

Bylaws of the California Department of Health Services
Human Stem Cell Research Advisory Committee

I. Name:

The name of this Committee shall be the California Department of Health Services Human Stem Cell Research Advisory Committee (hereinafter the HSCR Advisory Committee).

II. Authority:

The HSCR Advisory Committee is authorized and organized pursuant to section 125118.5 of the Health and Safety Code enacted by SB 322, Chapter 506, Statutes of 2003.

III. Purpose:

The purpose of the HSCR Advisory Committee is to recommend to the Department of Health Services (DHS), scientific, medical, ethical and legal guidelines for research involving the derivation or use of human embryonic stem cells in California.

IV. Membership:

a. Composition

The HSCR Advisory Committee shall be comprised of 13 representatives set forth in California Health and Safety Code 125118.5 including:

1. Seven scientists with experience in biomedical research in the fields of cell differentiation, nuclear reprogramming, tissue formation and regeneration, stem cell biology, developmental biology, regenerative medicine, or related fields.
2. Two medical ethicists.
3. Two persons with backgrounds in legal issues related to human embryonic stem cell research, in vitro fertilization, or family law, as it applies to the donation of embryos and oocytes.
4. Two persons who are members or leaders of religious organizations.

b. Appointment

Members of the HSCR Advisory Committee shall be appointed by the Director of the California Department of Health Services (DHS).

c. Term

HSCR Advisory Committee member's term of service shall expire January 1, 2007, the sunset date of SB 322, unless a later enacted statute deletes or extends that date.

d. Status

HSCR Advisory Committee members shall be volunteer representatives who have full voting rights in all Committee actions.

e. Termination of Membership

Any member of the HSCR Advisory Committee may resign from the Committee at any time by notifying the Director of DHS in writing. If a member finds it necessary to resign from the committee, he/she is encouraged to assist the Department in nominating a suitable replacement and is encouraged to remain until that individual has accepted his/her nomination.

f. Duties of Members

Regular attendance and participation is vital to the purpose of the HSCR Advisory Committee. Members accept the duty and obligation to attend meetings either in-person or by teleconference and shall provide advance notice if they are unable to do so.

Repeat absences may be considered an abdication of the appointment and may be grounds for terminating a member's appointment at the recommendation of the Chair, Vice Chair and Designated State Officer. To terminate the member's appointment, the Chair, Vice Chair and Designated State Officer shall submit their recommendation to the other members of the Committee, which shall approve or disapprove the recommendation by majority vote.

g. Compensation of Expenses

Reasonable and necessary travel and lodging expenses incurred in the performance of the member's duties shall be reimbursed by the California Department of Health Services in accordance with the rates permitted by the California Department of Personnel Administration.

V. Officials

a. Officers

Officers of the committee are the Chair and Vice-Chair.

i. Selection

Officers shall be chosen through a process of nominations from the field followed by a majority vote of a quorum as defined in these bylaws, of the HSCR Advisory Committee.

ii. Term of Service

The Officer's service to the Committee shall expire with the sunset date of SB 322, January 1, 2007, unless a later enacted statute deletes or extends that date.

iii. Duties and Responsibilities

The Chair and Vice-Chair shall preside over meetings of the HSCR Advisory Committee and shall work with DHS staff to coordinate the work of the HSCR Advisory Committee. In addition, the Chair and Vice Chair shall (1) act on behalf of the Committee between meetings; (2) plan and coordinate the overall activity of the Committee and subcommittees; (3) develop in collaboration with the Designated State Officer (DSO) the agenda for all Advisory Committee meetings; (4) certify the accuracy of minutes developed by the DSO; (5) communicate with DHS personnel regularly and provide a liaison between DHS and the HSCR Advisory Committee; (6) provide a liaison between the HSCR Advisory Committee and the California Institute for Regenerative Medicine (CIRM); (7) work with the Executive Coordinator to develop the Committees' draft and final recommended guidelines for human embryonic stem cell research; (8) obtain approval of the Committee's final recommendations by a majority vote of the full Committee membership and; (9) forward the Committee's formal recommendations and opinions to the DSO.

b. DHS Support Staff

i. Designated State Officer

The Chair and Vice Chair of the HSCR Advisory Committee shall be supported by a Designated State Officer from DHS. The Chief of the DHS Human Stem Cell Research Unit shall be the Designated State Officer (DSO) of the Human Stem Cell Research Advisory Committee, subcommittees, working groups or other groups and shall serve as the State Government's agent for matters related to the Committee's activities.

The DSO shall, among other things, approve all meetings of the Committee, approve agendas and adjourn meetings when such adjournment is in the public interest. In addition, the DSO shall provide adequate staff support to the Committee, including an Executive Coordinator and a Clerical Aide to assist in the coordination of the Committee's activities.

ii. Executive Coordinator

The Executive Coordinator in collaboration with the DSO shall (1) notify Committee Members of the time and place for each meeting; (2) provide notice to the public of all HSCR Advisory Committee meetings via the DHS website; (3) assist the Chair and Vice Chair in the planning of meetings and development of agendas; (4) serve as a liaison from the subcommittees or working groups to the Chair and Vice Chair through participation in conference calls and face-to-face meetings; (5) prepare the minutes of all meetings of the Committee; (6) attend to official correspondence; (7) maintain official Committee records, including subcommittee records; (8) provide the Committee with materials and resources necessary to complete its responsibilities; and (9) assist in the development and handling of the final recommendations of the Committee to the Department

The DSO, or Executive Coordinator, shall be present at all HSCR Advisory Committee, subcommittee or working group meetings.

iii. Clerical Support

The DSO shall provide a clerical aide to perform the necessary secretarial duties for the Committee. Duties of the clerical aide shall include: (1) timely notice of meetings; (2) recording, transcribing, and maintaining a permanent file of the minutes of the Committee; (3) receipt, preparation, and transmittal of incoming and outgoing correspondence of the Committee and maintenance of a permanent file of such correspondence; (4) collecting, validating and processing for payment all vouchers for approved travel expenditures; and (5) performing such duties as may be requested by the Committee.

VI. Meetings

a. Meeting Schedule

The HSCR Advisory Committee shall meet at such intervals as are necessary to carry out its duties. Meetings shall be called by the Chair or Vice-Chair of the committee with the approval of the DSO.

b. Teleconferencing

Members of the Committee may participate in a HSCR Advisory Committee meeting by means of conference call or similar communications method provided all Committee Members and any interested members of the public can adequately hear them.

c. Rules of Order

Debate and proceedings in the DHS HSCR Advisory Committee meetings shall be conducted in accordance with Robert's Rules of Order.

d. Open Meetings

To facilitate meaningful public participation in the development of scientific, medical, ethical and legal guidelines for human embryonic stem cell research, unless otherwise determined in advance, all meetings of the HSCR Advisory Committee shall be open to the public.

All materials brought before, or presented to, the Committee during the conduct of a HSCR Advisory Committee meeting, including the minutes of the proceedings of a HSCR Advisory Committee meeting, shall be available to the public for review or copying at the time of the scheduled meeting. Members of the public may attend any meeting or portion of a HSCR Advisory Committee meeting and may, at the determination of the Chair, offer oral comment at such meeting. Members of the public may submit written statements to the HSCR Advisory Committee at any time.

e. Outside Presentations

Outside presentations such as speakers who can improve the Committee's ability to conduct its charge are encouraged. Any member may request the Committee as a whole to determine whether a presentation shall be permitted.

f. Quorum

The presence of at least fifty-one percent of Committee members, excluding vacancies, shall constitute a quorum for the transaction of business.

g. Voting

For all administrative or procedural decisions, a vote shall carry by a majority of the Committee members present in a quorum.

If action is necessary that fundamentally affects the development or direction of the draft or finalized HSCR Advisory Committee recommended guidelines, a majority vote of the entire committee shall be required.

Any member may determine that a particular issue 'fundamentally affects the development or direction of the draft or finalized HSCR Advisory Committee recommended guidelines' and call for a vote of the entire membership of the Committee on that issue.

Notice to conduct a vote of the entire membership of the Committee shall be provided at least 15 days preceding any vote. In such circumstances, voting may take place by voice vote, mail, email, FAX, written proxy or in writing.

h. Notice

The California Department of Health Services shall provide public notice of all DHS HSCR Advisory Committee meetings at least 7 days prior to all meetings.

i. Agenda

The Chair, Vice Chair and DSO shall approve the agenda for all meetings. Notice of each HSCR Advisory Committee meeting along with an approved agenda shall be published by the DSO on the California Department of Health Services' Maternal, Child and Adolescent Health/Office of Family Planning website as well as distributed to all Committee Members at least 7 days prior to each meeting.

Items for the agenda may be submitted to the Chair and/or Vice Chair by any member of the Committee at least three (3) weeks prior to the meeting date.

j. Minutes

The DSO shall prepare minutes of each HSCR Advisory Committee meeting and submit them to the Chair and Vice Chair for certification of their accuracy. The DSO shall then distribute copies of the certified minutes to each Member within 30 days of a HSCR Advisory Committee meeting. The minutes shall include a record of persons in attendance, a complete and accurate description of the matters discussed and conclusions reached; and copies of all reports received, issued or approved by the Committee.

VII. Subcommittees and Working Groups

a. Authority

The HSCR Advisory Committee may form subcommittees, working groups, or other groups to address specific issues identified by the HSCR Advisory Committee as a whole.

The designation, scope and membership of all subcommittees shall be subject to the approval of the Chair, Vice Chair and the Designated State Officer.

Subcommittees and working groups shall be purely advisory in nature and must report back to the full committee.

b. Membership

Membership to any subcommittee under the auspices of the HSCR Advisory Committee shall be self appointed, and the term of a subcommittee member shall be set in accordance with the needs of the HSCR Advisory Committee.

c. Subcommittee and Working Group Chair

Each designated subcommittee shall have a chair appointed in consultation with the Committee Chair and the Designated State Officer. Each subcommittee chair shall serve a term as appropriate to the work of the subcommittee, and shall be responsible for reporting all discussions back to the HSCR Advisory Committee.

d. Meetings

Subcommittees or working groups shall meet as needed and may conduct meetings that are not advertised or open to the public.

Subcommittee or working group meetings may occur by teleconference or other means, as appropriate.

e. Subcommittee or Working Group Reports and Recommendations

A subcommittee or working group may bring a proposed report and/or recommendation forward to the HSCR Advisory Committee for review and action at any time.

A majority vote of the attending members of a subcommittee shall be sufficient for forwarding a report and/or recommendation to the Committee for review and action. Voting may take place in a subcommittee meeting by voice, mail, email, FAX, conference call, written proxy or in writing.

Any minority view of subcommittee or working group members shall be transmitted in writing, when they exist, with any report or recommendation to the HSCR Advisory Committee.

f. Subcommittee Minutes

A brief summary of the proceedings of each subcommittee or working group meeting shall be made available by the DSO to the HSCR Advisory Committee at least 15 days prior to the next meeting.

VIII. Final Scientific, Medical, Ethical and Legal Guidelines Recommended to the Department

a. Guideline Development

Each draft report of the HSCR Advisory Committee's recommended guidelines shall be distributed to all Committee members for review and approval. A review period of a maximum of 30 calendar days will be designated. A Committee Member shall be assumed to approve the recommendations if no comment is received by the close of the 30-day period.

b. Approved Guidelines

Final recommendations of the HSCR Advisory Committee to DHS shall be approved by a majority vote of the entire membership of the HSCR Advisory Committee, excluding vacancies. The vote may be taken by voice, mail, email, FAX, conference call, written proxy or in writing provided that notice of intention to do so has been given to each member at least 15 days preceding the vote.

c. Transmittal of Final Recommendations

The Committee Chair shall transmit the final recommended guidelines approved by the HSCR Advisory Committee directly to the DSO within 10 days of the Committee's approval.

d. Minority Reports

If thirty percent (30%) of the members of the HSCR Advisory Committee join together in a minority position, a minority report may be submitted to the DSO.

IX. Reports and Recommendations

a. Availability of Reports

All materials prepared by the HSCR Advisory Committee, its subcommittees and other groups formed by the Committee under the HSCR Advisory Committee auspices shall be available to the public subject to the requirements and exceptions in the Public Records Act (Government Code section 6250 et. Seq.)

b. Committee Reports or Documents

Any report or document produced by the DHS Human Stem Cell Research Advisory Committee shall include the following statement: 'This report and/or recommendation was written as part of the activities of the California Department of Health Services Advisory Committee on Human Stem Cell Research (HSCR Advisory Committee), a public advisory committee providing expert advice and recommendations to the California Department of Health Services in the development of mandated guidelines for human embryonic stem cell research in California. The Committee is structured to provide balanced, expert assessment of the appropriate guidelines for human embryonic stem cell research in California after evaluating the scientific, medical, ethical and legal issues related to this research. This report and/or recommendation has not been reviewed for approval by CDHS and, hence, the contents do not necessarily represent the views and policies of CDHS, nor of any branch of state government, nor does mention of trade names or commercial products constitute a recommendation for use.'

X. Media Inquiries

a. Media Inquiries to the Advisory Committee

Any Advisory Committee member contacted by the media shall refer that individual of the media to the Committee Chair and the DSO.

Only the Chair or a spokesperson designated by him/her shall communicate with third parties on behalf of the Committee.

The Chair shall communicate with any individual from the media that his/her comments strictly represent those of the DHS Human Stem Cell Research Advisory Committee and do not necessarily represent the views or policies of the California Department of Health Services, nor any branch of State government.

b. Media Inquiries Involving the Department of Health Services

Any media inquiries requesting the opinion or views of the Department of Health Services shall be directed to the Office of Public Affairs via the DSO.

XI. Amendment of Bylaws

These Bylaws may be added to, amended or repealed at any regular meeting by a two-thirds vote of a quorum of the HSCR Advisory Committee.

Note:

The terms 'HSCR Advisory Committee', 'Committee' or 'Advisory Committee' throughout these bylaws refer strictly to the policies, activities and functions of the full DHS Human Stem Cell Research Advisory Committee and not to any subgroup or subcommittee formed under the auspices of the full DHS HSCR Advisory Committee.