

# EMSCAC BY LAWS

## **NEW YORK STATE DEPARTMENT OF HEALTH EMERGENCY MEDICAL SERVICES FOR CHILDREN ADVISORY COMMITTEE BYLAWS**

### **I. NAME**

The name of this organization is the New York State Emergency Medical Services for Children Advisory Committee, as provided for in Article 30-C of the Public Health Law (PHL).

### **II. PURPOSE**

The purpose of the New York State Emergency Medical Services for Children Advisory Committee (EMSCAC) is: (1) to advise the Commissioner of Health, the Department of Health, the State Emergency Medical Services Council, the State Emergency Medical Advisory Committee, and the State Trauma Advisory Committee regarding all aspects of emergency medical services for children in New York State. This includes, but is not limited to, pediatric emergency medical, trauma, and disaster care; and the care of maltreated children and children with special health care needs; and, (2) to promulgate guidelines related to any of these areas, which do not have the force and effect of law unless adopted as rules by the State Hospital Review and Planning Council subject to approval by the Commissioner of Health.

### **III. MEMBERS**

As required by Article 30-C of the PHL, NYS EMSCAC shall consist of child health professionals and child health advocates who are regularly involved in the care of children with emergency health care needs, and are representative of all geographic areas of the state. Appropriate statewide or national professional or parental organizations may make a nomination for consideration for membership to the Executive Secretary of EMSCAC, for the Commissioner of Health to consider for appointment. Membership is to include, but is not limited to the following: pediatric emergency medicine physician, pediatric emergency nurse, pediatric critical care physician, pediatric critical care nurse, pediatric surgeon, pediatric physiatrist, pediatric primary care physician, emergency medicine physician, pediatric emergency medical services physician, pediatric toxicologist physician, prehospital care provider, school nurse, hospital administrator, parent of a previously ill or injured child, parent of a child with special health care needs. In addition to the aforementioned seats, the EMSCAC recommends a seat for a pediatric behavioral specialist be included as a voting member. The Director of the NYS Department of Health (DOH) Bureau of Emergency Medical Services, the Medical Director of the Bureau of Emergency Medical Services, the Program Director of the State Emergency Medical Services for Children Program, the Program Coordinator/Executive Secretary of the State Emergency Medical Services for Children program, the Medical Director of the State Trauma Program, the Program Manager of the State Trauma Program, the Administrator of the Governor's Highway Traffic Safety Committee, and the Data Manager of the State Emergency Medical

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Services for Children Program shall serve as *ex officio* nonvoting members. The Commissioner of Health shall designate an officer or employee of the Department of Health to assist the NYS EMSCAC in the performance of its duties, and to coordinate the activities of the State Emergency Medical Services for Children Program and to facilitate communication with the State Emergency Medical Services Council, State Medical Advisory Committee and with the State Trauma Advisory Committee. Such a designated DOH officer or employee shall not be a member of EMSCAC and shall not have the right to vote.

EMSCAC members shall serve for terms of four years with the terms for appointed members commencing on the date specified in the appointment letter from the Commissioner of Health. The term of a member may be renewed. EMSCAC recommends that the terms of members be staggered such that the terms of approximately half the members expire biannually.

Approximately six months prior to the expiration of a member's term, the Executive Secretary shall ascertain if the member is interested in reappointment. If so, the Executive Secretary shall ascertain if the entity that nominated the member, if such an entity exists, is interested in supporting the member's reappointment. If the member declines reappointment, or if the nominating entity does not support reappointment, then a search shall immediately begin for a replacement. Any entity that nominated a member may, at any time and in writing to the Executive Secretary, recommend the replacement of such member.

Any vacancy in the membership shall be filled by appointment by the Commissioner of Health for the unexpired balance of the term upon recommendation by the appropriate entity. Each committee member may designate a proxy, who has the right to participate freely in all debate in the absence of the principal, but may not vote.

Excessive absenteeism from EMSCAC meetings by any Member shall be indicative of voluntary resignation from the EMSCAC. Excessive absenteeism shall be defined as absence, without excusal by the Chair, from more than half of the regularly scheduled EMSCAC meetings in any given twelve-month period. The Executive Secretary, in conjunction with the Chair, shall be responsible for monitoring attendance. The Executive Secretary shall deliver notification of excessive absenteeism to the member, to any entity that nominated the member (if such exists), and to the Commissioner, as appropriate. The member shall be requested to respond, to the Executive Secretary, with a letter of intent or resignation within thirty days of receipt of such notification. If a response is not received within such time frame, the Chair, at his or her discretion, may request the Commissioner remove the member from the EMSCAC.

The EMSCAC may designate members as liaisons to the other councils, committees and organizations, as necessary and appropriate. With approval of the EMSCAC, the Chair may incorporate into the business of the EMSCAC the liaison of any other council, committee or organization, as necessary and appropriate.

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Members of the EMSCAC shall receive no compensation for their services as members, but each shall be allowed the actual and necessary expenses incurred in the performance of his or her duties as a member of the EMSCAC.

### IV. OFFICERS

Officers of the NYS EMSCAC include a Chair, a Vice Chair, and the Immediate Past Chair. The EMSCAC, by a simple majority vote, shall make a recommendation to the Commissioner of Health for appointment of Chair and Vice-Chair from among the membership of the committee. The Commissioner of Health shall appoint a physician as the Chair, and likewise a physician as the Vice Chair.

The Chair is responsible for appointments to subcommittees and associated committees, preparation of agendas, conduct of meetings, and the representation of the EMSCAC to other parties in person or in writing as appropriate. The Vice Chair shall assume the duties of the Chair in the absence of the Chair. The Immediate Past Chair shall serve as an advisor to the Chair provided the Immediate Past Chair remains a member of the EMSCAC.

The Chair, Vice Chair, and Immediate Past Chair each shall serve a four year term concurrent with their memberships. If an officer is unable to complete the four year term, the EMSCAC may, with a simple majority vote, submit a nomination for a replacement to the Commissioner for his/her consideration.

### V. SUBCOMMITTEES

#### a. Executive

There shall be a standing Executive Subcommittee which has general charge of the affairs of the NYS EMSCAC between meetings and serves as the liaison between the Committee and the Department of Health. The Executive Subcommittee shall consist of the officers of EMSCAC with the Chairs of any standing subcommittees. The Chair of EMSCAC shall chair the Executive Committee.

#### b. Nomination

There shall be a standing Nominating Committee. The EMSCAC Chair shall appoint members to the Nominating Committee including its committee's Chair. The Nominating Committee shall nominate candidates for Chair and Vice-Chair from among the EMSCAC membership and verify that the candidates are willing to serve. Additional nominations for Chair and Vice-Chair may be accepted from the general membership provided those nominees are willing to serve. The Nominating Committee shall present candidates nominated for Chair and Vice-Chair to the EMSCAC for action at a regular meeting of the EMSCAC.

#### c. Education

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There shall be a standing Education Committee. The EMSCAC Chair shall appoint the members of the Education Committee including the committee's Chair. The committee is charged with increasing awareness of the public, health care professionals and elected officials about emergency health care of critically ill and injured children and its impact on the public health and economy of New York State.

### d. Ad Hoc

The Chair may create other standing or *ad hoc* subcommittees subject to the approval of a simple majority of EMSCAC.

## VI. MEETINGS

Meetings of the NYS EMSCAC shall occur as frequently as business requires, but not less than four times each year, according to a published calendar and with public notice. Subcommittee meetings shall occur as frequently as their business requires. Official decisions of EMSCAC or its subcommittees shall be made by a simple majority of the duly appointed members present, provided there is a quorum. A quorum is defined as the presence of a simple majority of all appointed members of the EMSCAC either physically or present through the use of videoconferencing.

Official business of the committee is conducted in accordance with the latest edition of *Robert's Rules of Order*.

## VI. REPORTING

The NYS EMSCAC shall report to the Commissioner of Health annually or more frequently as the Commissioner shall request.

The EMSCAC shall designate a member to serve as a liaison to each of the following entities: State Emergency Medical Advisory Committee (SEMAC)/State Emergency Medical Services Council (SEMSCO), and the State Trauma Advisory Committee (STAC). The EMSCAC may designate members as liaisons to other entities as may from time to time, be deemed necessary and appropriate.

## VII. AMENDMENTS

NYS EMSCAC Bylaws may be amended at any regularly scheduled meeting of the EMSCAC, provided that proposed amendments have aged at least one meeting of the EMSCAC, and that members of the EMSCAC have been notified by regular mail or electronic mail, two weeks in advance of the regularly scheduled meeting at which proposed amendments are to be considered and voted upon. To amend the bylaws, a quorum must be present for the vote and at least a two-thirds majority of all appointed members present at the meeting must approve to amend. In the event that revisions to the Public Health Law or New York State Regulations create a conflict with any provision of the bylaws, the bylaws shall be deemed to be automatically amended to reflect the appropriate changes without action by the EMSCAC.

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### **IX. CODE OF ETHICS**

Members of the NYS EMSCAC must comply with Section 74 (Code of Ethics) of the Public Officers Law. No member of the Committee should have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties as a Committee member. Members should exercise their duties and responsibilities as Committee members in the public interest of the inhabitants of New York State, regardless of their affiliation with, or relationship to, any institution, organization, facility, agency, program, activity, category of provider, or interest group. The principles that should guide the conduct of Committee members include, but are not limited to, the following:

- a) A Committee member should endeavor to pursue a course of conduct that shall not raise suspicion among the public of possible engagement in acts that are in violation of his or her trust as a Committee member.
- b) No Committee member should permit employment to impair independence of judgment in the exercise of duties as a Committee member.
- c) No Committee member should disclose confidential information acquired in the course of duties as a Committee member, or by reason of the position as a Committee member, nor use such information to further personal interests.
- d) No Committee member should use, or attempt to use, the position as a Committee member to secure unwarranted privileges or exemptions for self or others.
- e) No Committee member should engage in any transaction as a representative or agent of the State with any business entity in which the member has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of duties as a Committee member.
- f) A Committee member should not make personal investments in enterprises which may be directly involved in decisions to be made as a Committee member or which shall otherwise create substantial conflict between duty as a Committee member to act in the public interest and private interest.

### **X. CONFLICT OF INTEREST**

Any member of the NYS EMSCAC who has an actual or apparent conflict of interest in any matter before the Committee shall declare the nature and extent of the interest prior to discussion of the matter, and such member will not be entitled to vote on that matter. Members must comply with applicable sections of Sections 73a, 74 and 75 of the Public Officers Law as amended. These sections of the Public Officers Law are available on the Department's web site at [www.nyhealth.gov](http://www.nyhealth.gov).

### **XI. CONSTRUCTION**

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If any part of these Bylaws is found to be in conflict with statute by a court of competent jurisdiction, the statute shall prevail.

### **XII. SEVERABILITY**

If any part of these Bylaws is found by a court of competent jurisdiction to be invalid, the remainder shall stand.