

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

Meeting Date: June 1st 2009

Subject: Changes to Nursing/Adult Care Home Community Advisory Committee Bylaws

Attachments: 1: Old Bylaws from November 2000
2: Changes we made in November Bylaws are in *RED*
3: Draft copy of new Bylaws

SUMMARY OF REQUESTS:

The Committee reviewed its Bylaws at a subsequent meeting and suggested editorial changes to the Bylaws.

BOARD ACTION REQUESTED:

The committee recommended approval of the attached Bylaws

Suggested Motion:

I move the Board approve changes to the Nursing/Adult Care Home Community Advisory Comity Bylaws as presented with any changes noted by the Board.

THE NURSING/ADULT CARE HOME COMMUNITY ADVISORY
COMMITTEE OF HENDERSON COUNTY

BY-LAWS

The Handbook for Nursing/Adult Care Homes Community Advisory Committee, published by the North Carolina Department of Health and Human Services, Division of Aging, in accordance with G.S. 131 D and E, shall govern in all matters not addressed herein, or in any matters which shall be in conflict with these by-laws.

ARTICLE I – NAME

Section A. The name of the committee shall be The Nursing/Adult Care Home Community Advisory Committee of Henderson County. Hereafter shall be referred to as Community Advisory Committee.

ARTICLE II – PURPOSE

Section A. The purpose of the Community Advisory Committee shall be to maintain the spirit of the Nursing Home/Adult Care Home Bill of Rights within the Nursing/Adult Care Homes and to act as a liaison for residents, family members and the community.

ARTICLE III – OBJECTIVES

- A. To work to maintain the purpose of the Nursing/Adult Care Home Bill of Rights.
- B. To act as a receiving point for information and complaints regarding Nursing/Adult Care Home matters and to see that all complaints are addressed.
- C. To keep abreast of long term care issues through on-going training and technical assistance through the office of the Regional Ombudsman so as to provide current and relevant information to facilities.

ARTICLE IV – STRUCTURE OF THE COMMITTEE

Section A. Structure of the Committee

1. The Officers of the Community Advisory Committee shall consist of a Chairman, Vice-Chairman and Secretary. The Chairman shall preside at all meetings and public hearings; shall set the agenda; and appoint the standing committees, except the Nominating Committee and any special committees as needed and appoint a leader for these committees.
2. The Vice-Chairman shall assume the duties of the Chairman in his/her absence and shall be Chairman elect.
3. The Secretary shall keep the minutes of the Community Advisory Committee and give written copies to the Regional Ombudsman by way of the Committee Chairman for the transmittal to the Community Advisory Committee members before the next scheduled meeting.

Section B. Members

1. Members are appointed by the County Commissioners, initially for one year, thereafter reappointment is either a two or three year term, at the discretion of the commissioners. Membership is limited by State Statute. See Article 1B. Ref.131 D-31 (d).

Section C. Standing Committees

1. Executive Committee: This committee shall consist of the Committee Chairman, Vice-Chairman, Secretary, and Team Leaders (~~3~~). The Regional Ombudsman attends the Nursing/Adult Care Home Executive Committee meetings and will be an ex-officio member. See Organizational Chart, page 6
2. The Chairman shall divide the Community Advisory Committee into three teams. Each team shall visit the Nursing/Adult Care Homes as assigned, on a quarterly schedule (minimum), or as often as conditions require. Each team will have a team leader, appointed by the Chairman, who will be responsible for the schedule of visitations to the homes assigned to the team. Upon entering a facility, the designated Team Leader, accompanied by at least two other members, must notify the Administrator or the person in charge of their presence. Normal visitations will be made between 10:00 a.m. and 8:00 p.m., unless

emergency situations arise. Any situation that is deemed critical must be reported to the Chairman and the Ombudsman. The name of the complaining residents or family members shall remain confidential; unless written/oral permission (refer to forms "Complaint Oral Consent", "Third Party Authorization", "Consent to Review Medical/Social", "Complainant Authorization", and/or the "Resident Authorization" in the Community Advisory Committee manual) is given for disclosure.

3. **Nominating Committee for the election of Officers:** The Executive Committee will appoint a committee of three in the month of October. At the following December meeting, the committee will present the slate of officers. Nominations may be made from the floor at this time with the election to follow. If there is more than one candidate nominated for any elective office, the vote will be cast by written ballot. The term of office is one calendar year. Committee members may only hold one elective office.

Section D. Committee Reports

1. **Visitation Reports:** The team leader shall designate members of the team to be responsible for written reports, submitted monthly, copies of which are given to the Regional Ombudsman, Committee Chairman, Council on Aging, Facility Administrator and leader of the visitation team, retaining a copy for the reporter's records, for a total of six copies.
2. **Activity Reports:** Each committee member must submit an Activity Report at the meeting following the end of each Quarter (April, July, October and January) with copies for the Regional Ombudsman, Committee Chairman, retaining a copy for the reporter's records, for a total of three copies.
3. **Mileage Reimbursement Forms:** Mileage reimbursement is optional. The completed original mileage reimbursement form must be attached with the quarterly Activity Report form and submitted to the Chairman, retaining a copy for member's records.

ARTICLE V – MEETINGS

Section A. Meetings

1. Monthly meetings are held on the second Wednesday, at 2:30 p.m. at the County Government Building, unless otherwise determined by the Community Advisory Committee.

2. Executive meetings are held on the fourth Tuesday at 1:00 p.m. at the County Government Building, unless otherwise determined by the Chairman or Executive Committee.

Section B. Special Meetings

1. The Chairman or a majority of the members may, when deemed necessary and upon written request, call a special meeting of the committee for the purpose of transacting any business designated in the call. The call for a special meeting must be conveyed via telephone message to each member of the committee at least 48 hours prior to the time of such special meeting.

Section C. Quorum: At all meetings, a quorum (2/3 of the membership) must be present to pass any order of business.

Section D. Attendance: Absence from a regular scheduled monthly meeting should be reported to the Chairman or team leader. Members that miss three (3) consecutive meetings without notice will be informed and removed. Team members are expected to attend 4 visitations per quarter.

Section E. Procedure: All meetings of the committee shall be conducted in accordance with the latest edition of Robert's Rules of Order.

Section F. Open Meetings: The NC Open Meeting Law applies to the committee meetings, therefore anyone from the general public may attend. If the committee needs to discuss an individual resident and/or complaint during a meeting where others are present, the committee must go into executive session (committee members and Ombudsman only) in order to comply with confidentiality requirements.

ARTICLE VI – AMENDING THE BY-LAWS

Section A. Amending the by-laws

1. To amend the by-laws a committee of three must be appointed by the Chairman. Proposed changes or additions will be reported at the next monthly meeting. A vote on the proposed changes will be taken at the following monthly meeting.
2. By-laws should be reviewed at least every three years using the same procedure as described above.

These by-laws adopted by quorum majority vote of the members present at a regular meeting on November 8, 2000, shall govern the operation of the Henderson County Nursing/Adult Care Home Community Advisory Committee.

DEPARTMENT OF HUMAN
RESOURCES



DEPARTMENT OF
SOCIAL SERVICES

DEPARTMENT OF
FACILITY
SERVICES

DIVISION OF AGING

STATE OMBUDSMAN

REGIONAL
OMBUDSMAN

HENDERSON COUNTY
NHACHCAC

HC BOARD OF
COMMISSIONERS

**THE NURSING/ADULT CARE HOMES COMMUNITY ADVISORY
COMMITTEE OF HENDERSON COUNTY**

BY-LAWS

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ARTICLE II - PURPOSE

Section A. The purpose of the Community Advisory Committee shall be to maintain the spirit of the Nursing Home/Adult Care Home Bill of Rights within the Nursing/Adult Care Homes and to act as a liaison for residents, family members, and the community.

ARTICLE III - OBJECTIVES

Section A. To work to maintain the purpose of the Nursing/Adult Care Home Bill of Rights.

Section B. To act as a receiving point for information and complaints regarding Nursing Adult Care Home matters and to see that all complaints are addressed.

Section C. To keep abreast of long term care issues through on-going training and technical assistance through the office of the Regional Ombudsman so as to provide current and relevant information to facilities.

ARTICLE IV - STRUCTURE OF THE COMMITTEE

Section A. Officers of the Committee – Chairperson, Vice-Chair, Secretary

1. The **Chairperson** shall preside at all meetings and public hearings, shall set the agenda, appoint the standing committees, except the Nominating Committee, appoint special committees as needed, and be responsible for writing the Annual Report.

2. The **Vice-Chair** shall assume the duties of the **Chairperson** in his/her absence and shall be **Chairperson** elect.
3. The Secretary shall keep the minutes of the Community Advisory Committee, and send copies to the **Committee Chairperson** and the **Office** of the Regional Ombudsman for the transmittal to the Community Advisory Committee members before the next scheduled meeting.

Section B. Members

1. Members are appointed by the County Commissioners, initially for one year, thereafter reappointment is either a two or three year term, at the discretion of the Commissioners. Membership is limited by State Statute. See Article 1B. Ref.131 D-31 (d).
2. The **Chairperson** shall divide the members into three teams. Each team shall visit the Nursing/Adult Care Homes as assigned, on a quarterly schedule (minimum), or as often as conditions require. Each team will have a Team Leader, appointed by the **Chairperson**, who will be responsible for the schedule of visitations. Upon entering a facility, the designated Team Leader, accompanied by at least two other members, must notify the Administrator, or the person in charge, of their presence. **Visitations will generally be made between 9:00 a.m. and 8:00 p.m. unless emergency situations arise.** Any situation deemed critical must be reported to the **Chairperson** and the Ombudsman. The name of the complaining residents or family members shall remain confidential unless written/oral permission is **given for disclosure.** (Refer to forms "Complaint Oral Consent", "Third Party Authorization", "Consent to Review Medical/Social", "Complainant Authorization", and/or the "Resident Authorization" in the Community Advisory Committee Manual.)

Section C. Standing Committees

1. Executive Committee: This committee shall consist of the **Committee Chairperson, Vice-Chair, Secretary, and Team Leaders.** The Regional Ombudsman attends the Nursing/Adult Care Homes Executive Committee meetings and will be an ex-officio member. See Organizational Chart, page 5.
2. Nominating Committee for the Election of Officers: The Executive Committee will appoint a committee of three in the month of October. At the following December meeting, the committee will present a **proposed** slate of officers. Nominations may be made from the floor at this time, with the election to follow. If there is more than one candidate nominated for any elective office, the vote will be cast by written ballot. The term of office is one calendar year. Committee members may hold only one elective office.

Section D. Committee Reports

1. Visitation Reports: The Team Leader shall designate members of the team to be responsible for written reports, submitted monthly, copies of which are given to the Regional Ombudsman, Committee Chairperson, Secretary, Council on Aging, Facility Administrator, and Leader of the visitation team. (The reporter should retain a copy of this report, making six copies from the original.)
2. Activity Records: Each committee member must submit an Activities Record at the meeting following the end of each Quarter (April, July, October, and January) with copies for the Regional Ombudsman, Committee Chairperson, and a copy to attach to the Mileage Reimbursement Form (if reimbursement is expected). A copy should be retained for the reporter's records, for a total of three copies and the original.
3. Mileage Reimbursement Forms: Mileage reimbursement is optional. The completed original mileage reimbursement form, with a quarterly Activity Record attached, must be submitted to the Chairperson, retaining a copy for member's records.

ARTICLE V - MEETINGS

Section A. Scheduled Meetings

1. Monthly meetings are held on the second Wednesday at 2:30 p.m. at the County Government Building, 100 N. King St., Hendersonville, NC, unless otherwise determined by the Community Advisory Committee.
2. Executive meetings are held on the fourth Tuesday at 1:00 p.m. at the County Government Building, 100 N. King St., unless otherwise determined by the Chairperson or Executive Committee.

Section B. Special Meetings

1. The Chairperson or a majority of the members may, when deemed necessary and upon written request, call a special meeting of the committee for the purpose of transacting any business designated in the call. The request for a special meeting must be conveyed via telephone message to each member of the committee at least 48 hours prior to the time of such special meeting.

Section C. Quorum

1. At all meetings, a quorum (2/3 of the membership) must be present to pass any order of business.

Section D. Attendance

1. Absence from a regular scheduled monthly meeting should be reported to the Chairperson or the Team Leader. Members that miss three (3) consecutive meetings without notice will be informed and removed. Team members are expected to attend **at least three (3) facility** visitations per quarter.

Section E. Procedure

1. All meetings of the committee shall be conducted in accordance with the latest edition of Robert's Rules of Order.

Section F. Open Meetings

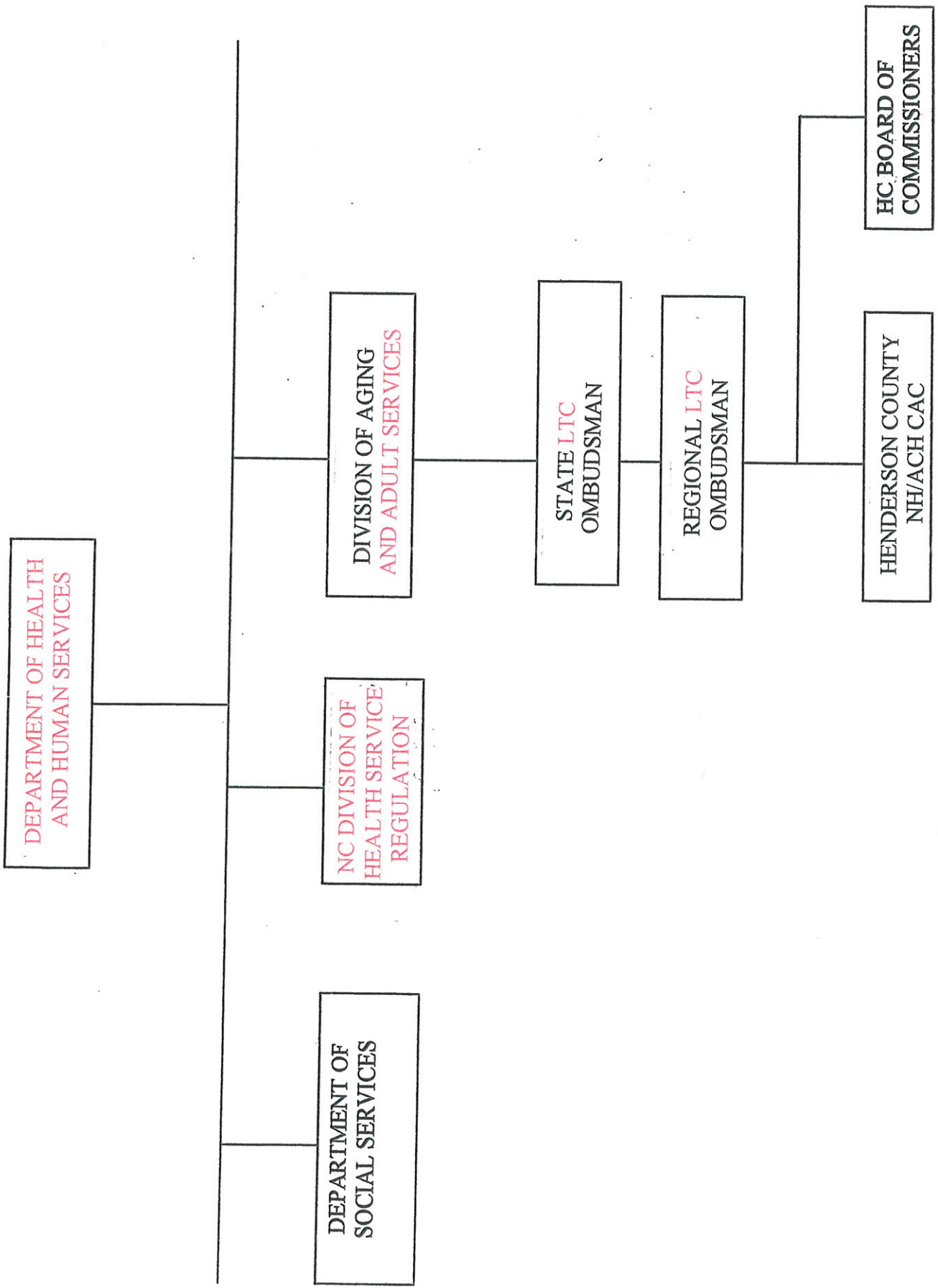
1. The North Carolina Open Meeting Law applies to the committee meetings, and the general public may attend. **In order to comply with confidentiality requirements, if the committee needs to discuss an individual resident and/or complaint during a meeting where the public is present, the committee must go into a private session with only members and Ombudsman present.**

ARTICLE VI - AMENDING THE BY-LAWS

Section A. Review and Amendment Procedure

1. To amend the by-laws, a committee of three must be appointed by the **Chairperson**. Proposed changes or additions will be reported at the next monthly meeting. A vote on the proposed changes will be taken at the following monthly meeting.
2. By-laws should be reviewed at least every three years using the same procedure as described above.

These by-laws, adopted by quorum majority vote of the members present at a regular meeting on **March 11, 2009 (???) shall govern the operation of the Henderson County Nursing/Adult Care Homes Community Advisory Committee.**



**THE NURSING/ADULT CARE HOMES COMMUNITY ADVISORY
COMMITTEE OF HENDERSON COUNTY**

BY-LAWS - Effective March 11, 2009

The Handbook for Nursing/Adult Care Homes Community Advisory Committee, published by the North Carolina Department of Health and Human Services, Division of Aging, in accordance with G.S. 131 D and E, shall govern in all matters not addressed herein, or in any matters which shall be in conflict with these by-laws.

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Addendum of April 8, 2009 – Article IV, Section B1 – This information may be found on the Internet at GS 131D-31 - This statute covers adult care home advisory committees, noting term limits in (d) and joint committee membership limits in (c).

