

BYLAWS
OF THE
CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION
OF THE STATE OF NEW JERSEY

Adopted November 21, 1989

Last Reviewed and Amended June 10, 2020

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BYLAWS
OF THE
CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION

ARTICLE I

Name

Section 1. The name of this organization shall be the Catastrophic Illness in Children Relief Fund Commission, established by N.J.S.A. 26:2-148 et. seq.

Section 2. For the purposes of these Bylaws, "Commission" shall be deemed synonymous with "Catastrophic Illness in Children Relief Fund Commission".

Section 3. For the purposes of these Bylaws, "Fund" shall be deemed synonymous with "Catastrophic Illness in Children Relief Fund".

ARTICLE II

Purpose

In accordance with N.J.S.A. 26:148 et. seq., An Act establishing the Catastrophic Illness in Children Relief Fund and the Catastrophic Illness in Children Relief Fund Commission, there shall be established within the Executive Branch of State government, while allocated within the Department of Human Services, but not withstanding that allocation, the Commission shall be independent of any supervision or control by the Department, or any board or officer thereof. This further clarifies the independent status of the Commission. The Commission has, but is not limited to, the following powers and is responsible to:

1. Administer the Fund.
2. Authorize the payment or reimbursement of the medical expenses of children with catastrophic illness.
3. Establish procedures for:
 - A. Application to the program
 - B. Determining the eligibility for the payment or reimbursement of the medical expenses for each child.
 - C. Processing fund awards and appeals.
 - D. Recovery of funds disbursed on behalf of a child in the case of a subsequent claim settlement or legal action.
4. Establish the amount of expenses which are eligible for financial payment or reimbursement and adjusts the financial eligibility criteria of the Act based on the monies available in the Fund using a sliding scale.
5. Disseminate information on the Fund and the program to the public, with an emphasis on counties not well-represented among applicants to the Fund.
6. Maintain confidential records on each child and family who applies for assistance under the Fund, following the best practices for secure and confidential communication and maintenance of data related to applications, including financial information and protected health information.
7. Report annually, within 6 months following the close of the fiscal year, to the Governor and the Legislature, inclusive of the Senate and General Assembly committees with responsibility for issues affecting children, health, and human services.
8. Make recommendations for changes in the law.

ARTICLE II (CONT'D)

9. Appoint, retain or employ staff, experts or consultants on a contract basis or otherwise, who are deemed necessary, and employ investigators or other professionally qualified personnel who may be in the noncompetitive division of the career service of the Civil Service; as may be within the limits of funds made available to it for its purposes.

ARTICLE III

Membership

Section 1. Membership

The membership of the Commission shall be limited to twelve (12) members. The Commission shall consist of the Commissioner of the State Department of Health, the Commissioner of the Department of Human Services, the Commissioner of the Department of Banking and Insurance, the Commissioner of the Department of Children and Families and the State Treasurer who shall be members ex-officio, with full voting rights and representation for purposes of establishing a quorum. The remaining seven (7) members of the Commission—public members who are residents of the state—shall be appointed by the Governor, at least two of whom shall be providers of health care services to children in the state.

Section 2. Designees

Each ex-officio member of the Commission may designate an officer or employee of his/her department and an alternate designee to represent him/her at meetings of the Commission and each designee may lawfully vote and otherwise act on behalf of the member for whom he/she constitutes the designee. Any designation shall be in writing delivered to the Commission and filed with the office of the Secretary of State and shall continue in effect until revoked or amended in the same manner as provided for designation.

Section 3. Term of Office

The term of office of each public member with the Commission shall be five years. Each member shall hold office for the term of appointment and until a successor has been appointed by the Governor with advice and consent of the Senate. A member of the Commission is eligible for reappointment. Each member of the Commission may be removed from office by the Governor, for cause after a public hearing and may be suspended by the Governor pending the completion of the hearing. Any vacancies in the membership of the Commission occurring other than by the expiration of a term shall be filled in the same manner as the original appointment, but for the unexpired term only.

Section 4. Compensation of Members

The members of the Commission shall serve without compensation, but the Commission shall reimburse its members for the reasonable expenses incurred in the performance of their duties based upon the monies available in the Fund.

Section 5. Resignation of Members

Any Commission member appointed from the public desiring to resign from the Commission shall submit his/her resignation in writing to the Governor. Any Commission member or designee as appropriate absent from three regularly scheduled Commission meetings within a calendar year without adequate reason shall be requested to submit his/her resignation unless that member or designee as appropriate gives acceptable justification in writing to the Chairperson of the Commission.

ARTICLE IV

Meetings

Section 1. The Commission shall conduct all of its business meetings in public in compliance with the "Open Public Meetings Act" of New Jersey, Chapter 231, P.L. 1975. All meetings open to the public shall be held where practicable in places conforming to Section 504 of the Rehabilitation Act of 1973. Meetings shall be held at least once in each calendar quarter of a year.

Section 2. Before meeting in closed session, the Commission shall adopt a resolution at an open meeting stating the nature of the matter to be considered in closed session and when the discussion occurring in the closed session can be revealed to the public. Application reviews and determinations of eligibility for reimbursement or payment of a child's medical expenses shall be held in closed session to protect the confidentiality of the applicants. These sessions shall be held at least once in each six-month period of the calendar year.

Section 3. The Chairperson or a majority of Commission membership may convene the Commission for a special meeting which meeting shall be subject to the requirements of the Open Public Meetings Act. Five days' notice in writing shall be given where practicable to each Commission member of each special meeting. The Chairperson shall give, with the notice of such special meeting, the reason and purpose, matters to be discussed and the time and place of such meeting. Commission business at special meetings shall not exceed matters given in the notice.

Section 4. The annual meeting of the Commission shall be the regular meeting in June of each year. The election of officers for the next state fiscal year shall occur at this meeting.

Section 5. No person, except Commission members or designees as appropriate and staff of the State Office shall participate in the discussions of the Commission unless this provision is waived for a specific reason by majority vote of the Commission.

ARTICLE V

Quorum and Voting

Section 1. Six members of the Commission shall constitute a quorum at any meeting requiring full membership of the Commission.

Section 2. Action may be taken and motions and resolutions adopted by the Commission at any meeting by the affirmative vote of a majority of those present.

Section 3. A vacancy in the membership shall not impair the right of a quorum to exercise all the powers and perform all the duties of the Commission.

Section 4. Each Commission member is entitled to one vote. No member of the Commission appointed from the public may assign or in any way delegate his/her vote to another person. Each ex-officio member, however, may designate another person to act in his/her place.

Section 5. All voting shall be held at the duly convened meetings of the Commission. Any one or more members of the Commission or any committee thereof may participate in a meeting of the Commission or such committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

ARTICLE VI

Committees

Section 1. The members of each committee shall be appointed annually. The Standing Committees of the Commission shall consist of:

- A. Service Eligibility and Medical Advisory Committee
- B. Personnel and Finance Committee
- C. Family Advisory Committee
- D. Bylaws Committee
- E. Legislative Committee
- F. Nominations Committee

Section 2. Service Eligibility and Medical Advisory Committee

- A. There shall be a Service Eligibility and Medical Advisory Committee composed of a minimum of three Commission members appointed by the Chairperson. The Committee shall meet at the discretion of the Chair Person.
- B. It shall be the duty of the Committee to review the program's eligible health services and recommend changes deemed necessary to the Commission prior to the annual meeting.
- C. It shall be the duty of the Committee to review services deemed ineligible which may be appealed to the Commission.
- D. It shall be the duty of the Committee to seek the advice of additional medical or other expertise as is deemed necessary to evaluate the eligibility of health care services for applications in need of special review, including but not limited to the advice of providers of medical services in the treatment of mental illness and substance use disorder.
- E. It shall be the duty of the Committee to review the program policies for special case consideration and make recommendations as deemed necessary prior to the annual meeting of the Commission.
- F. It shall be the duty of the Committee to review the program policies for consideration of the reasonableness of charges by providers and to recommend changes deemed necessary to the Commission prior to the annual meeting. The Committee should consult with the Personnel and Finance Committee on the financial impact of any changes.
- G. It shall be the duty of the Committee to review the program policies for utilization of a cap and utilization of a sliding scale for applications and in consultation with the Personnel and Finance Committee to recommend changes to the Commission prior to the annual meeting.

Section 3. Personnel and Finance Committee

- A. There shall be a Personnel and Finance Committee composed of a minimum of three Commission members appointed by the Chairperson.

ARTICLE VI (CONT'D)

- B. It shall be the duty of the Committee to review the annual budget for the Fund and to recommend acceptance or modification to the Commission prior to the beginning of the fiscal year.
- C. It shall be the responsibility of the Committee to review the staffing annually of the State Office of the Commission.
- D. It shall be the duty of the Committee to review the program policies for consideration of the reasonableness of charges by providers and to recommend changes deemed necessary to the Commission prior to the annual meeting. The Committee should consult with the Service Eligibility and Medical Advisory Committee on the financial impact of any changes.
- E. It shall be the duty of the Committee to review the program policies for utilization of a cap and utilization of a sliding scale for applications and in consultation with the Service Eligibility and Medical Advisory Committees to recommend changes to the Commission prior to the annual meeting.

Section 4. Family Advisory Committee

- A. There shall be a Family Advisory Committee composed of a minimum of three Commission members in addition to volunteer recipient parents. The Chairperson of the Family Committee shall be selected by the Chairperson of the Commission. The Chairperson shall be a member of the Commission.
- B. It shall be the duty of the Committee to advise the Commission on the interests of families relative to the process for application to the Fund and to assist in its mandate to disseminate information to potential applicants.
- C. The Committee shall meet at the discretion of the Chairperson of the Commission but not less than once in a calendar year.
- D. The Committee shall make recommendations as deemed necessary to the Commission prior to the annual meeting.

Section 5. Bylaws Committee

- A. There shall be a Bylaws Committee of the Commission composed of a minimum of three members of the Commission appointed by the Chairperson.
- B. The Committee shall meet at least once annually to review the existing Bylaws of the Commission and when deemed necessary, propose revisions to the Commission.
- C. The Bylaws may be amended at any regularly scheduled meeting of the Commission, provided that the proposed amendment was submitted in writing at the previous meeting of the Commission or at the meeting of a Commission Committee. Additional notice to amend the proposed amendment is not required, when the last amendment is germane to the original proposal.
- D. The Committee shall annually review with the membership the Conflict of Interest statement in Article VIII and the Code of Ethics and Conduct in Addendum A.

ARTICLE VI (CONT'D)

Section 6. Legislative Committee

- A. There shall be a Legislative Committee of the Commission composed of a minimum of three members of the Commission appointed by the Chairperson.
- B. The Committee shall meet at least once annually to review the existing program regulations and enacting statute and when deemed necessary, propose revisions to the Commission.
- C. The Committee shall evaluate and respond on proposed or pending legislation and make recommendations to the Commission.

Section 7. Nominations Committee

- A. There shall be a nominations Committee of the Commission composed of one member ex-officio or designee and two public members.
- B. The Committee shall meet at least once annually and propose candidates for the office of chairperson and vice-chairperson of the Commission. The Committee shall oversee the elections at the June annual meeting.
- C. The Committee shall meet in preparation for a special election when an officer is unable to fulfill a term prior to the annual election. The Commission shall propose candidate(s) for the vacant office at the next scheduled Commission meeting. The Committee shall oversee the special election at that meeting.

Section 8. Other committees

Such other committees shall be appointed by the Chairperson as the Commission shall deem necessary to carry on the work of the Commission.

ARTICLE VII

Commission Officers

Section 1. Officers

The officers of the Commission shall be a Chairperson, Vice-Chairperson and Secretary/Treasurer.

Section 2. Nominations and Elections

- A. The Nominations Committee shall nominate candidates from among the members for chairperson and vice-chairperson. The names shall be presented at the regular meeting scheduled prior to the annual meeting. Nominations may also come from the floor. The election of officers will occur at the annual June meeting.
- B. The chairperson and vice-chairperson shall be elected by written ballot. Staff shall serve as tellers.
- C. If the elected officers are unable to fulfill their terms, a special election shall be held.
- D. The Nominations Committee shall nominate candidate(s) for a special election when an officer is unable to fulfill a term. Candidates shall be nominated at the next scheduled Commission meeting and additional candidates may come from the floor at that time, prior to the vote at that meeting.

Section 3. Term of Office

- A. Term of office shall be for one year or until a successor has been elected. The chairperson and vice-chairperson shall not be limited to the number of terms served.
- B. Term of office shall begin at the close of the annual meeting at which the chairperson and vice-chairperson are elected.
- C. In the case of a special election, the term of office shall begin at the close of the meeting at which the election was held and continue until the next annual election.

Section 4. Duties of the Chairperson

The Chairperson shall be a public member elected by the Commission membership and shall:

- A. Preside at all Commission meetings.
- B. Serve as spokesperson for the Commission for print and broadcast media.
- C. Represent the Commission at public and professional functions.
- D. Authorize the Treasurer of the Commission/Executive Director to effect distribution of funds approved by the Commission as payments for recipients.
- E. Authorize other documents relative to the operation of the State Office of the Commission as required by the State of New Jersey.
- G. Appoint all committee chairpersons and members.

ARTICLE VII (CONT'D)

Section 5. Duties of the Vice-Chairperson

The Vice-Chairperson shall be a member of the Commission elected by the Commission membership and shall:

- A. Preside at all meetings and functions in the absence of the Chairperson.
- B. Perform other duties of the Chairperson as required in the absence of the Chairperson.

Section 6. Duties of the Members in the absence of the Chairperson and Vice-chairperson

In the absence of a presiding officer, it shall be the duty of the members present at a meeting to nominate and approve by simple majority vote one of its members as chairperson for the purpose of conducting the meeting.

Section 7. Duties of Secretary/Treasurer

The Executive Director shall serve as the Secretary/Treasurer in an administrative capacity. The Executive Director shall be selected by the Commission and shall serve at the pleasure of the Commission and whose duties as Secretary/Treasurer with respect to the operation of the Commission are the following:

- A. Maintain statements of the Fund balance and report on revenue and disbursements for the Fund to the Commission.
- B. Maintain custody of Commission records, maintain minutes of Commission proceedings, and provide for the due communication of all notices provided for by these Bylaws, resolution of the Commission or otherwise by law.

ARTICLE VIII

Conflict of Interest

Section 1. All members of the Commission are subject to the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.), the regulations of the Executive Commission on Ethical Standards (N.J.A.C. 19:61-1, et seq.) and the Code of Ethics adopted by the Catastrophic Illness in Children Relief Fund Commission.

Section 2. The Commission shall adopt and maintain a Code of Ethics and Conduct. See ADDENDUM A.

Section 3. Whenever a Commission member has cause to believe that a matter to be voted upon would involve him/her in a conflict of interest, said Commission member shall announce the conflict of interest prior to discussions and shall abstain from speaking or voting on such matter.

Section 4. Any individual may raise the question of conflict of interest or possible conflict of interest with respect to Commission members present and the question so raised shall be decided by a majority vote of the members present, excluding the Commission member in question and excluding any other Commission member present who has already been disqualified from voting on the issue because of his/her own conflict of interest.

Section 5. Whenever a conflict of interest is found to exist with respect to any Commission member, such member shall physically remove himself/herself from the Commission table prior to the discussion and voting on such matter.

Section 6. Willful disregard of the provisions of the Article or the Code of Ethics and Conduct may be cause for removal from the Commission.

ARTICLE IX

Parliamentary Authority

Conduct of meetings shall be in accordance with the most recent revision of Robert's Rules of Order.

ADDENDUM A

Code of Ethics and Conduct

1. No Commission member or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

2. No Commission member or employee should attempt to use his/her official position to secure unwarranted privileges or advantages for him/herself or others.

3. No Commission member or employee should act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgement.

4. No Commission member or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his/her objectivity and independence of judgement in the exercise of his/her official duties.

5. No Commission member or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred: that such gift, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of official duties.

6. No Commission member or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of the acts that he/she may be engaged in conduct violative of his/her trust as state officer or employee or a special State officer or employee.

7. No Commission member or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulations by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission on Ethical Standards.

8. Employees of the Commission shall annually disclose outside employment and/or business interests. If an employee believes that an outside employment or business interest is not related to the employee's position of employment, the employee shall consult with the Executive Director to obtain an exemption from annual reporting where this is deemed appropriate. All disclosures shall be forwarded to the Commission on Ethical Standards for review.

ADDENDUM A (CONT'D)

9. These rules of conduct adopted pursuant to these principles should recognize that under our democratic form of government public officials and employees should be drawn from all of our society, that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

ADDENDUM B

Duties of Executive Director

Section 1. The Executive Director shall be selected by the Commission.

Section 2. The Executive Director shall serve at the pleasure of the Commission and shall serve as the Secretary/Treasurer of the Commission in an administrative capacity and whose duties as Executive Director are the following:

- A. Carry out the policies of the Commission under the direction of the Chairperson and support the work of the Commission through scheduling of meetings, planning agendas, development of informational and reference materials for discussion, preparation of Bylaws for regulation of Commission affairs, and maintaining communication with Commission members to facilitate Commission agendas.
- B. Have direct responsibility for the selection, employment, discharge, and general supervision of Commission staff.
- C. Establish communication with relevant State and private programs, agencies and organizations as necessary to effectively develop and administer the Catastrophic Illness in Children Relief Fund on a day-to-day basis on behalf of the Commission.
- D. Develop a program to implement the Catastrophic Illness in Children Relief Fund within the intent of the Legislation and in response to the design of the Commission.
- E. Develop an organizational plan for program administration including personnel needs, spending plan and budget for operational accounts.
- F. Prepare the Annual Report to the Legislature for Commission approval.
- G. Establish a cooperative relationship with Special Child Health Services Program.
- H. Advise the Chairperson in a timely manner of evolving problems.
- I. Plan the development of materials for public information and promote the Catastrophic Illness in Children Relief Fund Program.
- J. Represent the Catastrophic Illness in Children Relief Fund Commission at public and professional functions.
- K. Provide direction in the development and utilization of data files appropriate to support the work of the Commission.
- L. Serve as ex-officio member without vote of all committees of the Commission.

ADDENDUM C

Record of Bylaws History

November 21, 1989: Adopted

December 8, 1993: Amended

December 6, 1994: Amended

June 27, 1995: Amended

May 22, 1996: Amended

May 21, 1997: Reviewed

May 19, 1998: Amended

May 18, 1999: Amended

March 7, 2000: Amended

May 16, 2000: Amended

May 15, 2001: Reviewed

May 20, 2002: Amended

December 9, 2002: Amended

May 19, 2004: Reviewed

May 19, 2005: Amended

April 12, 2006: Reviewed

May 16, 2007: Reviewed and Amended

May 7, 2008: Reviewed and Amended

May 13, 2009: Reviewed

May 26, 2010: Reviewed

ADDENDUM C (CONT'D)

April 27, 2011: Reviewed

May 9, 2012: Reviewed

June 20, 2013: Reviewed

April 23, 2014: Reviewed

June 10, 2015: Reviewed

June 15, 2016: Reviewed

August 9, 2017: Reviewed

April 11, 2018: Reviewed and Amended

June 12, 2019: Reviewed

August 14, 2019: Amended

June 10, 2020: Reviewed and Amended