

ADDENDUM A

PLANNING COUNCIL NOMINATIONS PROCESS

I. Legislative Background

Section 2602 (b) of the Ryan White CARE Act and as subsequently amended, which mandates an open nominations process, reads, “Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard...”

II. Overall Expectations

The Chief Elected Official (CEO) of the Dallas Eligible Metropolitan Area (EMA) is responsible for ensuring an open nominating process for Planning Council membership. Only those nominees that have been nominated through the open process will be considered for Planning Council membership. Nominations for membership are to come from a wide spectrum of nominees.

Pre-announcements will be made on an as needed basis by utilizing public meetings, forums, and other methods deemed necessary to reach interested individuals. These pre-announcements will include a description of the process through which nominees can seek membership to the Ryan White Planning Council of the Dallas Area.

III. Executive Committee

The Executive Committee is a standing committee of the Ryan White Planning Council of the Dallas Area. It shall work collaboratively with the CEO to ensure that the Planning Council membership is representative of the local epidemic and to ensure that consumers of Part A services are well represented.

The Chairperson of the Planning Council shall chair the Executive Committee. At a minimum, The Executive Committee shall be comprised of the following: a representative of the CEO’s office; a representative of the Administrative Agency; Chairperson and Vice Chairperson(s), of the Ryan White Planning Council of the Dallas Area, and the Chairpersons or Vice-Chairperson(s) of each standing committee. Membership shall be impartial and shall follow the specific requirements of membership as described in the CARE Act.

The Executive Committee will follow publicized criteria and all meetings will be conducted at established times, and will ensure that positions are filled in a timely manner.

IV. General Criteria for Planning Council Membership

Representation of the Planning Council will follow the CARE Act mandates. A member may fill only one legislatively required slot with three exceptions to the rule as outlined in the Ryan White CARE Act Part A Manual. Those exceptions are as follows:

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- a. one person can represent the substance abuse and mental health provider categories if the agency provides both types of services, and the person is familiar with both programs; and
- b. one person may represent both the CARE Act Part B program and the State Medicaid agency if that person is in a position of responsibility for both programs; and
- c. one person can represent any combination of CARE Act Part F grantees (SPNS, AETCs, and Dental Reimbursement Program) and HOPWA, if the agency represented by the member receives grants from some combination of those four funding streams (e.g., a provider that receives both HOPWA and SPNS funding)

V. Conflict of Interest Standard

The CARE Act mandates no less than 33 percent of the members must be consumers who:

- a. “are receiving HIV-related services” from Part A-funded providers;
- b. “are not officers, employees, or consultants” to any providers receiving Part A funds, and “do not represent any such entity”; and
- c. “reflect the demographics of the population of individuals with HIV disease” in the eligible metropolitan area (EMA).

Consumers are individuals “receiving HIV-related services from Part A providers and includes PLWH receiving services themselves and the parents and caregivers of minor children who are receiving such services. Consumers are further defined as unaligned.

Unaligned refers to consumers who do not have a conflict of interest, meaning they have no financial or governing interest in Part A funded agencies. Consumer representative counted toward the 33% PLWH/consumer representatives must be unaligned. Consumers who volunteer with Title I funded providers are not considered to represent that entity and are eligible for consumer membership on the planning council as unaligned members.

VI. Recruitment

As outlined in the Ryan White CARE Act Part A Manual, an open nomination process must meet the following minimum standards:

- a. be described and announced before the nominations process begins
- b. specify clear criteria on the planning council composition being sought to ensure that membership:
 - (1) includes the legislatively mandated positions (membership categories)
 - (2) reflects the epidemic of the HIV disease in the EMA
 - (3) reflects the geography of the EMA
 - (4) reflects any other locally determined membership needs
 - (5) incorporates conflict of interest requirements
- c. be publicized, including advertisements in local HIV publications, notices to service providers, press releases, or other community announcements

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- d. inform nominees of:
 - (1) the time commitments involved in serving on the planning council
 - (2) conflict of interest standards
 - (3) HIV disclosure requirements
- e. use open-ended questions to capture information from nominees about their experience and background
- f. establish a representative and impartial nominations or membership committee that reviews all nominations

VII. Selection

Selections of nominees must be based on the publicized criteria, be conducted at established times, and fill vacancies on a timely basis.

The Ryan White CARE Act Part A Manual states that a single nominations or membership committee must consider all nominees to the planning council. Some membership categories are so narrowly defined that only one nominee may meet the criteria. However, all nominees should still be considered by the committee.

The Executive Committee selects candidates and submits a list of one or more candidates to the CEO. From this list, the CEO appoints members. Requirements for an open process do not eliminate or change the authority of the CEO to appoint members of the planning council. However, CEO's must use this established process to screen all nominees.

Nominees will complete application forms provided upon request by the Office of Planning Council Support. Application forms will contain the following items:

- a. the stipulation of time required of Council members;
- b. conflict of interest standard for each nominee;
- c. HIV disclosure requirement; respecting individual right to privacy, it is understood that when qualifications for membership on the Council, its committees, sub-committees, ad hoc committees, or task forces refer to "HIV disclosure," persons responding may limit disclosure to the CEO and Council Chairperson who will be bound to confidentiality but who must attest that stipulations of HIV participation have been met;
- d. open-ended questions regarding the applicant's experience and background.

These forms will contain open-ended questions, which capture important information about experience and background. These forms will then be submitted for review to members of the Executive Committee. At this point the committee will interview and select applicants to be recommended for membership status to the Ryan White Planning Council of the Dallas Area.