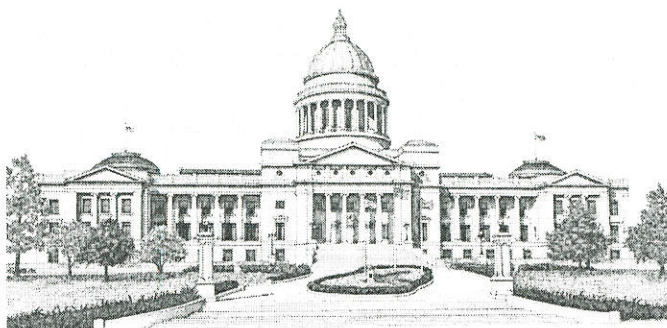


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Minority Health Commission

Department _____

Contact ShaRhonda J. Love E-mail ShaRhonda.Love@arkas Phone 501-686-2720

Statutory Authority for Promulgating Rules to regulate the commission and its membership

Rule Title: AMHC Bylaws

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published 3/17-3/19/19

Final Date for Public Comment 4/19/19

Reviewed by Legislative Council 6/21/19

Adopted by State Agency 7/12/18

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

ShaRhonda J. Love ShaRhonda.Love@arkansas.gov

7/1/19

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-686-2720

ShaRhonda.Love@arkansas.gov

Phone Number

E-mail Address

Director

Title

7/1/19

Date

Arkansas Minority Health Commission Bylaws

To be published in the Arkansas Democrat Gazette

(Sun) 3/17/19, (Mon) 3/18/19, & (Tues) 3/19/19

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas Minority Health Commission (AMHC) is proposing a new rule and is releasing it for public comment: Bylaws of the Arkansas Minority Health Commission.

A public hearing regarding this rule will be held on April 19, 2019 at 9:30 AM at the Arkansas Minority Health Commission, 1501 S. Main, Little Rock, AR 72202. Written comments regarding this proposed rule may be mailed to the Arkansas Minority Health Commission at 1501 South Main Street, Suite A, Little Rock, AR 72201. Comments may also be emailed to ShaRhonda.Love@arkansas.gov. A copy of the proposed rule can be found at the Commission's website at <http://arminorityhealth.com/>. Copies may also be obtained by contacting AMHC at the above address or via phone at (501) 686-2720.

BY-LAWS THE ARKANSAS MINORITY HEALTH COMMISSION

ARTICLE I

Mission Statement:

The Arkansas Minority Health Commission's (AMHC) mission is to assure all minority Arkansans equal access to preventive health care and to seek ways to promote health and prevent diseases and conditions that are prevalent among minority populations.

Vision:

The AMHC's vision is that minority Arkansans and underserved communities of color have equal opportunity and access to health, health care, and preventive well care.

ARTICLE II

POWERS AND DUTIES

Section 1: The Arkansas Minority Health Commission shall be the comprehensive agency in the state for:

1. Analyzing disparities in health, health care, and access to health care services;
2. Coordinating statewide educational events to remediate these disparities, in partnership with other appropriate organizations.

Section 2: The Commission shall collaborate with the Department of Health, the Department of Human Services, the Department 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 health care services for minorities to relevant agencies, to the Governor, and to 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 relevant agencies, to the Governor, and to the General Assembly;
4. Study and make recommendations about the availability of adequate services to insure minority health needs will be met.
5. Perform and disseminate a comprehensive survey of racial and ethnic disparities in health and healthcare every five (5) years, including disparities arising from geographic location and economic conditions.
6. Publish evidence-based data, define state goals and objectives, and develop pilot projects to decrease disparities identified in the surveys.

Section 3: 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.

ARTICLE III

MEMBERSHIP

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

1. Six (6) of the general public to be appointed by the Governor, with each of the four (4) congressional districts represented;
2. Three (3) members to be appointed by the President Pro Tempore of the Senate;
3. Three (3) members to be appointed by the Speaker of the House of Representatives;

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.

Section 2: Terms of appointment.

All members of the Minority Health Commission shall serve staggered two-year terms.

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

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.

ARTICLE IV

MEETINGS OF MEMBERS

Section 1: All meetings of the Minority Health Commission shall conform to the open meeting requirements of Ark. Code Ann. § 25-19-106

Section 2: 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.

Section 3: Regular Meetings. The Commission shall meet and conduct its regular meetings in the months of **January, April, July, and October** of each year. Notice of

regular meetings shall be given by the Director to each member of the board during the month of January and again ten (10) days before each meeting is to be held.

Section 4: Notice of Regular Meetings. The time and place of each regular meeting shall be posted on the State of Arkansas' website calendar ten (10) days prior to each meeting and shall be provided to anyone who requests the information.

Section 5: Special Meetings. Special meetings of the Commission, for any purpose, may be called by the Chairperson *or* a majority of the Commission members. The meeting requested by a majority shall be called by the chairperson upon receipt of a written request from the majority stating the purpose for which such meeting is to be called.

Section 6: Notice of Special Meetings. Notice of special meetings shall be given to all members at least two (2) hours prior to the scheduled meeting date. Notice may be given by telephone, delivery of the notice personally, by mailing the notice to the members by regular U.S. Mail, or by email.

The person calling the special meeting, or his/her designee, shall notify representatives of newspapers, radio stations, and television stations, if any, in the county in which the special meeting is to be held, and notify any news media located elsewhere that cover regular meetings of the Commission and that have requested to be notified of emergency or special meetings.

Section 7: Notice of Committee Meetings. Notice of meetings of Commission committees must be posted on the State of Arkansas' website calendar ten (10) days prior to each meeting and shall be provided to anyone who requests the information.

Section 8: Quorum and Manner of Acting. The presence of a majority of Commission members shall constitute a quorum for the transaction of Commission business. 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. 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.

Section 9: Executive Session. The Commission may meet in executive session solely for the purposes and in the manner prescribed in Ark. Code Ann. § 25-19-106.

Section 10: Compensation. Members shall receive no compensation for their services as members of the Arkansas Minority Health Commission. However, members not employed by the State of Arkansas may receive expense reimbursement in accord with Ark. Code Ann. § 25-16-901 *et seq.* Pursuant to Ark. Code Ann. § 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. Any expense reimbursement shall not exceed the rate established for state employees in the state travel regulations.

ARTICLE V

COMMITTEES OF THE ARKANSAS MINORITY HEALTH COMMISSION

Section 1: All committee meetings of the Minority Health Commission shall conform to the open meeting requirements of Ark. Code Ann. § 25-19-106.

Section 2: Establishing Committees. 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. The standing committees of the Commission shall be: Executive Committee, Legislative Committee, and the Personnel & Contracts Committee.

Section 3: Executive Committee. During the intervals between the meetings of the Commission, the Executive Committee shall meet as frequently as it deems necessary, and shall receive reports and conduct routine business. The Executive Committee shall be comprised of Commission officers and chairs of the standing committees.

Section 4: Legislative Committee. The Legislative Committee shall consist of four members appointed by the Chairman for a term of two (2) years. Commissioners who are interested in the topic and are willing to serve may volunteer to serve on the Legislative Committee. This committee shall monitor all legislation, both federal and state, which impacts on the Commission and its functions, and shall make recommendations to the Commission regarding appropriate action, if warranted.

ARTICLE VI

OFFICERS

Section 1: Designated Officers. The officers of the Arkansas Minority Health Commission shall be Chair, Vice Chair, and Secretary.

Section 2: Election and Term of Office. The Chair, Vice Chair and Secretary of the Minority Health Commission shall be elected every year by a majority vote of the Commissioners. 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.

Section 3: 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.

Section 4: Resignation. Any officer may resign from his office at any time by giving written notice to the Executive Director of the Commission. Such notice will be immediately announced to the Commissioners. Any such resignation shall take effect immediately upon the date of receipt, or at any later time specified in the notice. Unless specified in the notice, the acceptance of such resignation shall not be necessary to make it effective.

Section 5: 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.

Section 6: Vacancies. A vacancy in any office may be filled for the unexpired portion of the term in the manner prescribed in these By-Laws for election or appointment to such office for such unexpired term.

ARTICLE VII

DUTIES OF OFFICERS

Section 1: Chair. The Chairperson shall have general supervision and management of all Commission meetings. In general, he or she shall perform all duties incident to the office of chairperson as herein detailed, and all such other duties as from time to time may be assigned to him by the Commission.

Section 2: Vice-Chair. The Vice Chair shall perform the duties of the Chair in the event of the Chair's absence or inability to serve. 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.

Section 3: Secretary. The Secretary shall review and clarify the official minutes of the Commission. Minutes are to be made available to the Secretary for review no later than 20 working days after a quarterly meeting, retreat, special, or emergency meeting.

ARTICLE VIII

DIRECTOR

Section 1. Director. The Director, hired by a majority vote of the Commission, shall assume responsibility for the day to day operations of the Commission. The Director of the Commission shall prepare an agenda on the matters to be discussed at the regular or special meetings of the Commission. Agendas shall be emailed to each Commission member prior to the regular or special meeting in consultation with the Chair.

ARTICLE X

RULEMAKING

Section 1: The Commission may approve alterations, amendments, and deletions to its By-Laws 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.

Section 2: The Commission shall follow the procedural requirements of the Arkansas Administrative Procedure Act, in particular Ark. Code Ann. § 25-15-203 and § 25-15-204. The Commission is also required to abide by the provisions of Ark. Code Ann. § 10-3-309, and any other statutes, directives, or executive orders by the Governor applicable to rule promulgation.

DECLARATORY ORDERS.

A. Purpose and Use of Declaratory Orders

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. 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. 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. 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 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(s), agency rule(s), or agency order(s), 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.
8. Request for hearing, if desired.

C. Agency Disposition

1. The agency may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with A.C.A. § 25-15-208 and § 25-15-213, and the agency's rules for adjudicatory hearings.
2. 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. 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.

By-laws adopted April 11, 2008
By-laws revised June 26, 2018
Bylaws adopted July12, 2018

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Minority Health Commission
DIVISION _____
DIVISION DIRECTOR ShaRhonda Love
CONTACT PERSON same
ADDRESS 1501 S. Main St. Little Rock, AR 72202
PHONE NO. 501-686-2721 FAX NO. 501-686-2722 E-MAIL ShaRhonda.Love@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Commissioner Sederick Rice
PRESENTER E-MAIL rices@uapb.edu

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? AMHC Bylaws
- 2. What is the subject of the proposed rule? The bylaws were developed to regulate the commission and its membership.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No X
If yes, please provide the federal rule, regulation, and/or statute citation. _____
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes _____ No X
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X

5. Is this a new rule? Yes X No _____ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes _____ No X If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 574 of 2009
7. What is the purpose of this proposed rule? Why is it necessary? The bylaws were developed to regulate the commission and its membership.
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.arminorityhealth.com
9. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:
Date: 4/19/19
Time: 9:30am
Place: 1501 S. Main Street, Little Rock, AR 72202
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
4/19/19
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
June 2019 pending legislative approval
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. (see attached)
13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). (see attached)
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. N/A

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Minority Health Commission

DIVISION _____

PERSON COMPLETING THIS STATEMENT ShaRhonda Love

TELEPHONE NO. 501-686-2721 FAX NO. 501-686-2722 EMAIL: ShaRhonda.Love@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE AMHC Bylaws

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes X No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes X No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
- (b) The reason for adoption of the more costly rule;
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation? N/A

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total_____

Total_____

(b) What is the additional cost of the state rule? N/A

Current Fiscal Year

Next Fiscal Year

General Revenue_____

General Revenue_____

Federal Funds_____

Federal Funds_____

Cash Funds_____

Cash Funds_____

Special Revenue_____

Special Revenue_____

Other (Identify)_____

Other (Identify)_____

Total_____

Total_____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$__0_____

\$__0_____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$__0_____

\$__0_____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes_____ No__X_____

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Arkansas Minority Health Commission (AMHC) New Rule Submission Summary

The Arkansas Minority Health Commission (AMHC) bylaws are established to regulate the agency in accordance with Act 574 of 2009. The bylaws provide commission purposes, powers, mission, vision, membership, terms and roles.