

**OVERVIEW OF POTENTIAL AMENDMENTS TO EAHCP STAKEHOLDER
COMMITTEE PROCEDURAL RULES TO AUTHORIZE VIRTUAL MEETINGS AND
ADDRESS VARIOUS OPERATIONAL ISSUES AND AMBIGUITIES**

Big picture goal of potential rule amendments: The primary goal behind considering rule amendments is to formally authorize virtual meetings of the Stakeholder Committee and subsets of the Committee to address special circumstances, such as those experienced since early 2020 because of Covid. The rules currently do not address a virtual meeting option for the full Committee. Amendments being considered also would include a procedure for the Stakeholder Committee to ratify actions that were taken in virtual meetings during the period before virtual meetings were expressly authorized. In addition, the review of the current rules has revealed other issues, primarily related to ambiguity, that appear to merit changes to rule language and are proposed to be addressed.

Procedure for rule amendments: Section 10 of the Stakeholder Committee rules requires that proposed amendments be discussed at one meeting and then voted on at a subsequent meeting. The discussion at the March 24, 2022, Stakeholder Committee meeting, building on the previous discussion of concepts during the December 16, 2021, Stakeholder Committee meeting, will provide an opportunity to address actual proposed rule language and provide feedback. The March 24 discussion will be followed by an additional discussion opportunity at an in-person meeting, likely on May 13, 2022, prior to taking action to amend the rules in a subsequent in-person meeting, which, potentially, also could be held on May 13. The proposed amendments, in Subsection 10.1, would provide an option for discussing and adopting future non-controversial rule changes—ones for which there is no opposition—at a single meeting.

Overview of Proposed Virtual Meeting Provisions:

The primary proposed amendments to address Virtual Meetings include some new defined terms and a new Subsection 7.15 with multiple subparts.

Subsection 7.15 would authorize the Stakeholder Committee, Subcommittees, Issue Teams, and Work Groups to meet virtually when necessary to address “Special Circumstances” that make holding in-person meetings unreasonably challenging.

Subpart 7.15.1 would authorize the Stakeholder Committee to ratify actions taken in the “Virtual Meetings” held during the COVID 19 era.

Subpart 7.15.2 would authorize the Stakeholder Committee, Subcommittees, and Work Groups, but not Issue Teams, to hold meetings with some Members, or members, attending in-person and some virtually, without a determination of “Special Circumstances.” For Stakeholder Committee meetings, at least half of the Members would be required to attend in-person, unless there were no action items other than approval of minutes or unless all Members participating in the meeting agreed, for each individual action item, to waive the requirement for a majority of Members to attend in-person. The idea is to provide an efficient option for non-controversial actions to move forward.

Subpart 7.15.3 would authorize Subcommittees and Work Groups to hold all meetings virtually, even without a determination of “Special Circumstances,” but only if no member of the Subcommittee or Work Group objected. It also would allow Subcommittees, Work Groups, and Issue Teams to approve meeting minutes and to finalize reports from previous meetings by polling without holding a meeting if no member objected. Again, the idea is to improve efficiency in addressing non-controversial issues.

For March 24, 2022, Stakeholder Committee Meeting

Subpart 7.15.4 would establish minimum requirements for Virtual Meetings.

New defined terms would include “Special Circumstances,” “Virtual Means,” and “Virtual Meeting.”

Minor proposed changes in other rule language to accommodate virtual meetings include provisions for: meeting location (Subsection 7.1), quorum requirements (Subsections 7.4 and 8.2), and voting (Subsection 7.10).

Overview of Other Proposed Changes:

This overview does not address all proposed changes.

Regarding Stakeholder Committee membership, the proposed amendments would provide clarification of:

how designation of Alternate Members can be communicated to the Program Manager (Subsection 5.2, creating presumption that designation communicated by Member is valid),

the status of an Alternate Member if the Member resigns or is removed (Subsection 5.3, allowing Alternate Member to continue to serve for up to 3 consecutive meetings)(previous rule language regarding removal for unavailability to serve would be deleted because of inconsistency with the FMA),

how membership is forfeited for failure to attend three consecutive meetings without an Alternate Member in attendance (Subsection 5.4), and

the process by which a seat on the Stakeholder Committee for an entity or class becomes vacant (Section 5.5 and new definition of “Vacant” and “Vacated”) and explicit acknowledgment of the potential to cure such a vacancy (Subsection 5.6).

Regarding Stakeholder Committee officers, the proposed amendments would:

create a goal, but not a requirement, for a change in officers on a regular basis while recognizing the need for ensuring efficient operations (Subsection 6.1);

add additional duties for the Vice Chair (Subsection 6.3) and Secretary (Subsection 6.4) to keep them more involved and ready to assume other duties as needed; and

clarify language establishing terms for officers, depending on when the election is held (Subsection 6.6).

Regarding future rule amendments, changes to Subsection 10.1 would allow, in the absence of objection, amendments to be adopted at the same meeting during which they were initially discussed.

Other minor changes include capitalizing defined terms throughout the document (e.g. “Consensus” and “Consensus-based decisions”), removing references to “voting” Members of the Stakeholder Committee because all Members can vote, updating or correcting references to various documents and to the EAA website, and addressing ambiguity about vote levels needed for various decisions by clarifying that “affirmative” votes are being referenced rather than just the number of Members voting.