



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

Steven L. Beshear
Governor

275 East Main Street, 6W-A
Frankfort, KY 40621
P: 502-564-4321
F: 502-564-0509
www.chfs.ky.gov

Audrey Tayse Haynes
Secretary

Lawrence Kissner
Commissioner

April 25, 2014

TO: Medicaid Advisory Committee (MAC) Board Chairwoman Partin and MAC Board Members

RE: Response to Physician's Technical Advisory Committee (TAC) Testimony Presented at the March 27, 2014 MAC Meeting

Dear Chairwoman Partin and MAC:

We received the minutes from the Physician's TAC meeting held on January 21, 2014 where it was indicated that there were two members present. (See Appendix A). Typically if a quorum is not set by the initiating legislation, the by-laws of a committee, etc. would set the quorum. The initiating legislation for the MAC does not address the issue of quorum or voting. Per corporate law and tradition, a quorum will default to be the majority of members in absence of it being defined by Articles of Incorporation or by-laws. See e.g. KRS 271A.7-250. The quorum, by definition, is the number of persons required for a body to transact business. Because there is no quorum set in statute for the Physician's TAC, the quorum required to transact business is the majority of the TAC members. There are five members sitting on the Physician's TAC. To be able to transact business, such as voting on recommendations to bring to the MAC, there would need to be at least three members present at the meeting in question.

In order for the Department for Medicaid Services (DMS) to issue a formal response to recommendations brought forth by the Physician's TAC, we ask that they comply with quorum requirements.

We would also like to remind all TACs of the Open Meetings Requirements which were brought to your attention in the attached letter dated April 4, 2014.

Sincerely,

Erin Hoben
Chief Policy Advisor
Office of the Commissioner
Department for Medicaid Services

cc: Lawrence Kissner, Commissioner, Department for Medicaid Services
Neville Wise, Deputy Commissioner, Department for Medicaid Services
Lisa Lee, Deputy Commissioner, Department for Medicaid Services
Dr. John Langefeld, Medical Director, Department for Medicaid Services
Sharley Hughes, Internal Policy Analyst, Department for Medicaid Services