

## **1300.69 Public Policy Participation by Subscribers**

Unless a plan complies with the requirements of the Health Maintenance Organization Act of 1973 in affording subscribers and enrollees procedures to participate in establishing the public policy of the plan, as defined in Section 1369 of the Act, it shall comply with each of the following requirements:

### **(a)**

If the plan is a corporation, either: (1) At least one-third of its governing board shall be subscribers and/or enrollees, or (2) There shall be established a standing committee which shall be responsible for participating in establishing public policy of the plan as defined in Section 1369 of the Act, and whose recommendations and reports are regularly and timely reported to the governing board. The governing board shall act upon such recommendations and such action shall be recorded in the board's minutes. The membership of the standing committee shall comply with each of the following: (A) At least 51% of the members shall be subscribers and/or enrollees, (B) At least one member shall be a member of the governing board of the plan, and (C) At least one member shall be a provider.

### **(1)**

At least one-third of its governing board shall be subscribers and/or enrollees, or

### **(2)**

There shall be established a standing committee which shall be responsible for participating in establishing public policy of the plan as defined in Section 1369 of the

Act, and whose recommendations and reports are regularly and timely reported to the governing board. The governing board shall act upon such recommendations and such action shall be recorded in the board's minutes. The membership of the standing committee shall comply with each of the following: (A) At least 51% of the members shall be subscribers and/or enrollees, (B) At least one member shall be a member of the governing board of the plan, and (C) At least one member shall be a provider.

**(A)**

At least 51% of the members shall be subscribers and/or enrollees,

**(B)**

At least one member shall be a member of the governing board of the plan, and

**(C)**

At least one member shall be a provider.

**(b)**

If the plan is a partnership, trust or unincorporated association, there shall be established a standing committee of the governing body or executive committee of the plan, which committee shall be responsible for participation in establishing public policy of the plan as defined in Section 1369 of the Act and whose recommendations and reports are regularly and timely reported to the governing body or executive committee of the plan. The governing body or executive committee of the plan shall act upon such recommendations and such action shall be recorded in its minutes. The membership of the standing committee shall comply with each of the following: (1) At least 51% of the members shall be subscribers and/or enrollees, (2) At least one member shall also be a member of the governing body or executive committee of the plan, and (3) At least one member shall be a provider.

**(1)**

At least 51% of the members shall be subscribers and/or enrollees,

**(2)**

At least one member shall also be a member of the governing body or executive committee of the plan, and

**(3)**

At least one member shall be a provider.

**(c)**

If the plan is a sole proprietorship, it shall establish a standing committee which shall be responsible for participation in establishing public policy of the plan as defined in Section 1369 of the Act and whose recommendations are reported regularly and timely to the sole proprietor. The sole proprietor shall act upon such recommendations and such action shall be recorded. The membership of the standing committee shall comply with each of the following: (1) At least 51% of the members shall be subscribers and/or enrollees, (2) The sole proprietor shall be a member, and (3) At least one provider shall be a member.

**(1)**

At least 51% of the members shall be subscribers and/or enrollees,

**(2)**

The sole proprietor shall be a member, and

**(3)**

At least one provider shall be a member.

**(d)**

Those individuals who fulfill the requirements stated in this section for subscriber and/or enrollee membership upon the governing body or standing committee shall be persons who are not employees of the plan, providers of health care services, subcontractors to the plan or group contract brokers, or persons financially

interested in the plan.

**(e)**

Advisory committees do not meet the requirements of subsections (a), (b) or (c).

**(f)**

Enrollees and subscribers participating in establishing public policy shall have access to information available from the plan regarding public policy, including financial information and information about the specific nature and volume of complaints received by the plan and their disposition.

**(g)**

In connection with the selection of enrollee and subscriber members of any governing board or standing committee, the plan shall generally consider the makeup of its enrollee and subscriber population, including but not limited to factors such as ethnic extraction, demography, occupation and geography as well as identifiable and individual group participation. Any such selection or election of enrollee or subscriber members shall be conducted on a fair and reasonable basis. This subsection does not require the plan to maintain supporting statistical data.

**(h)**

The public policy participation procedure shall be incorporated into the bylaws or other governing documents of the plan. The terms of subscriber and enrollee members of the public policy making body shall be of reasonable length and overlap so as to provide continuity and experience in representation. A standing committee shall meet at least quarterly.

**(i)**

The plan shall (1) in each evidence of coverage or combined evidence of coverage and disclosure form, or at least annually by other means, furnish to its subscribers and enrollees a description of its system for their participation in establishing

public policy, and (2) communicate material changes affecting public policy to subscribers and enrollees.