



## **Medical Quality Assurance Commission Bylaws**

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### **ARTICLE I PURPOSE**

The purpose of the Medical Quality Assurance Commission is to protect the public by assuring the competency and quality of professional health care providers under its jurisdiction, by establishing and enforcing qualifications for licensure and standards of practice, by educating practitioners and the public, and, where appropriate, by disciplining and monitoring practitioners. Rules, policies, and procedures developed by the Commission must promote the delivery of quality health care to the residents of the state of Washington.

### **ARTICLE II MEMBERSHIP**

#### **1. Membership:**

The 13 physicians, two physician assistants, and six public members of the Commission are appointed by the Governor to serve a four (4) year term after consideration is given to physicians and physician assistants recommended by their appropriate state professional organizations. There must be at least one member from each of the congressional districts as specified in RCW 18.71.015. Commissioners may be appointed by the Governor to a second consecutive term. When vacancies occur, the Chair of the Commission shall make recommendations to the Governor to assure appropriate specialties are represented. When the workload requires, the Commission may appoint pro tempore members from among those qualified to be members of the Commission.

## **2. Reimbursement for Expenses:**

- a. Commission members will receive \$250.00 pay for each day they attend an official meeting of the Commission or its committees, or participate in other approved activities. This will be done in accordance with RCW 43.03.240.
- b. Commission members who work full-time for any federal, state, or local government agency will not be paid for a day of service to the Commission if they are also paid by their employer for that day.
- c. Commission members will be reimbursed for expenses related to approved Commission activities. Reimbursements will be made in accordance with RCW 43.03.050 and 43.03.060.
- d. Pre-approved Commission activities for which members may be compensated and reimbursed include: attendance at Commission meetings, attendance at meetings of a Commission committee on which the member serves, and other meetings as approved by the Commission Chair or his/her designee.
- e. Members may also be compensated and reimbursed if the Chair approves the activity in advance. Such activities may include, but are not limited to: meetings with other government agencies, meetings with stakeholders and community groups, testifying at legislative hearings, presenting at professional conferences, attending trainings, and other activities consistent with the Commission's statutory duties.

## **ARTICLE III** **OFFICERS**

### **1. Officers:**

The officers of the Commission shall consist of the Chair, 1<sup>st</sup> Vice Chair, 2<sup>nd</sup> Vice Chair and the Immediate Past-Chair, and a member-at-large.

### **2. Elections/Terms of Office:**

The Commission shall elect its officers at its meeting in June or July so that the new officers can begin their terms with the meeting in August. The Officers shall serve for a one-year term. A second consecutive term is permitted.

### **3. Duties of Officers:**

- a. The Chair presides at all meetings of the Commission and has all powers and duties conferred by law and the Commission's Bylaws. The Chair or a designee shall represent the Commission at official functions. The Chair shall approve and sign all correspondence that reflects the position of the Commission on matters that are not purely administrative in nature. This includes correspondence with the Legislature and other government agencies on matters of policy.
- b. The 1<sup>st</sup> Vice Chair (and in order, the 2<sup>nd</sup> Vice Chair, then Immediate Past-Chair) acts in the capacity of the Chair when the Chair is absent, unavailable, has a conflict of interest, or is otherwise unable to serve.

**4. Vacancies:**

If any office becomes vacant, the executive committee shall fill the vacancy by appointment, which, when ratified by the Commission, will be effective until the beginning of the next fiscal year in July.

**5. Removal:**

If the majority of the Commission is satisfied that a member of the Commission is guilty of misconduct, malfeasance, or neglect of duty in office, that individual shall be removed and the Governor notified.

**6. Meetings:**

The Medical Quality Assurance Commission shall meet not fewer than four times a year, at such times and places as the Commission deems necessary.

**7. Quorum:**

A majority of the Commission members appointed and serving constitutes a quorum for Commission business meetings, and a majority vote of those present decides any issue.

**8. Panels:**

The Commission may appoint panels of three or more members to conduct case reviews or other commission business delegated to the panel. The quorum of a panel is a simple majority. For standard of care decisions, at least half of the members must be clinicians. Decisions are made by majority vote.

**ARTICLE IV**  
**COMMITTEES**

**1. Standing Committees**

- a. The Commission may establish Standing Committees to help execute its work plan.
- b. Standing Committees will be comprised of Commission members, and may include others designated by the chair.
- c. The Commission Chair will designate a Commission member to serve as the Standing Committee Chair.
- d. The Executive Director shall identify a lead staff person to support each Standing Committee.

**2. Ad-Hoc Committees:**

- a. The Chair may establish Ad-Hoc Committees to fulfill specific tasks unless a majority of the Commission objects.
- b. Ad-Hoc Committees shall be comprised of members of the Commission appointed by the Commission Chair with the concurrence of the Commission.

- c. When Ad-Hoc Committees are formed, the Chair shall set a termination date. The Committee will disband when it completes its assigned tasks, or on the established termination date. The Commission can agree to extend the termination date.
- d. The Commission Chair will designate a Commission member to serve as the Ad Hoc Committee Chair.

### **3. Designation:**

- a. Officers. The officers, at their first meeting after election, shall choose which standing committees to activate and designate the duties thereof for the ensuing year. The Chair shall appoint committee chairs at the first commission meeting after the election. Commission members shall be given an opportunity to volunteer to serve on the various committees.
- b. Executive Committee. The executive committee consists of the elected officers, immediate past chair, member-at-large designated by the chair and the chairs of the active standing committees.
- c. Standing Committees. There may be a Public Policy and other such committees or combinations of committees as the executive committee deems desirable.
- d. Nominating Committee. The Chair shall appoint a nominating committee two commission meetings prior to the elections. The committee chair or at least one member should have served on the previous year's committee.
- e. Any Commission member may attend any committee meeting.

## **ARTICLE V** **MEETINGS**

### **1. Regular Board Meetings:**

- a. The Chair will adopt and publish an annual schedule of dates and locations for regular Commission meetings for each calendar year, unless the Commission approves setting the meeting schedule by calling special meetings.
- b. Any changes to the annual schedule shall be made at the discretion of the Chair unless a majority of the Board objects.

### **2. Special Board Meetings:**

- a. The Chair may call a special meeting of the Commission at any time.
- b. Commission members may call a special meeting at any time, provided a majority of the members agree.
- c. Special meetings must be properly noticed as required by the Open Public Meetings Act, Chapter 42.30 RCW.

- d. The notice of a special meeting must also specify the nature of the business to be conducted at the meeting. The Commission may not take final action on any item that is not listed in the public notice.

### **3. Adjournment:**

- a. The Commission may postpone a portion of any meeting already in progress and reconvene at another time and/or place by adopting a motion to adjourn. The motion must specify where and when the meeting will resume.
- b. A majority of the Commission members at a meeting can approve a motion to adjourn, even if there is not a quorum present. If all members are absent from a meeting, the Chair or Commission staff may adjourn the meeting to a stated time and place.
- c. Whenever the Commission adjourns a meeting, a notice of adjournment immediately shall be conspicuously posted on or near the door of the room where the meeting was scheduled to be held. The notice should include when and where the meeting will resume.
- d. The Commission must provide notice of when an adjourned meeting is resuming, just as if the new meeting time and place were a special meeting.
- e. When a motion to adjourn a meeting fails to state the hour at which the adjourned meeting is to be held, the meeting must be held at a time when the Commission would typically hold a regular meeting.

### **4. Rules Hearing Continuances:**

- a. Any rules hearing being held at any Commission meeting may be continued to any subsequent meeting if the Commission adopts a motion to continue.
- b. The place and time of a continued hearing must be specified in the motion to continue, a supplemental CR-102 Notice of Proposed Rule Making, or both.
- c. The Commission must inform the public whether it is continuing to take public testimony or if only Commission member discussion and possible action is scheduled. It may choose to take additional testimony only at the discretion of the Chair. Notice shall be given when the Commission adopts the motion to continue, or in a supplemental CR-102.
- d. Any continuance of a Commission rule hearing must be properly noticed in accordance with the Open Public Meetings Act, Chapter 42.30 RCW.

### **5. Meetings to be Open and Public:**

- a. All meetings of the Commission, other than executive sessions, case review panels, and other adjudicative deliberations, shall be open and public, and all persons shall be permitted to attend any meetings of the Commission.
- b. The Commission may meet in executive session, and exclude the public, only under special circumstances listed in RCW 42.30.100. Before convening in executive session, the Chair will publicly announce the reason for excluding the public and the time when the executive session will end. If the meeting continues beyond the stated time, the Chair must announce the extension and a new ending time.

- c. The Commission shall not adopt any resolution, rule, regulation, order, or directive, except in an open, public meeting that has been properly noticed.
- d. All meetings of the Commission shall be held in accessible facilities.
- e. A member of the public shall not be required to register his or her name, to provide other information, to complete a questionnaire, or to perform any other involuntary action as a precondition for attending a Commission meeting.

**6. Meetings Interrupted by Group or Groups of Persons:**

- a. If the disorderly conduct of a person or a group of people makes it impractical to continue a Commission meeting, the Commission should first order that the individuals interrupting the meeting leave the room. If that fails to restore order, the Commission can clear the room. It can also adjourn the meeting and reconvene at another place selected by a majority of the Commission members.
- b. If the Commission clears the room or adjourns to another location, it may only take action on matters that have appeared on the meeting agenda.
- c. Representatives of the press or other news media, except those participating in the disturbance, must be allowed to attend, even if the room has been cleared or the Commission has reconvened elsewhere.
- d. The Commission can determine how it might readmit any individuals who were not disrupting the meeting.

**7. Meeting Minutes and Agendas:**

- a. The written minutes of all Commission Business meetings will be taken by a member of the Commission staff.
- b. The Commission staff shall accurately capture the action of the Commission on each question.
- c. All minutes will be produced for Commission review and approval.
- d. The agenda for the next scheduled Commission meeting shall be made available to Commission members and interested public at least seven days prior to the meeting.
- e. Minutes approved by the Commission shall be made available on the Commission's Web site and distributed on request within two weeks following adoption.
- f. Public notices and agendas regarding Commission meetings shall include a statement that sign language, interpreters, materials in Braille, large print or type, and other necessary auxiliary aids will be provided with advance notice. Materials should include the name and phone number of the individual responsible for coordinating such requests.

**8. Meeting Attendance:**

- a. All Commission and Committee meetings should be attended by at least one member of the Commission staff.
- b. Commission staff taking the minutes of a Commission meeting shall record the attendance of the Commission members in the minutes for the permanent record.

## **ARTICLE VI** **MEETING PROCEDURES**

### **1. Quorum:**

- a. A simple majority of the Commission shall constitute a quorum for the transaction of business at Commission meetings. In the event that there are vacancies on the Commission, a majority of existing members shall constitute a quorum.
- b. The Commission may discuss issues and deal with administrative matters in the absence of a quorum, but it may not adopt any resolution, rule, regulation, order, or directive during a meeting unless a quorum first has been established. It may entertain a motion to adjourn without a quorum.
- c. Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken by the Commission, unless additional members enter the room and re-establish a quorum.

### **2. Order of Business:**

The order of business shall be determined by the posted agenda unless the agenda is altered by the Chair in an open meeting with the concurrence of the Commission.

### **3. Public Comment:**

- a. The Commission Chair may solicit public comment on all agenda items during regular Commission meetings.
- b. All agendas shall include an item allowing for public comment on any issue related to the Commission's authority.

### **4. Motions, Resolutions, and Regulations:**

- a. All actions of the Commission should be expressed by motion and/or resolution.
- b. No motion or resolution will be valid unless it receives the votes of the majority of the members present.
- c. All motions and resolutions shall be recorded in the minutes and transmitted to any person or organization likely to be affected by the action.
- d. No Commission member or employee shall use the name of the Commission to endorse or oppose an issue unless a majority of the members of the Commission approve of such

position. The Commission may adopt a policy that authorizes the Chair or a designee to represent the Commission on issues before the Legislature.

**5. Manner of Voting:**

- a. The voting on elections, motions, and resolutions shall be conducted by voice vote.
- b. In lieu of voice vote, a Commission member may request a vote by roll call or show of hands, and the Chair will honor any such request.

**6. Rules of Procedure:**

- a. The procedures used to conduct Commission business will be determined by these Bylaws, the Administrative Procedures Act, the Open Public Meetings Act, and the Commission's authorizing statute, Chapter 43.20 RCW.
- b. If a procedural issue arises that is not covered by these Bylaws and applicable state statutes, and the Commission cannot reach consensus on how to proceed, the Board will follow the procedures contained in the most current version of Robert's Rules of Order.

**ARTICLE VII**

**AMENDMENTS TO THE BYLAWS**

Amendments may be proposed from the floor at a Commission meeting or by the Executive Committee itself, circulated to the entire Commission between meetings and voted upon by proxy and attendees at the next Commission meeting. A two-thirds majority of the entire Commission is required for approval. Unless otherwise specified, amendments take effect upon adoption by the Commission.

*Mimi Pattison, M.D.*

Mimi Pattison, MD, FAAHPM Chair  
Medical Quality Assurance Commission

Adopted Date: January 13, 2012