§ 2. Health policy commission; governing board; members; duties and powers; annual report: Health Policy Commission

Section 2. (a) There shall be established within the executive office for administration and finance, but not under its control, a state agency known as the health policy commission. The commission shall be an independent public entity not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency or political subdivision of the commonwealth.

(b) There shall be a board, with duties and powers established by this chapter, which shall govern the commission. The board shall consist of 11 members: 1 of whom shall be the secretary for administration and finance, ex officio; 1 of whom shall be the secretary of health and human services, ex-officio; and 3 of whom shall be shall be appointed by the governor, 1 of whom shall serve as chairperson; 3 of whom shall be appointed by the attorney general; and three members shall be appointed by the auditor. All appointments after the initial term of appointment shall serve a term of 5 years, but a person appointed to fill a vacancy shall serve only for the unexpired term. An appointed member of the board shall be eligible for reappointment; however, no appointed member shall hold full or part-time employment in the executive branch of state government. The board shall annually elect 1 of its members to serve as vice-chairperson. Each member of the board shall be a resident of the commonwealth. Each member of the board serving ex officio may appoint a designee under section 6A of chapter 30.

The person appointed by the governor to serve as chairperson shall have demonstrated expertise in health care delivery, health care management at a senior level or health care finance and administration, including payment methodologies. The initial appointment of the chairperson shall be for a term of 3 years; provided, however, that subsequent appointments shall be for a term of 5 years. The second person appointed by the governor, shall have demonstrated expertise in health plan administration and finance and shall be initially appointed for a term of 4 years. The third person appointed by the governor, shall be a primary care physician and shall be initially appointed for a term of 5 years. Of those persons appointed by the attorney general, 1 shall have demonstrated expertise in health care consumer advocacy and shall be initially appointed for a term of 2 years; 1 shall be a health economist and shall be initially appointed for a term of 3 years; and 1 shall have expertise in behavioral health, substance use disorder, mental health services and mental health reimbursement systems and shall be initially appointed for a term of 1 year. Of those persons appointed by the auditor, 1 shall have demonstrated expertise in representing the health care workforce as a leader in a labor organization and shall be initially appointed for a term of 4 years; 1 shall have demonstrated expertise as a purchaser of health insurance representing business management or health benefits administration and shall be initially appointed for a term of 3 years; and 1 shall have demonstrated expertise in the development and utilization of innovative medical technologies and treatments for patient care and shall be initially appointed for a term of 2 years.

(c) Six members of the board shall constitute a quorum, and the affirmative vote of 6 members of the board shall be necessary and sufficient for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and duties of the commission. Members shall serve without pay, but shall be reimbursed for actual expenses necessarily incurred in the performance of
their duties. A member of the board shall not be employed by, a consultant to, a member of the board of
directors of, affiliated with, have a financial stake in or otherwise be a representative of a health care entity
while serving on the board.

(d) Any action of the commission may take effect immediately and need not be published or posted unless
otherwise provided by law. Meetings of the commission shall be subject to sections 18 to 25, inclusive, of
chapter 30A; provided however that said sections shall not apply to any meeting of members of the
commission serving ex officio in the exercise of their duties as officers of the commonwealth if no matters
relating to the official business of the commission are discussed and decided at the meeting. The commission
shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the
commission shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the
commission shall be considered to be public funds for purposes of chapter 12A. Except as otherwise provided
in this section, the operations of the commission shall be subject to chapter 268A and chapter 268B.

The commission shall not be required to obtain the approval of any other officer or employee of any executive
agency in connection with the collection or analysis of any information; nor shall the commission be required,
prior to publication, to obtain the approval of any other officer or employee of any executive agency with
respect to the substance of any reports which the commission has prepared under this chapter.

(e) The board shall appoint an executive director by a majority vote. The executive director shall supervise the
administrative affairs and general management and operations of the commission and also serve as secretary
of the commission, ex officio. The executive director shall receive a salary commensurate with the duties of
the office. The executive director may appoint other officers and employees of the commission necessary to
the functioning of the commission.

The executive director shall not be required to obtain the approval of any other executive agency in
connection with appointment of employees. Sections 9A, 45, 46 and 46C of chapter 30, chapter 31 and
chapter 150E shall not apply to the executive director of the commission. Sections 45, 46 and 46C of chapter
30 shall not apply to any employee of the commission. The executive director may establish personnel
regulations for the officers and employees of the commission.

The executive director shall file an annual personnel report not later than the first Wednesday in February
with the senate and house committees on ways and means containing the job classifications, duties and salary
of each officer and employee within the center together with personnel regulations applicable to said officers
and employees. The executive director shall file amendments to such report with the senate and house
committees on ways and means whenever any changes become effective.

The executive director shall, with the approval of the board:

(i) plan, direct, coordinate and execute administrative functions in conformity with the policies and directives
of the board;

(ii) employ professional and clerical staff as necessary;

(iii) report to the board on all operations under their control and supervision;

(iv) prepare an annual budget and manage the administrative expenses of the commission; and

(v) undertake any other activities necessary to implement the powers and duties under this chapter.
The board may approve the use of funds from the Healthcare Payment Reform Fund to support the annual budget of the commission, in addition to funds from any other source and any funds appropriated therefor by the general court. The commission shall not be required to obtain the approval of any other executive agency in connection with the development and administration of its annual budget.

(f) Chapter 268A shall apply to all board members, except that the commission may purchase from, sell to, borrow from, contract with or otherwise deal with any organization in which any board member is in anyway interested or involved; provided, however, that such interest or involvement shall be disclosed in advance to the board and recorded in the minutes of the proceedings of the board; and provided further, that no member shall be deemed to have violated section 4 of said chapter 268A because of such member's receipt of such member's usual and regular compensation from such member's employer during the time in which the member participates in the activities of the board.

(g) The executive director shall appoint and may remove such agents and subordinate officers as the executive director may consider necessary and may establish such subdivisions within the commission as the executive director considers appropriate to fulfill the purposes under this chapter.

The commission shall adopt and amend rules and regulations, under chapter 30A, for the administration of its duties and powers and to effectuate this chapter.