- (A) Quarterly meeting;
- (B) Retreat;
- (C) Special meeting; or
- (D) Emergency meeting.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-108. Executive Director of the Arkansas Minority Health Commission.**

(a) The Executive Director of the Arkansas Minority Health Commission, hired by a majority vote of the Arkansas Minority Health Commission, shall assume responsibility for the day-to-day operations of the commission.

(b) The executive director shall prepare an agenda on the matters to be discussed at the regular or special meetings of the commission.

(c) Agendas shall be emailed to each commission member prior to the regular or special meeting in consultation with the chair.

**Authority.** Arkansas Code § 25-15-203.

**20 CAR § 250-109. Rulemaking.**

(a) The Arkansas Minority Health Commission may approve alterations, amendments, and deletions to its bylaws by an affirmative vote of two-thirds (2/3) majority of the members of the commission at any regular meeting of the commission, provided notice of the proposed action and the substance of the suggested amendment has been provided to each commissioner as provided for herein.

(b)(1) The commission shall follow the procedural requirements of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., in particular Arkansas Code §§ 25-15-203 and 25-15-204.

(2) The commission is also required to abide by the provisions of Arkansas Code § 10-3-309 and any other statutes, directives, or executive orders by the Governor applicable to rule promulgation.

**Authority.** Arkansas Code § 25-15-203.

## **20 CAR § 250-110. Declaratory orders.**

### **(a) Purpose and use of declaratory orders.**

(1) A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority.

(2) A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances.

(3) A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency.

(4) A petition for declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

(b) **The petition.** The process to obtain a declaratory order is begun by filing with the Executive Director of the Arkansas Minority Health Commission a petition that provides the following information:

(1) The caption shall read: "Petition for Declaratory Order Before the Arkansas Minority Health Commission";

(2) The name, address, phone number, and facsimile number of the petitioner;

(3) The name, address, phone number, and facsimile number of the attorney of the petitioner;

(4) The statutory provision or provisions, agency rule or rules, or agency order or orders, on which the declaratory order is sought;

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory judgment;

(6) The signature of the petitioner or the petitioner's attorney;

(7) The date; and

(8) Request for hearing, if desired.

**(c) Agency disposition.**

(1)(A) The agency may hold a hearing to consider a petition for declaratory statement.

(B) If a hearing is held, it shall be conducted in accordance with Arkansas Code §§ 25-15-208 and 25-15-213 and the agency's rules for adjudicatory hearings.

(2)(A) The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts.

(B) Within ninety (90) days of the filing of the petition, the agency will render a final order denying the petition or issuing a declaratory order.

**Authority.** Arkansas Code § 25-15-203.