



Medical Quality Assurance Commission

Bylaws

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Article I: Purpose

The purpose of the Medical Quality Assurance Commission (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. Commission Composition:

The 13 physicians, two physician assistants, and six public members of the Commission are appointed by the Governor to serve a four year term. The Commission may make recommendations to the Governor concerning such appointments. 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 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. Governor appointed members and *pro tempore* members are considered state officers and eligible for full rights and remunerations due under state law. *Pro tempore* members may vote on case deliberations but are not eligible to vote on Commission business.

2. Qualification for voting

- a. Only the 21 appointed members of the Commission are eligible to vote at business meetings of the Commission.

- b. Appointed members and *pro tempore* members are eligible to vote during deliberations on panels to which they may be assigned.
- c. All members of committees, subcommittees, *ad hoc* committee and workgroups are eligible to vote on questions arising during deliberations within those groups
- d. Proxy voting is not permitted except in voting on amendments to the Bylaws.

3. Compensation and Reimbursement for Expenses:

- a. The Commission will compensate its members for performing the duties of the Commission in accordance with RCW 43.03.265.
- b. The Commission will reimburse its members for travel and other bona fide expenses in accordance with RCW 43.03.050 and 43.03.060
- c. The Commission shall adopt a protocol specifying the procedures for carrying out compensation and reimbursement, and update it as necessary.

4. Removal:

A Commissioner may be removed from the Commission by the Governor as outlined in RCW 18.71.015.

Article III: Officers

1. Officers:

The officers of the Commission shall consist of the Chair, 1st Vice Chair, 2nd Vice Chair, and the Immediate Past-Chair.

2. Elections/Terms of Office:

- a. The Commission shall elect its officers at its regular meeting in or immediately preceding the month of July.
- b. The new officers begin their terms at the meeting following election or sooner, upon agreement of the Chair and Chair-elect.
- c. 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, the Bylaws and commonly accepted practice consistent with state statutes. The Chair or a designee shall represent the Commission at official functions. The Chair shall approve and sign correspondence that reflects the position of the Commission on matters that are not purely administrative in nature, including correspondence with the Legislature and other government agencies on matters of policy. The Chair is an ex-officio member of all committees, without vote unless specifically designated a member of the committee.
- b. The 1st Vice Chair (and in order, the 2nd Vice Chair, then Immediate Past-Chair) shall act 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 of a qualified Commissioner, which appointment, when ratified by the Commission, will be effective until the next election cycle.

Article IV: Meetings

1. Regular Board Meetings:

- a. The Commission shall meet not fewer than four times a year, at such times and places as the Commission deems necessary and/or appropriate.
- b. Prior to the beginning of each calendar year The chair will develop and recommend to the Commission a schedule of dates and locations for regular Commission meetings during the forthcoming year. The Commission may modify the schedule as necessary.
- c. All meetings of the Commission shall be held in conformance with the letter and spirit of the Open Public Meetings Act, RCW 42.30. It is the intent of the Commission that all meetings of the Commission, other than executive sessions, case review panels, and other adjudicative deliberations, shall be open and public, and any and all persons shall be permitted to attend any meetings of the Commission.

2. Special Board Meetings:

- a. The Chair may call a special meeting of the Commission at any time.
- b. The Commission, by majority vote, may call a special meeting at any time.
- c. Special meetings must be properly noticed as required by the Open Public Meetings Act, RCW 42.30, and shall be held in accordance with Article IV, 1.d. above.
- d. The notice of a special meeting must specify the nature of the business to be conducted at the meeting. At a special meeting the Commission may not take final action on any item that is not listed in the public notice.

3. Quorum:

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

4. 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 may 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 temporarily or prior to completing the agenda scheduled for that meeting, a notice of adjournment shall be posted immediately on or near the door of the room where the meeting was being held announcing the postponing of the meeting and stating 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.

5. 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. Per RCW 34.05.340, the Commission may contemplate making a substantial variance from a proposed rule that has been described in a published notice by the Code Reviser, and may file a supplemental notice with the Code Reviser that meets all requirements of RCW 34.05.320 to reopen the proceedings for public comment on the proposed variance in rule language. The date, time, and location of the public hearing to consider public testimony on the proposed, substantial variance in rule language will be published in the state register at least twenty days before the supplemental rule-making hearing. Upon publication of the public hearing on the proposed, substantial variance in rule language in the state register, a notice will be disseminated by the Commission to the public that will include the date, time, and location of the public hearing...
- 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.

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 re-admit any individuals who were not disrupting the meeting.

7. Meeting Minutes and Agendas:

- a. The minutes of all Commission business meetings shall be taken by a member of the Commission staff.
- b. The minutes shall accurately capture and record the action of the Commission on each question or motion.

- c. All minutes will be produced for Commission review and approval.

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 members in the minutes for the permanent record.

9. Meeting procedures

- a. Quorum:
 - 1) A simple majority of the Commission shall constitute a quorum for the transaction of business at meetings. In the event that there are vacancies on the Commission, a majority of existing members shall constitute a quorum.
 - 2) 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.
 - 3) 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, unless additional members enter the room and re-establish a quorum.
- b. 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.
- c. Public Comment:

The Chair may solicit public comment on any or all agenda items during regular meetings and all agendas shall include a public comment item.
- d. Motions, Resolutions, and Regulations:
 - 1) All proposals for actions or decisions of the Commission should be by motion and/or resolution.
 - 2) A motion or resolution will be deemed “passed” only if it receives the affirmative votes of a majority of the members present.
 - 3) No Commission member or employee may use the name of the Commission to support or oppose any issue or cause.
 - 4) The Commission and its members/employees may not lobby in support or opposition to legislative proposals, but the Commission may provide information to appropriate parties about proposed legislation and its potential effect on the Commission and/or medical profession.
- e. Manner of Voting:
 - 1) The voting on elections, motions, and resolutions shall be conducted by voice vote.

- 2) 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.
 - 3) Proxy voting is not permitted.
- f. Rules of Procedure:
- 1) 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 18.71 RCW and Article XX of the Washington State Constitution.
 - 2) 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 organization will follow the procedures contained in the most current version of *Robert's Rules of Order*.

Article V: Committees, Panels, Subcommittees, and Workgroups

1. General provisions

- a. The Commission may establish standing committees, panels, *ad hoc* committees, subcommittees and workgroups to assist in executing its work plan.
 - 1) Standing committees are of an enduring nature to deal with matters of long-term ongoing interest and concern to the Commission.
 - 2) Panels are established to conduct case reviews or other Commission business that may be delegated to the panel and continue to function as long as the assigned task remains. 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.
 - 3) *Ad hoc* committees are established to study and deal with highly specific issues, and disband upon completion of the assignment
 - 4) Subcommittees are established under the jurisdiction of standing committees for specific purposes, and render their reports to the full Commission through the parent committee. Subcommittees disband at the direction of the parent committee.
 - 5) Workgroups are composed of Commissioners and non-commissioners possessing particular expertise and/or interest in a particular subject of interest to the Commission, to render recommendations to the Commission regarding possible action about that subject. Workgroups disband upon reporting completion of their assignment.
- b. 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 ample opportunity to volunteer to serve on the various committees.
- c. Standing committees, panels, *ad hoc* committees, subcommittees and workgroups will be composed of commissioners appointed by the Commission chair, and, with the exception of the Executive Committee, and the Nominating Committee, may include others (such as pro-tem members or even non-Commission members) as designated by the chair.
- d. Chairs of standing committees, panels, *ad hoc* committees, subcommittees and workgroups will be designated by the Commission chair

- e. Appropriate staff shall be identified by the Executive Director to support and advise all standing committees, panels, *ad hoc* committees, subcommittees and workgroups
- f. Each standing committee, panel, *ad hoc* committee, subcommittee and workgroup will function under a written charter, signed by the Commission Chair, designating the group's composition, purpose, inception and termination date and expectations regarding provision and routing of reports and recommendations.
- g. The termination date of a standing committee, panel, *ad hoc* committee, subcommittee or workgroup can be extended at the discretion of the Commission Chair or by vote of the full Commission.
- h. Standing committees, panels, *ad hoc* committees, subcommittees and workgroups are subject to review by the full Commission and may be modified or disbanded by majority vote.
- i. Any Commission member may attend any standing committee, panels, *ad hoc* committee, subcommittee or workgroup meeting, but only designated committee members may vote on committee deliberations.

2. Executive Committee

- a. The Executive Committee shall be a standing committee of the Commission.
- b. The Executive Committee members are the Commission Chair, 1st and 2nd Vice Chairs, the immediate past Commission Chair (if that person remains an eligible member of the Commission) and the Chair of the Policy Committee. One member of the Executive Committee must be a public member of the Commission; in the event that one of the named positions is not filled by a public member, an additional public member shall be appointed.
- c. Staff attached to the Executive Committee as ex-officio, non-voting members, includes the Executive Director, the Deputy Executive Director, and the Assistant Attorney General assigned to the Commission.
- d. The Executive Committee functions to provide administrative oversight for the Commission in the intervals between Commission meetings and to advise the Executive Director regarding administrative matters and ongoing or urgent/emergent Commission business as necessary.
- e. The Executive Committee reports to the full Commission and is responsible to it for action taken. It cannot take action on its own that would require full Commission concurrence.

3. Policy Committee

- a. The Policy Committee shall be a standing committee of the Commission.
- b. Policy Committee consists of a maximum of 10 commissioners, designated by the Commission Chair.
- c. The Policy Committee is the principal clearinghouse for all matters being considered by the Commission regarding policy, development of procedures, establishment of guidelines and legislative recommendations and support.
- d. The Policy Committee reports to the full Commission on a regular basis

4. Nominating Committee.

- a. The Chair shall appoint the Nominating Committee a minimum of two Commission meetings prior to the scheduled election meeting date.

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- b. The Nominating Committee shall have a minimum of three members, and at least one member should have served on the previous year's Nominating Committee.
- c. The Nominating Committee reports its recommended slate to the full Commission at the meeting immediately prior to the meeting for which elections are scheduled. At the election meeting, nominations may be made from the floor providing that the nominator has the prior consent of the nominee.

Article VII: Amendments to the Bylaws

Amendments to the Bylaws 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 attendees at the next meeting. A two-thirds majority is required for approval. Unless otherwise specified, amendments take effect upon adoption.

Warren Howe, Chair
Medical Quality Assurance Commission
Adopted Date: