

# By-Laws

## Medical Advisory Committee

Adopted 1/10/14

### **Article 1 – Purpose**

The purpose of the medical Advisory Committee is to advise the Director, with a diversity of perspectives, on matters relating to the provision of medical care to injured workers. The “Director” is the Director of the Department of Consumer and Business Services or the Administrator of the Workers’ Compensation Division (WCD).

### **Article 2 – Membership**

1. Number of Members: The size of the Committee may vary from time to time. However, the maximum number of medical providers shall be eight and the medical providers shall constitute a majority of members of the committee at all times.
2. Terms of Appointment: Members will serve for a term of three years and may be re-appointed. Terms of members will be staggered so that less than half of the members’ terms expires in any one year.
3. Nomination and Appointment: Candidates may be nominated by a member of the Committee or by the Director. The Director is encouraged to seek the advice of the Committee members prior to confirming the appointment of any nominee. The Director will select final candidates and appoint members to the Committee.
4. Selection Criteria: By statute, the medical Advisory Committee must include one representative of insurers, one representative of employers, one representative of workers, and one representative of managed care organizations. Other members shall include a diverse group of health care providers that are most representative of those providing medical care to injured workers, and other persons as the Director may determine necessary. Whenever possible, the committee shall include the perspectives of providers who are actively involved in speciality care (e.g., neurology, neurosurgery, orthopedics, physiatry, occupational medicine), primary care (e.g., family practice, chiropractic, naturopathy), and ancillary care (e.g., physical therapy.) In addition to their ability to represent the perspective of their profession, members will be selected for their ability to represent the interests of the community at large. WCD shall provide at least one non-voting staff to assist the committee in its work.
5. Resignations and Replacement Appointment: If a member finds it necessary to resign from the committee, they are encouraged to remain until a replacement can be selected and to provide as much notice as possible. They are also encouraged to help the committee find a suitable replacement. Replacement members will be appointed to the remainder of the resigning member’s term, and are eligible for reappointment at the discretion of the Director.

6. Duties of Members: Regular attendance is vital to the purposes of the committee. Members accept the duty and obligation to attend meetings and to provide advance notice if they are unable to attend. Repeated absences may be considered an abdication of the appointment, and may be grounds for terminating a member's appointment at the discretion of the director, with the recommendation of the committee.

### **Article 3 – Officers**

1. Officers: Officers of the committee are Chair and Vice-Chair.
2. Selection: Officers will be elected by a majority of members of the committee.
3. Terms of Office: Elections shall be held annually or at the request of a majority of the members of the committee. Each officer shall serve until a replacement is selected.
4. Duties and Responsibilities: The officers are to set the agenda for each meeting, run the meetings, maintain a liaison with the Management Labor Advisory Committee (MLAC), offer to MLAC the Committee's advice on medical issues, and forward formal recommendations and opinions to the director.

### **Article 4 – Subcommittees**

1. Special Committees: Special subcommittees may be formed from time to time by the whole committee.
2. Powers, Duties and Responsibilities: Powers, duties and responsibilities of subcommittees shall be as assigned by the full committee.
3. Membership: Nonmembers of the Medical Advisory Committee may serve on subcommittees at the consent of the full committee.
4. Authority: The authority of any subcommittee is to advise the full committee on issues as assigned.

### **Article 5 – Order of Business and Schedule of Meetings**

1. Meeting Schedule: Meetings will be held at least four times annually and will be scheduled by the Chair. Subcommittee meetings may be in addition to or take the place of full committee meetings.
2. Agenda Development: The agenda for the next meeting will be developed by the committee Chair (or Vice-Chair, if Chair is unavailable), with the assistance of WCD staff. Any member wishing to include an item on the agenda has the responsibility to draft and present the agenda item to the chair for approval and inclusion.

3. Agenda Distribution: The agenda will be published by WCD and distributed to members and the public at least one week prior to the next meeting.
4. Meeting Records: Staff from WCD will record meeting proceedings and will prepare meeting notes for approval by the Chair and Vice Chair and distribution to the members prior to the next meeting.
5. Public Participation: Visitors are welcome to attend full committee meetings. Visitors will be asked to introduce themselves and state their purpose and to sign a visitors' roster. Comments from visitors are permitted at the discretion of the Chair. The public may otherwise raise any issue for consideration by the Committee through the Director.

#### **Article 6 – Parliamentary Authority**

1. Establishing a Majority: For administrative decisions, such as election of officers, recommendations to remove a member, or changing the bylaws, a majority is established by a majority of all members of the committee. For other matters, a majority is established by a simple majority of all members present.
2. Advising the Director: The committee will vote on any issue requiring advice to the Director. Consensus is not required. WCD staff will assist the Committee in writing of the Committee's advice and presenting it to the Director.
3. Minority Reports: On any issue resulting in advice to the Director, if there is not consensus among all members of the Committee, minority members are encouraged to submit minority reports for the director's consideration.

#### **Article 7 – By-law Amendment Procedures**

Any articles of these by-laws may be added, deleted, or amended by a majority vote of at least two thirds of the membership of the Committee.

## **Medical Advisory Committee Statutes**

**656.794** . There shall be created an advisory committee on medical care. This committee shall consist of members appointed by and serving at the pleasure of the Director of the Department of Consumer and Business Services to advise the director on matters relating to the provision of medical care to workers. The director by rule shall determine the composition of the committee. Membership of the committee shall include representatives of the types of health care providers that are most representative of health care providers providing medical care services to injured workers. The committee shall also include one representative of insurers, one representative of employers, one representative of workers, one representative of managed care organizations and other persons as the director may determine are necessary to carry out the purpose of the committee. Members of the committee shall be paid travel and other necessary expenses for service as a member. Such payments shall be made from the Consumer and Business Services Fund.

**656.245 (3)** Notwithstanding any other provision of this chapter, the director, by rule, upon the advice of the committee created by ORS 656.794 and upon the advice of the professional licensing boards of practitioners affected by the rule, may exclude from compensability any medical treatment the director finds to be unscientific, unproven, outmoded or experimental. The decision of the director is subject to review under ORS 656.704.

**656.248 (4)** If no fee has been established for a given service or procedure the director may, in compliance with ORS 656.794 and ORS chapter 183, promulgate a reasonable rate, which shall be the same within any given area for all primary health care providers to be paid for that service or procedure

**656.260(11)** In consultation with the committees referred to in ORS 656.790 and 656.794, the director shall adopt such rules as may be necessary to carry out the provisions of this section.