

# **CHARTER**

## **PRACTICING PHYSICIANS ADVISORY COUNCIL 2009-2011**

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**PRACTICING PHYSICIANS ADVISORY COUNCIL**

**AUTHORITY**

The Secretary of Health and Human Services is mandated by Title XVIII of the Social Security Act, as amended by Section 1868(a) of the Omnibus Budget Reconciliation Act of 1990, to establish a Practicing Physicians Advisory Council. 42 U.S.C. 1395ee; Section 1868(a) of the Social Security Act. The Council is governed by the provision of Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.

**OBJECTIVE AND SCOPE OF ACTIVITIES**

The Practicing Physicians Advisory Council shall advise the Secretary and the Administrator of the Centers for Medicare & Medicaid Services on certain proposed changes in Medicare regulations and carrier manual instructions related to physician services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of proposed changes.

**DESCRIPTION OF DUTIES**

The Council shall advise the Secretary and the Administrator of the Centers for Medicare & Medicaid Services on certain proposed changes in Medicare regulations and carrier manual instructions related to physician services identified by the Secretary.

**AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS**

The Council provides advice to the Secretary of the Department of Health and Human Services (DHHS), and the Administrator of the Centers for Medicare & Medicaid Services.

**SUPPORT**

Management and support services shall be provided by the Center for Medicare Management, Centers for Medicare & Medicaid Services.

**ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS**

The estimated annual operating cost for fiscal year (FY) 2010, including contracts and compensation and travel expenses for members is \$106,125. The estimated annual FY 2010 full-time equivalent is 2.0 at an estimated cost of \$251,584. The estimated annual operating cost for FY 2011, including contracts and compensation and travel expenses for members is \$109,965. The estimated annual FY 2011 full-time equivalent is 2.0 at an estimated cost of \$264,164. The estimated annual costs for future fiscal years are subject to the availability of appropriations.

**DESIGNATED FEDERAL OFFICIAL**

CMS will select 1 full-time or permanent part-time Federal employee to serve as the Designated Federal Official (DFO) to attend each Council meeting and ensure all procedures are within applicable statutory, regulatory, and DHHS General Administration Manual directives. The DFO will approve and prepare all meeting agendas, call all of the Council and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Council reports. The DFO or his/her designee shall be present at all meetings of the full Council and subcommittees.

**ESTIMATED NUMBER AND FREQUENCY OF MEETINGS**

Meetings shall be held once during each calendar quarter or more often as deemed necessary by the DFO or designee in consultation with the Chair. In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act (FACA), a report shall be prepared which shall contain, at a minimum, all of the same information required in the yearly report listed above.

An annual report shall be submitted to the Secretary and the Administrator of CMS not later than December 31, of each year, which shall contain at a minimum, a list of members and their business addresses, the Council's functions, dates and places of meetings, and a summary of Council activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer (DCMO).

**DURATION**

Continuing

**TERMINATION**

Unless renewed by appropriate action prior to expiration, the Council will terminate two years from the date this charter is filed.

**MEMBERSHIP AND DESIGNATION**

The Secretary shall appoint, based on nominations submitted by medical organizations representing physicians, 15 physicians, including the Chair, each of whom has submitted at least 250 claims for physician services under Title XVIII of the Social Security Act in the previous year.

At least 11 of the members of the Council shall be physicians described in Section 1861(r)(1) of the Social Security Act. Members of the Council shall include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. The remaining members may include dentists, podiatrists, optometrists and chiropractors.

Members shall be invited to serve for overlapping four-year terms and will serve as representatives; an additional tour is contingent upon waiver and the re-charter of the Council by appropriate action prior to its termination. A vacancy on the Council shall be filled in the same manner in which the original appointment was made. Members may serve after the expiration of their term until a successor has taken office.

**SUBCOMMITTEES**

With the approval of the Secretary or designee, subcommittees consisting of two or more of the members may be established to perform functions within the Council's jurisdiction. One of the members will be designated as Chair of the subcommittee. The DCMO will be notified upon establishment of each subcommittee and shall be provided information on its name, membership, function, and estimated frequency of meetings. The advice/recommendations of a subcommittee or working group must be deliberated by the parent advisory committee. A subcommittee may not report directly to a Federal Official.

**RECORDKEEPING**

The records of the Council, established subcommittees, or other subgroups of the Council, shall be managed in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

**FILING DATE**

June 16, 2009

**APPROVED**

June 16, 2009

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Date

/S/

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Kathleen Sebelius  
Secretary