

The Kentucky HIV/AIDS Planning & Advisory Council Bylaws

Article I. Name

This council is established by the authority of the Kentucky General Assembly, KRS 214.640, in conjunction with Centers for Disease Control (CDC) and Health Resources and Services Administration (HRSA) requirements for Community Planning and Services for Kentucky, on January 1, 2006. This council will hereinafter be referred to as the Kentucky HIV/AIDS Planning & Advisory Council (KHPAC).

Article II. Mission and Role of KHPAC

Section A. Mission

KHPAC serves as the voice of communities infected and affected by HIV/AIDS in planning a coordinated statewide response to the epidemic.

Section B. Role of KHPAC

1. The role of KHPAC is to collaborate in planning a coordinated statewide response to HIV/AIDS by:
 - a. Identifying and prioritizing HIV/AIDS prevention and care needs in Kentucky.
 - b. Developing HIV/AIDS policy recommendations for the Cabinet for Health and Family Services and for the state legislature.
 - c. Recommending policy implementation strategies to the Cabinet.
 - d. Evaluating the responsiveness of the Cabinet and state legislature to recommendations as prescribed by the CDC Guidelines for HIV/AIDS Prevention Community Planning as well as by applicable HRSA guidelines.
2. KHPAC's role is accomplished through the annual production of four instruments:
 - a. An Annual Report, which summarizes KHPAC's findings and recommendations concerning HIV/AIDS prevention and care needs in Kentucky.
 - b. A Comprehensive HIV Prevention Plan for the Commonwealth of Kentucky.

- c. A Letter of Concurrence/Non-Concurrence to accompany the completed Kentucky CDC Prevention Grant Application.
- d. A Letter of Review to be submitted to the State Ryan White Title II Program Administrator regarding the completed HRSA Ryan White Title II Application.

Article III. Membership

Section A. Membership

1. KHPAC, to the extent permitted by available staffing and funding, shall consist of no more than thirty (30) members.
2. For the purposes of HIV/AIDS Prevention and Care planning, advising, and reporting requirements as mandated in KRS 214.640, the 2003-2008 HIV Prevention Community Planning Guidance, and the Health Resources and Services Administration Planning Guidance of 2004. KHPAC membership shall be drawn from the following:
 - a) The commissioner of the Department for Public Health
 - b) The commissioner of the Department for Medicaid Services
 - c) Representatives of other state agencies or boards that provide services to clients of HIV or AIDS services or that provide education to professionals who come into contact with HIV or AIDS clients, as designated by the Governor
 - d) Physicians representing different geographic regions of the state;
 - e) Persons living with HIV/AIDS;
 - f) Representatives of community-based organizations from different geographic regions of the state.
3. To the extent possible, membership of the council shall reflect the epidemiology of the HIV/AIDS epidemic in Kentucky.
4. The members designated in (a) to (c) of this section shall serve for the duration of service in their offices, subject to removal for cause by the Governor.

Section B. Length of Terms

1. Members shall serve for a term not to exceed four (4) consecutive years.
2. Members may be reappointed, but shall not serve for more than two (2) consecutive terms.
3. After two (2) consecutive terms, a member must wait one (1) year before re-applying for membership. During that time, the individual may continue to attend KHPAC meetings as a visitor.
4. Appointments of individuals or committees may not exceed the term of office of the appointing authority.

Section C. Appointment and Removal

1. Candidates for KHPAC membership are selected by the Executive Committee from prospective applications by a simple majority vote. Prospective members are then presented to the general KHPAC membership for approval by a simple majority vote. Accepted members' qualifications shall be presented to the Governor or designee for appointment.
2. Criteria for selecting new members should ensure that membership reflects, as much as possible, the epidemic in the jurisdiction (i.e., age, race/ethnicity, gender, sexual orientation, geographic distribution, and risk for HIV infection). This consideration process must include specific areas of expertise as defined by CDC Community Planning Guidance and KRS 214.640.
3. Applicants to KHPAC that have been approved by the Executive Committee and forwarded to the Governor/Governor's designee (Cabinet) will have voting rights and will be eligible for travel or overnight stay reimbursements.
4. The membership of KHPAC shall be evaluated by the Executive Committee annually. The evaluation process will take into consideration factors such as attendance and participation.
5. The Executive Committee may recommend a member's removal for good cause, which shall be subject to approval by the general membership and by the Governor or Governor's designee (Cabinet). Good cause includes but is not limited to attendance pursuant to Article 5, section D.

Section D. Attendance

1. KHPAC Members are expected to attend all scheduled meetings.

2. Excused absences are at the discretion of the Co-chairs and the Health Policy Specialist. Members must directly notify the assigned Department Health Policy Specialist prior to any absence from a scheduled KHPAC meeting, including ad-hoc and other committee meetings.

Section E. Resignation

1. Members may resign at any time by providing written notification to the Executive Committee.

Article IV. Governance

Section A. Executive Committee

1. An Executive Committee shall be established consisting of six (6) total members. Five (5) members will be elected from the general council membership and the Cabinet will appoint one (1) member. Executive Committee membership should be reflective of the communities infected and affected by HIV/AIDS.
2. The KHPAC Executive Committee Officers shall consist of:
 - a) one (1) Community Co-chair (elected by the KHPAC general membership)
 - b) one (1) State Co-chair (provided by the Cabinet)
 - c) one (1) Care and Prevention Committee chairperson
 - d) one (1) Policy and Promotion Committee chairperson, and
 - e) two (2) members at large.
3. The State Co-chair shall be a non-voting member.
4. Executive Committee Officers will be elected by the end of the calendar year.
5. The term of Executive Committee Officers shall be two (2) years.
6. An Executive Committee Officer may serve no more than two (2) consecutive terms in any office.

7. If an officer of the Executive Committee resigns or is removed before the end of their term, the Executive Committee shall nominate one (1) person, and accept any nominations from KHPAC at large to replace the exiting Executive Committee officer. A simple majority vote will be taken to select a replacement member to complete the remaining term. Election or reaffirmation shall then occur as per the Bylaws.
8. If a vacancy occurs in the Community Co-Chair position of the Executive Committee, KHPAC shall elect a new officer no less than sixty (60) days after resignation or removal of the previous Co-Chair.
9. Elected Executive Committee officers may be removed for good cause by a two-thirds (2/3) vote of the general KHPAC membership.
 - a) Voting on a motion to remove an officer may be held no earlier than thirty (30) days after the motion was moved and seconded.
 - b) The voting process must be conducted by secret ballot.
10. The KHPAC general membership may recommend the removal of the State Co-Chair for good cause.
 - a) Voting on a motion of 'no confidence' in the State Co-chair may be held no earlier than thirty (30) days after the motion was moved and seconded.
 - b) The voting process must be conducted by secret ballot.
 - c) The Executive Committee shall immediately provide a written report of the vote of 'no confidence' and its context to the Cabinet. Removal and subsequent replacement of the State Co-chair is entirely at the discretion of the Cabinet.

Section B. Standing Committees

1. There shall be two (2) Standing Committees: 'Care and Prevention' and 'Policy and Promotion.'
2. The 'Care and Prevention' Committee is charged with:
 - a) Developing a Comprehensive HIV Prevention Plan.
 - b) Reviewing the completed Kentucky CDC HIV Prevention grant application.

- c) Reviewing the completed HRSA Ryan White Title II application.
 - d) Providing written advisement to the State Ryan White Title II Program.
3. The 'Policy and Promotion' Committee is charged with:
- a) Producing an Annual Report, which summarizes KHPAC's findings and recommendations concerning HIV/AIDS prevention and care needs in Kentucky.
 - b) Submitting the Annual Report for review by the general membership of KHPAC and to the Kentucky General Assembly and Interim Joint Committee on Health and Welfare prior to September 1 of each year.
4. Standing Committee membership shall be on a volunteer basis and determined by discussion among the general membership with guidance from the Standing Committee Chairs and Community and State Co-Chairs.

Section E. Ad-hoc Committees

- 1. Only the Executive Committee has the authority to appoint ad-hoc committees, such as an ad-hoc committee consisting of only HIV positive members.
- 2. Ad-hoc committees shall report to the Co-chairs, the Executive Committee or to the whole body of KHPAC in the same manner as other committees of KHPAC.
- 3. The Executive Committee will dissolve ad-hoc committees and appointments at a time the Executive Committee considers such to have completed their tasks.

Article V. Meetings

- 1. Meetings will be presided over by the State and Community Co-Chairs or their designee from the Executive Committee.
- 2. All meetings will be conducted according to the most recent Robert's Rules of Order.
- 3. Members shall adhere to KHPAC Rules of Conduct, which shall be outlined in KHPAC Policies & Procedures.
- 4. Meeting agendas shall be established and distributed to KHPAC members as far in advance of scheduled meetings as possible. This process is the responsibility of the Executive Committee and the Health Policy Specialist.

5. At least four meetings will be scheduled annually.
6. Changes in meeting dates will be determined by vote of the Executive Committee.
7. Roll call will be (5) five minutes after the beginning of each meeting.
8. KHPAC meetings are open, and visitors are encouraged to attend and may be allowed to speak if time permits and at the discretion of the presiding officer. Visitors are non-voting members and ineligible for travel reimbursements or other membership entitlements.
9. KHPAC may adjourn to closed session to consider membership matters, litigation or legal issues, and information which may violate the privacy of individuals involved in the planning process.
10. Presentations to KHPAC by non-members must be approved by the Executive Committee.

Article VI. Voting

1. Voting may be conducted by hand, by voice, by roll call, by electronic means, or by secret ballot at the discretion of the presiding officer.
2. There shall be no Proxy voting.
3. A quorum of general membership must be present in order to vote on any matter before the council. A quorum will be 50% plus one.
4. A simple majority of votes is sufficient for all matters except changes to the Bylaws.
5. Changes to the Bylaws require two-thirds majority by general KHPAC membership.

Article VII. Grievances

1. Any grievance should be submitted in writing to the Executive Committee.
2. The Executive Committee shall investigate all grievances in a timely manner, which shall be outlined in KHPAC Policies & Procedures.

