

**4685.1400 SELECTION OF GOVERNING BODY.**

Subpart 1. **Selection of nonconsumer members.** Nonconsumer members of the governing body shall be selected in accordance with procedures set forth in each health maintenance organization's basic organizational document and/or bylaws.

Subp. 2. **Selection of enrollee directors.** The basic organizational document and/or bylaws shall also provide a reasonable procedure by which the enrollee directors are to be elected. Such procedure must include notification:

A. to those entitled to vote for enrollee directors of the time, place, and method by which such nomination and election is to be conducted at least two weeks prior to the nomination and election;

B. to those entitled to vote for enrollee directors of the names of consumer nominees, a general description of their backgrounds and a description of the method by which a ballot may be cast; and

C. to all enrollees of the results of such election including a general description of the backgrounds of the enrollee directors, to be given not later than at the time of issuance of the next annual summary of information to enrollees.

Subp. 3. **Consumer representatives.** Consumer representatives on the governing body must be enrollees at the time of their election and during their term of office. Should a consumer representative be removed for failure to meet this qualification or for any other reason set forth in the bylaws, this person may be replaced only until the next election by another consumer elected by the remaining consumer representatives on the governing body.

Subp. 4. **Definitions for determination of whether enrollee is a consumer.** The terms below which appear in Minnesota Statutes, section 62D.02, subdivision 10 will be defined as follows in determining whether or not an enrollee is a consumer:

A. A "licensed health professional" is any person licensed under Minnesota Statutes to provide or administer health services.

B. A "health care facility" is any hospital, nursing home, or boarding care home required to be licensed as such under Minnesota Statutes, sections 144.50 to 144.56.

C. A "substantial financial interest in the provision of health care services" is a person's receipt or right to receive not less than 25 percent of gross annual income directly from the rendering of health service.

D. A "substantial managerial interest in the provision of health care services" is a person's supervisory or administrative responsibilities as an employee of a health care facility.

**Statutory Authority:** *MS s 62D.20*

**History:** *17 SR 1279*

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