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REORGANIZATION PLAN NO. 2 OF 1983

EXECUTIVE ORDER

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James G. Cooper
SECRETARY OF STATE

WHEREAS, the establishment of a statewide Health Coordinating Council to advise and assist the State Health Planning and Development Agency (SHPDA) is required by Public Law 93-641, as amended, including Public Law 96-79, the Omnibus Reconciliation Act of 1981, and other applicable amendments, as a condition for receiving certain federal funds; and

WHEREAS, the Omnibus State Reorganization Act of 1974 authorizes the Governor by Executive Order to create and appoint members of such advisory councils as may be necessary to receive federal funds and to make such adjustments or modifications in the assignment of agencies, programs, or operations as may be necessary to conform with federal law or regulations to receive federal funds; and

WHEREAS, Missouri has elected to carry out health planning under the provisions of Section 1536 of the Omnibus Reconciliation Act of 1981 which provides for a single statewide health planning effort;

NOW, THEREFORE, I, CHRISTOPHER S. BOND, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of Missouri, hereby create and establish the Missouri Health Coordinating Council (MHCC), which is assigned for administrative purposes to the Department of Social Services. The staff support for MHCC shall be supplied within said Department by SHPDA, and MHCC shall operate with all powers, duties, and responsibilities contained in said Public Laws, the rules and regulations promulgated thereunder by the Secretary of the U. S. Department of Health and Human Services (hereinafter referred to as the Secretary) or his successor, applicable state statutes, and this Executive Order.

1. MHCC shall be composed of thirty-one members, thirty of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and one ex-officio non-voting member designated by the Chief Medical Director of the Veterans' Administration as a representative of such facilities. Twenty members shall be appointed by the Governor to represent

local areas with boundaries which coincide with each of the Missouri Cooperative Extension Planning Areas and the Regional Planning Commission Areas located within the state. Nine of the representatives from these local areas shall be providers of health care and eleven shall be consumers of health care who are not also providers of health care. Six of the remaining ten members shall be appointed by the Governor as members at large, and may include state officials, public elected officials and other representatives of governmental authorities within the state, and shall be consumers of health care who are not also providers of health care.

2. Each member of MHCC, except the ex-officio member, shall serve a term of three years, except that, as originally constituted hereunder, one-third of the members shall be appointed for terms expiring September 1, 1983; one-third of the members shall be appointed for terms expiring September 1, 1984; and one-third of the members shall be appointed for terms expiring September 1, 1985.

3. Each local area shall submit not less than two nor more than four nominees to the SHPDA office within thirty days prior to the occurrence of a vacancy upon notification by the SHPDA. Nominations shall be submitted through Missouri Extension Councils. Not less than one-half of the providers of health care who are members of the MHCC shall be direct providers of health care. Members of the MHCC, who are consumers of health care and not providers of health care, shall include individuals who represent rural and urban medically underserved populations.

4. The MHCC shall have all powers, duties, and responsibilities provided in said Public Laws and the rules and regulations promulgated thereunder by the Secretary or his successor, applicable state statutes and this Executive Order. The MHCC shall perform the following functions:

A. Prepare, review at least triennially, and revise as necessary, a State Health Plan. The State Health Plan shall describe the institutional health services (as defined in Public Law 96-79) needed to provide for the well-being of persons receiving care within the state including, but not limited to, acute inpatient (including psychiatric inpatient, obstetrical inpatient, and neonatal inpatient) rehabilitation, and long-term care services. The State Health Plan shall also describe other health services needed to provide for the well-being of persons receiving care within the state, including, but not limited to, preventive, ambulatory, and home health services and treatment for alcohol and drug abuse.

The State Health Plan shall also describe the number and type of resources, including facilities, personnel, major medical equipment, and other resources required to meet the goals of the Plan and shall set forth the extent to which existing health care facilities are in need of modernization, conversion to other uses, or closure, and the extent to which new health care facilities need to be constructed or acquired.

In preparation and revision of the State Health Plan, the MHCC shall review and consider the preliminary State Health Plan submitted by the SHPDA (under Section 1523 of Public Law 96-79).

The State Health Plan or any revised State Health Plan approved by the MHCC shall be the State Health Plan for the state, following its approval by the Governor. In disapproving of a State Health Plan, the Governor shall present a detailed statement of his objections and shall specify such changes in the Plan which he believes are necessary.

B. Advise the SHPDA generally on the performance of its functions.

5. No member of the MHCC may, in the exercise of any function of the MHCC described herein, take part in any vote on any matter before the MHCC which involves in any way any individual or entity with which such member has or, within twelve months immediately preceding the vote had, any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. The MHCC shall require each of its members who has or had such a relationship with an individual or entity involved in any matter before the MHCC: 1) to make a written disclosure of such relationship before any action is taken by the MHCC with respect to such matter; and 2) to make such relationship public in any meeting in which such action is to be taken.

6. The MHCC shall select from among its membership a Chairman. Members of MHCC shall serve without compensation except for reimbursement for reasonable and necessary expenses. The MHCC shall be governed by written rules and by-laws established by MHCC and promulgated in accordance with the provisions of Chapter 536, RSMo which, inter alia, shall provide that MHCC will meet not less than once each calendar quarter and shall provide that all business meetings of MHCC shall be open to the public.

7. All records and personnel of MHCC shall be retained under the control and management of the MHCC.

8. The MHCC shall, not less than annually, report on their activities to the Director of the Department of Social Services, the Governor, and the General Assembly.

9. This Executive Order shall be effective upon execution and shall supercede any and all previous Orders pertaining to the same subject.

IN WITNESS WHEREOF, I here-
unto set me hand and cause to
be affixed the Great Seal of the
State of Missouri this 27th day
of January 1983.



Christopher S. Bond
GOVERNOR

ATTEST:

James C. Kertipalick
SECRETARY OF STATE