

Bylaws
National Emergency Medical Services Advisory Council

Section I. Purpose

The purpose of the National Emergency Medical Services Advisory Council (NEMSAC) is to provide information, advice and recommendations to the Secretary of Transportation on all aspects of the development and implementation of EMS consistent with the NEMSAC Charter (attached). NEMSAC may provide advice, through NHTSA, on other EMS programs and activities relating to National EMS system development including coordination and support of EMS activities among Federal programs.

Section II. Authority

The Secretary of Transportation has determined that the establishment of the NEMSAC is in the public interest. The NEMSAC is subject to the Federal Advisory Committee Act (FACA) as outlined in its Charter.

Section III. Membership Selection and Appointment

Membership shall be appointed by the Secretary of Transportation consistent with the Charter for a two year term. Members serve at the discretion of NHTSA which has the right to terminate any member's tenure. Members may not designate an alternate.

Section IV. Meeting Procedures

A. Meetings

NEMSAC meetings must be called by the Designated Federal Official (DFO). NEMSAC shall meet at least two times each calendar year.

Meetings shall be conducted as outlined in the Charter. The majority of NEMSAC appointed members shall constitute a quorum and a quorum is necessary for the conduct of NEMSAC business.

B. Agenda

The Chair and the DFO will together determine the meeting agenda. If special presentations or topics are proposed for the agenda, the Chair and the DFO must find that the presentation is germane to the NEMSAC purpose and charter. The DFO will have final approval of the meeting agenda.

NEMSAC does not endorse or approve emergency medical devices or device design concepts and presentations about these will usually not be approved. However, the Chair and the DFO may invite representatives of device manufacturers or service delivery providers when it contributes to a NEMSAC agenda matter.

NEMSAC members may request to the Chair and DFO that an item be added to the agenda.

The DFO will distribute the agenda to NEMSAC members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register.

C. Minutes and Records

The DFO will prepare minutes of each meeting, will distribute copies to each Council member and post them on www.ems.gov upon approval of the Chair and the DFO. The minutes may be certified as accurate by the Chair and by the DFO, but shall be marked "DRAFT" pending final approval at the next Council meeting.

Minutes of open meetings will be available to the public upon request, and posted on www.ems.gov. Minutes of closed meetings will also be available to the public upon request, subject with withholding of matter about which public disclosure would be harmful to the interests of the Government, industry or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA). The minutes shall be prepared as specified in the Charter.

D. Open Meetings

NEMSAC meeting shall be open to the general public except as provided under FACA. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the Council during an open meeting, including the minutes, will be available to the public for review or copying at the time of the scheduled meeting.

Members of the general public may attend any meeting or portion of the meeting that is not closed to the public and may, at the discretion of the Chair, offer oral comments. The Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement that is published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to NEMSAC at any time.

E. Closed Meetings

Meetings of NEMSAC will be closed only in limited circumstances and in accordance with applicable laws. Requests for closed meeting must be approved by the NHTSA Office of Chief Counsel 30 days in advance of the session with required notice provided to the public.

F. Conduct of meetings electronically

Telephone or other electronic meetings of the full Council will be subject to all requirements for a face-to-face meeting, including Federal Register Notice at least 15 days prior to the meeting and call-in or log-in access for the public to participate.

G. Use of Roberts Rule of Order

Roberts Rules of Order will be used for the conduct of NEMSAC business unless it is in conflict with legal requirements, these bylaws or the Charter.

H. Voting

When a decision or recommendation of NEMSAC is required, the Chair shall request a motion for a vote; the Chair may make a motion.

Section V. Role of Council Officials

Chair: The Chair works with the DFO to establish priorities, identify issues which must be addressed, and serves as the focal point for the Council's membership. The Chair conducts NEMSAC meetings and appoints committee members. In addition, the Chair is responsible, with the DFO, for preparing the agenda and for certifying the accuracy of minutes.

Designated Federal Official: The DFO serves as the government's agent for all matters related to the Council's activities. By law, the DFO must (1) approve or call the meeting of the Council; (2) approve agenda; (3) attend all meetings 4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the Council when so directed by the Administration of NHTSA or by the Secretary of DOT.

The DFO is responsible for providing adequate support to the Council, including the performance of the following functions: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings, including subgroup or working group activities, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meetings of

the Council's deliberations, including subgroup and working group activities; (5) attending to all official correspondence; (6) maintaining official NEMSAC records and filing all papers and submissions prepared for or by the NEMSAC, including those items generated by subgroups and working groups; (7) acting as the Council's agent to collect, validate, and pay all vouchers for pre-approved expenditures, and (8) preparing and handling all reports, including the annual report as required by FACA.

Section VI. Committees

NEMSAC may establish, with approval of the DFO, committees to assist with its work. The committee members, who do not have to be NEMSAC members, are appointed by the Chair in collaboration with the committee chair and with the concurrence of the DFO. Each committee must be chaired by a member of NEMSAC, should usually not be greater than 10 persons and must report back to NEMSAC. The DFO may also request the Chair to appoint specific committees.

Subcommittees may be established by the committee chair subject to Chair and DFO approval; the subcommittee chairs do not have to be NEMSAC members. Subcommittees may be limited by budget and logistics.

Committee "charges" will be made by the NEMSAC Chair and DFO and shall include deliverables and target dates.

Section VII. Expenses and Reimbursement

Expenses related to the operation of the NEMSAC will be borne by the Office of Emergency Medical Services, National Highway Traffic Safety Administration. Expenditures of any kind must be approved in advance by the DFO, but payment may be made through a contractor. Payment for travel and per diem for non-Federal government employees will be made at a rate equivalent to that allowable for Federal employees.