

Delaware Department of Health Infant Hearing Screening Advisory Board

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ARTICLE I-NAME

This body shall be known as the Delaware Early Hearing Detection and Intervention (EHDI) Advisory Board to the Secretary of Health and Social Services for the State of Delaware.

ARTICLE II-PURPOSE

The purpose of this Board is to “advise the Secretary on issues relating to the newborn hearing evaluation, intervention, treatment, and follow-up care for infants and children with hearing loss.”

(1) The Department shall provide administrative support services required for the Board.

(2) The Board shall act by majority vote and as required by this State's Administrative Procedures Act [Chapter 101 of Title 29].

ARTICLE III-MEMBERSHIP

Section 1 Appointment

According to Delaware Code, chapter 16 808 A, “There shall be established an Early Hearing Detection and Intervention Advisory Board ("Board") that will advise the Secretary on issues relating to the newborn hearing evaluation, intervention, treatment, and follow-up care for infants and children with hearing loss. Members shall be appointed by the Governor and serve 3-year terms that are renewable. The Board shall have 12 members.” In the event of vacancies, the Board may evaluate and recommend potential candidates to the Governor for consideration. The Governor shall make the final determination on all appointments and shall appoint members to the Board.

Section 2 Term

All members shall serve for a term of three (3) years and may be re-appointed. Members whose terms are expiring may be asked by the Chairperson to serve until a replacement is appointed by the Governor.

Section 3 Composition of Board Membership

The Board shall be composed of twelve (12) members who shall represent the following groups and expertise:

Audiologist;

Speech-language pathologist;

Pediatrician/neonatologist;

Otolaryngologist;

Neonatal nurse;

The Secretary of the Department of Health and Social Services or designee;

An adult who is deaf or hard of hearing;

Parent of a child with a hearing loss;

Teacher of children with hearing loss;

A representative from the designated agency responsible for the Individuals with Disabilities Education Act (IDEA) Part C [20 U.S.C. § 1431 et seq.].

A representative from the Department of Education Early Childhood Workgroup; and

A representative from the Statewide Programs for Deaf and Hard of Hearing.

Section 4 Removal

Board members who fail to meet attendance requirements, fail to disclose conflicts of interest, fail otherwise to comply with the Department's Code of Conduct, or fail to perform their duties in accordance with these bylaws may have their names forwarded to the Governor by the Department or by a majority vote of the Board with a recommendation that they be removed from the Board. Accompanying this recommendation will be suggested nominations to fill the individual's unexpired term.

Section 5 Compensation

No Board member shall receive any compensation for performance of duties specified in or arising out of Board membership duties. Members may receive reimbursement of necessary travel expenses in accordance with Delaware travel policies.

Section 6 Authority

The Early Hearing Detection and Intervention (EHDI) Advisory Board is organized as an advisory board to the State of Delaware Secretary of Health and Social Services, appointed by the Governor under Delaware Code, chapter 16 808. Board members do not have the authority to represent the State or the Department in any official capacity.

Section 7 Voting

All Board members shall have voting rights. Voting shall only be held where a quorum is present. An affirmative vote of a majority of the Board membership constituting the quorum shall be required to pass or approve a measure. Tied vote(s) shall be decided by the Chairperson of the Board.

ARTICLE IV-DUTIES OF BOARD

Section 1 Attendance

The Board will meet a minimum of 5 times a year, with regularly scheduled meetings every other month. It is anticipated that Board members will attend a minimum of three Board meetings each year. Board members shall respond to the meeting notice about their planned attendance or absence. Board members with an outstanding engagement can notify the Chairperson in advance to request an excused absence. The names of Board members missing more than three meetings a year may be forwarded to the Secretary by the Board Chair, Vice Chair, or the Department with a recommendation that they be removed from the Board. Accompanying this recommendation will be suggested nominations to fill the individual's unexpired term.

Section 2 Participation

Board members shall be prepared for meetings. Board members shall participate in voting on measures as requested by the Department.

Section 3 Code of Conduct

Board members shall be responsible to follow the Code of Conduct appended to these by-laws. Board members shall notify the Department's legal counsel of any conflict with the Code of Conduct as soon as practicably possible and shall notify the Department's legal counsel of the member's recusal from any Board activity, prior to the activity whenever practicably possible.

ARTICLE V-OFFICERS

Section 1 Officers of Board

The Board shall have two officers: Chairperson and Vice Chairperson.

Section 2 Nomination and Election of Officers

At the Board meeting prior to the final meeting of the calendar year, the Board Chairperson shall call for nominations to fill the expiring officer position(s) on the Board, if any. Nominated Board members do not need to be present at the time of nomination. The Chairperson or their designee shall confirm the nominations by contacting each nominee to obtain their acceptance of the nomination and their intent to serve if elected.

At the final Board meeting of the applicable calendar year, the Board shall conduct the election of Chairperson and/or Vice Chairperson from the slate of nominees from the prior meeting. The slate of nominees shall be made known to the Board by mail or e-mail at least two weeks prior to the last Board meeting of the applicable calendar year by the Department's EHDI Program Manager. Ballots may be cast prior to the meeting by mailing or e-mailing the ballot directly to the EHDI Program Manager. The Chairperson or their designee shall conduct the election of officers at the meeting. Officers must be members of the Board and be elected by a majority of the current Board membership.

Section 3 Term of Officers

The officer(s) shall take office after the adjournment of the election and serve for a period of three (3) years, or for the duration of their tenure on the Board, whichever is shorter. The officer(s) may be re-elected. In the event the officer vacates his/her position before the end of his/her term, the Board shall hold a special election to fill the vacant position following the procedures in Article V, Section 2. The new officer shall serve for the remainder of the term of the vacated position, or for the duration of their tenure on the Board, whichever is shorter.

ARTICLE VI-DUTIES OF OFFICERS

Section 1 Chairperson Duties

The duties for the Chairperson shall include:

Working with the Board to set the agenda for all meetings of the Board, Presiding at all meetings of the Board,

Determining if a quorum exists at each meeting where a vote shall be held,

Calling for votes as necessary and as otherwise described in these bylaws, Coordinating the process for nomination of individuals to the Board, and Carrying out other duties as may be assigned by the Board within these bylaws.

Section 2 Vice Chairperson Duties

The duties of the Vice Chairperson shall include:

Assuming the Chairperson's duties during vacancy in the office of the Chairperson,

Performance of the Chairperson's duties when the Chairperson is unable to perform his/her duties and carrying out other duties as may be assigned by the Board within these bylaws.

ARTICLE VII-MEETINGS

Section 1 Frequency

The Board shall meet at least five times annually. The Chairperson, in coordination with the Newborn Hearing Screening Program Coordinator, (NBHSPC), may call additional meetings as necessary to meet the needs of the Board, with the approval of the Department. The NBHSPC shall provide Board members with a written notice as far in advance of the meeting as possible. In general, at least 2 weeks' notice should be given prior to a meeting. The Department shall be responsible for taking meeting minutes at Board meetings.

Section 2 Quorum

A majority of voting Board members must be in attendance in person to constitute a quorum. A quorum shall consist of most of the current Board membership.

Section 3 Meetings Open to the Public

All regular and special meetings of the Board shall be open to the public and meet the requirements of the Delaware open meetings statutes. The Board may meet in executive session to consider matters as permitted by the Delaware Code.

Public participation and comments are welcomed and may be encouraged through time allotted for public comment on the Board meeting agenda. Time allowed for public participation and comment will be determined by the Chairperson in accordance with the Delaware Code.

ARTICLE VIII-SUB-COMMITTEES

Section 1 Sub-Committees Chair

The Board Chairperson shall appoint a Sub-Committee Chair for each sub-committee. The Sub-committee Chair will serve for a term required for the sub-committee to achieve the purpose for which the sub-committee was created, or for the duration of his or her tenure on the Board, whichever is shorter. The duties of the Sub-committee Chair shall be to direct the activities of the sub-committee to achieve the purpose for which the sub-committee was created, to report Sub-committee activities to the Board, and other duties assigned by the Board Chairperson.

Section 2 Sub-committee Membership

The EHDI Board Chairperson, after the creation of sub-committees by the Board, shall call for volunteers for each sub- committee from the Board members and from other

interested parties. Each sub-committee must have at least one Board member. Sub-committee members may be non- Board members. Sub-committee members shall serve for the time required for the sub-committee to achieve the purpose for which it was created, or for the duration of their tenure on the Board if they are Board members, whichever is shorter. Sub-committee members may be removed from their service on a sub-committee by the Chairperson, in their sole discretion.

Section 3 Sub-committee Meetings

The Board Chairperson and/or the Sub-committee Chairperson may call a sub-committee meeting/conference call between Board meetings or at any Board meeting, with the approval of the Department. If the Sub- committee Chairperson is not available, the Sub-committee Chairperson is responsible for appointing another member to conduct the sub-committee meeting.

Section 4 Compensation

No sub-committee member shall receive compensation for performance of duties specified in or arising out of his or her duties as a Board and/or sub-committee member. Sub-committee members shall receive reimbursement of necessary travel expenses in accordance with Commonwealth travel policies.

ARTICLE IX-AMENDMENTS

These bylaws may be amended, at any meeting where a quorum exists, by majority vote of the full (active) Board. Votes may be cast in advance by mail or e-mail. Proposed amendments to the bylaws shall be submitted to the Board Chairperson at least four (4) weeks before the meeting where the proposed amendment is scheduled to be presented. Bylaw changes will be in effect at the meeting immediately following an affirmative vote on the revisions in accordance with this Article.

ARTICLE X-PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised shall prevail in all cases in which they are applicable and are not in conflict with these bylaws, or any other provision of Delaware Law.