



Bylaws of the Montana Beneficiary Advisory Council (BAC)

Article I: Name and Purpose

Section 1.01 Name: The name of this organization is the Beneficiary Advisory Council (BAC).

Section 1.02 Purpose: The purpose of the BAC is to provide an environment for individuals with lived experience in the Medicaid program to share input with the State of Montana. The BAC shall be comprised solely of Medicaid beneficiaries, their family members, and/or caregivers. The input and feedback from the BAC will be used to advise the Montana Medicaid Advisory Committee (MAC) and the Department of Public Health and Human Services (DPHHS) on policies and programs. The BAC shall operate in a manner consistent with and in compliance with the Centers for Medicare and Medicaid Services (CMS) Ensuring Access to Medicaid Services final rule.

Article II: Membership

Section 2.01 Composition. The BAC shall be composed of 12-15 individuals who are or have been Medicaid beneficiaries, or family members and/or caregivers of Medicaid beneficiaries. The DPHHS Director shall select members to ensure representation from across Montana's Medicaid population, including a variety of backgrounds, experiences, and locations.

Section 2.02 Term Limits. General members of the BAC shall be appointed for a term of three years. To ensure a continuous influx of new voices, members may not serve consecutive terms but may be re-selected for future non-consecutive terms after one year of not serving on the BAC. If a general member moves to a leadership position, their term is extended to meet the leadership role and will not be considered serving a concurrent term.

Section 2.02 (a) Initial General Member Term Limits. To establish continuity and preserve institutional knowledge from the Council's inception, initial appointments shall be staggered as follows:

- Two members shall serve an initial one-year term;
- Three to four members shall serve an initial two-year term;
- Three to four members shall serve an initial three-year term.

After completion of these initial staggered terms, all subsequent appointments shall follow the standard three-year term, unless otherwise specified by officer role. Staggering ensures that a balance of experienced and new membership is maintained, allowing for mentorship, knowledge sharing, and consistent progress on Council initiatives. Leadership roles will adhere to the timeframes outlined below, beginning at the inception of the Council.

Section 2.03 Removal. A member may be removed from the BAC for cause, including but not limited to failure to attend a majority of meetings in a calendar year, as determined by the DPHHS Director.



Section 2.04 Early Termination. A member of the BAC may resign or request early termination of their membership at any time by submitting written notice to the Council Chairperson and DPHHS staff liaison.

Section 2.05 Replacement. When a vacancy occurs due to early termination or voluntary departure, the position shall be filled with an eligible applicant. The replacement member shall serve either the remainder of the original term or start a new term limit, dependent on that individual's preference. To maintain timely access and continuity of beneficiary input, the BAC shall establish and maintain a bank of qualified applicants who have completed the application and review process but were not initially selected for appointment. This applicant bank will serve as a backup pool to fill vacancies that occur between regular recruitment cycles. The applicant bank shall be reviewed and refreshed annually to ensure current contact information, continued interest, and ongoing eligibility.

Section 2.06 Participation in the MAC aka Montana Health Coalition. CMS requires the "Medicaid Advisory Committee," and in Montana, it is called the Montana Health Coalition. Members of the BAC may choose to serve as representatives to the Montana Health Coalition (MAC). Interested members shall self-select and notify the DPHHS staff liaison of their desire to participate. Selection may be confirmed based on current MAC membership needs. The final selection must go through the MAC selection process and be approved by DPHHS leadership and the Governor's Office before official appointment can take place. Members who self-select for MAC participation shall have terms of service that are concurrent with their active BAC term. If a member's BAC term ends, their MAC participation shall automatically conclude at the same time. Should a BAC member resign or term out early, the Council Chairperson and DPHHS staff liaison may appoint another BAC member to assume their MAC role for the remainder of the term to maintain continuity of representation, subject to the same MAC process, DPHHS leadership, and Governor's Office approval described above.

Article III: Meetings

Section 3.01 Frequency. The BAC shall meet at a minimum on a quarterly basis. The BAC shall meet in advance of each MAC meeting so members are prepared to carry input forward.

Section 3.02 Public Access. Meetings of the BAC are required to be open to the public per Montana State Law. If sensitive information is discussed, meetings may be temporarily closed and then re-opened to the public.

Section 3.02(a) DISCLAIMER OF NOTICE: These meeting are being held to provide information. Please be advised that these meetings will not be recorded. Artificial intelligence (AI) note-takers will not be allowed. Participation is voluntary. Statements, analyses, opinions, and conclusions of speakers or other parties in these meetings are those of the speakers or other parties and may not represent the views of DPHHS. Participants are encouraged to avoid mentioning any protected health information (PHI) that could identify an individual in accordance with the Health Insurance Portability and



Accountability Act (HIPAA). Please do not share any confidential case information during the meeting.

Section 3.02(b) BAC Response Regarding AI: "Meetings are not recorded by default. The Council will provide captioning, a qualified note-taker, or other auxiliary aids on request to ensure effective communication and full participation, consistent with the ADA. Any recording or automated transcription requires advance notice to all participants and their agreement, consistent with Montana law (Mont. Code Ann. § 45-8-213); any participant may decline to be recorded, and the Council will state who may access a transcript and how long it is retained.

Section 3.03 Quorum and Voting. A simple majority of the current BAC membership shall constitute a quorum for the transaction of business. Decisions of the BAC shall be determined by a majority vote of the members present. The BAC will document minority viewpoints when consensus is not reached. This ensures that the lived experience remains central to BAC recommendations.

Article IV: Officers

Section 4.01 Officers. The officers of the BAC shall consist of Chairperson, Vice-Chairperson, Secretary, Continuity Officer, and Equity and Access Officer.

Section 4.02 Election and Term. Officers shall be appointed for the creation of the BAC and then elected by the BAC membership at the first meeting of each calendar year. The term of office shall be four years.

Section 4.03 Duties and Term-limits.

- Chairperson – Four years
 - Provides overall leadership and ensures effective governance and strategic direction of the BAC. Ensure all voices are heard. Moderate conversation and ensure core values are being followed during meetings.
- Vice-Chairperson – Four years
 - Assists the Chairperson, presides in their absence, and supports leadership transitions. Timekeeper during meetings, responsible for moving through the agenda in the allotted time.
- Secretary – Four years
 - Oversees meeting documentation, records, and official correspondence of the Council. Have a review by the committee prior to official correspondence being sent out. Notes to all members within 2 weeks for approval.
- Continuity Officer – Four years
 - Preserves institutional memory and ensures lessons, recommendations, and progress are maintained through member transitions and turnover. Decide which name is preferred. Maintain a shared folder for BAC members. Store in the shared drive with limited permission. Documents locked for historical records
- Equity and Access Officer – Four years



- Ensures that Council processes, decisions, and recommendations reflect diverse voices, equitable practices, and inclusive participation. Is a Liaison for community organizations.

Section 4.04 Initial Term Staggering:

To establish continuity and ensure consistent leadership rotation, initial appointments shall be staggered so that one-half of members serve an initial term of two years and one-half serve an initial term of four years. After all subsequent appointments shall be for a term of four years. This structure is intended to promote regular turnover while maintaining stability and equal service expectations among members.

- Vice-Chairperson – Two years
- Secretary – Two years
- Chairperson – Four years
- Continuity Officer – Four years
- Equity and Access Officer – Four years

Article V: Conflict of Interest

Section 5.01 Disclosure of Conflicts. All members shall disclose any actual or potential conflicts of interest related to a matter before the BAC to the Chairperson and the DPHHS staff representative. A conflict of interest exists when a member's personal, financial, or professional interests could improperly influence their ability to make objective decisions on behalf of the council. Having lived experience or receiving services does not in itself create a conflict of interest; rather, it is a valuable perspective that strengthens the council's work. A conflict arises only when a member's participation in a discussion or decision could provide direct personal gain, financial benefit, or advantage to themselves, their family, or their affiliated organization.

Section 5.02 Recusal. Any member with a conflict of interest on a particular matter shall recuse themselves and may be asked to refrain from participating in the discussion.

Article VI: Committees

Section 6.01 Standing and Ad-Hoc Committees. The BAC may establish standing or ad-hoc committees as deemed necessary to carry out its purpose. These shall be based on individual interest and group consensus on who shall serve.

Article VII: Transparency and Reporting

Section 7.01 Public Documents. The BAC shall ensure that its bylaws, meeting schedules, agendas, meeting minutes, and the annual report are made publicly available on the DPHHS website. Members will have the option to decide whether their names are publicly listed and instead be listed as "Member 1, Member 2, Member 3, etc." To encourage open discussion, meeting minutes will document the substance of members'



comments, questions, and ideas without attributing them to individual members by name.

Article VIII: Amendments

Section 8.01 Amendments to Bylaws. These bylaws may be altered, amended, or repealed by a majority vote of the entire BAC membership. Proposed amendments must be submitted in writing to all members no later than two weeks prior to the scheduled vote.