

**BY LAWS
OF THE
BEHAVIORAL HEALTH PLANNING COUNCIL OF NEW MEXICO**

**ARTICLE I
ORGANIZATION**

A. Name. The organization referred to in this document shall be known as the BEHAVIORAL HEALTH PLANNING COUNCIL of NEW MEXICO, hereinafter referred to as the "Council."

B. Statutory Authority. The Council is authorized in accordance with HB 271 and Public Law 102-321 and is organized pursuant to NMSA 24-1-28 of the New Mexico Health and Safety Code, the "Act." It is intended to have an ongoing role and is advisory to the Behavioral Health Collaborative, hereinafter referred to as the "Collaborative," and to the Governor.

C. Purpose. Pursuant to its statutory authority, the purpose of the Council is to serve as the single statewide advisory structure for behavioral health in New Mexico in the following manner:

(i) advocate for adults, children and adolescents with serious mental illness or severe emotional, neurobiological and behavioral disorders, as well as those with mental illness or emotional problems, including substance abuse/misuse and co-occurring disorders;

(ii) report annually to the governor and the legislature on the adequacy and allocation of mental health services throughout the state;

(iii) encourage and support the development of a comprehensive, integrated, community-based behavioral health system of care, including mental health and substance abuse/misuse prevention and treatment services, and services for persons with co-occurring disorders;

(iv) advise state agencies responsible for behavioral health services for children and adults, as those agencies are charged in Section 9-7-6.4 NMSA 1978;

(v) meet regularly and at the call of the chair, who shall be selected by the council membership from among its members;

(vi) establish subcommittees, to meet at least quarterly, as follows:

- a. adult (mental health) subcommittee,
- b. substance abuse subcommittee,
- c. Medicaid subcommittee,
- d. child and adolescent subcommittee
- e. Native American subcommittee; and
- f. other subcommittees as may be established by the chair of the council to address specific issues. All subcommittees may include nonvoting members appointed by the chair for purposes of providing expertise necessary to the charge of the respective subcommittee.

(vii) review and make recommendations for the comprehensive mental health block grant and the substance abuse block grant applications, the state plan for Medicaid services and any other plan or application for federal or foundation funding for behavioral health services; and

(viii) replace the Governor's Mental Health Planning Council and act in accordance with Public Law 102-321 of the federal Public Health Service Act.

Pursuant to its statutory role as advisor, the Council also agrees to: (i) timely advise and make recommendations to the Collaborative in fulfillment of its duties as charged in Section 9-7-6.4 NMSA 1978; (ii) represent the local concerns and issues (concerns) that have been presented by local collaboratives ("lc")¹ through their designees; (iii) timely report such concerns to the Collaborative, Legislature and Governor; (iv) relay Collaborative input to the lc; and (v) review any and all policy correspondence from Council executive and subcommittees or Collaborative committees providing approval, recommendation or opposition when necessary.

D. Membership. The Council shall consist of the following Members, all of whom shall be appointed by and serve at the pleasure of the Governor:

(i) consumers of behavioral health services and consumers of substance abuse/misuse services, as follows: adults with serious mental illness; seniors; family members of adults; family members of adults with serious mental illness and of children with serious emotional or neurobiological disorders; and persons with co-occurring disorders;

(ii) Native American representatives from New Mexico Pueblos, Tribes, Nations and the urban Native American population;

(iii) providers;

(iv) state agency representation from agencies responsible for adult mental health and substance abuse/misuse; children's mental health and substance abuse/misuse; education; vocational rehabilitation; criminal justice; juvenile justice; housing; health policy planning; developmental disabilities planning; and disabilities issues and advocacy.

(v) such other members as the governor may appoint to ensure diverse cultural and geographic representation;

(vi) advocates; and

¹ Local collaborative means any group serving the communities in the same manner that the local collaboratives were intended to do.

(vii) peers.

Additionally, providers and state agency representatives together may not constitute more than forty-nine (49%) percent of the Council membership.

ARTICLE II COMPOSITION, TERMS, VACANCIES

A. Powers. This body shall have powers to the full extent allowed by law. All powers and activities of this Council shall be exercised and managed by Members of the Council, and, if delegated, to the Executive Committee, under the ultimate direction of the Council, in a manner consistent with its statutory duties.

B. Number and Qualifications of Members. Members shall be qualified by the Act and appointed to serve at the pleasure of the Governor. The number of Members appointed to the Council shall be no more than eighty (80) and shall represent each classification set forth under the Act (NMSA 24-1-28) in appropriate proportion, i.e., Providers and state agency representatives together may not constitute more than forty-nine (49%) percent of the Council membership.

C. Terms. Each Member is appointed by the Governor and serves at his or her discretion. Accordingly, each Member shall hold office until he/she resigns or is removed with the Governor's consent. Any successor shall be qualified and appointed by the Governor.

E. Compensation. Members shall not receive compensation for their services as Members. The Council may authorize the advance or reimbursement to a Member of actual, reasonable expenses incurred in carrying out his or her duties as a member pursuant to the Council's Policies and Procedures.

F. Resignation. Any Member may submit in writing to the Governor with a copy to the Chair of the Council a written notice of resignation. Upon the Governor's acceptance of such resignation, it shall take effect as of the time specified or, if no time is specified, at the time of its acceptance by the Governor.

G. Removal. Members may be removed with or without cause by the Governor. Additionally, the Council, through its Executive Committee, may recommend to the Governor removal of a Member for cause. "Cause" includes but is not limited to: (i) conduct unbecoming of a public official; (ii) neglect of assumed or assigned responsibilities; (iii) failure to attend 3/4 of required meetings in a single year unless excused by the Chair or Executive Committee; (iv) change in personal status, which alters the prescribed Membership composition of the Council (e.g., private citizen becomes a state employee). Upon removal, the member's name shall be removed from the Council membership roster.

H. Vacancies. A vacancy shall be deemed to exist on the Council in the event that a Member has resigned or is removed, pursuant to this Article. Upon the occurrence of a vacancy, the Chair shall notify the Council and encourage recruitment of applicants to fill the vacancies; the vacating member shall be replaced by a person of the same category. Recommendations may be forwarded to the Governor for his/her consideration. A vacancy occurring on the Council shall be filled by the Governor and the appointee shall serve at the Governor's pleasure.

I. Conflict of Interest. The Council shall adopt a conflict of interest policy applicable to Members. This policy shall be reviewed and signed annually.

J. Confidentiality. The Council shall adopt a confidentiality policy applicable to Members. This policy shall be reviewed and signed annually.

ARTICLE III MEETINGS

A. Regular Meetings. Regular meetings of the Council shall be held at least quarterly at the time and place fixed at the request of the Chair, or the Executive Committee of the Council. Ten (10) working day notice of such meetings may be made by telephone, including use of a voice messaging system or other system or technology designed to record and communicate messages, electronic mail, or other electronic means, and shall state the date, place and time of the meeting. Additionally, notice of the date, time, place and general subject matter to be discussed at a regular meeting will be posted on the New Mexico Network of Care or a recognized website.

B. Special Meetings. Special meetings of the Council may be called by or at the request of any two Members of the Executive Committee, or at the request of at least ten percent (10%) of the Council members, or by any two Co-Chairs of the Statutory Subcommittees of the Council at the time and place fixed by the persons calling the meeting and upon not less than three (3) working days' notice by telephone, including use of a voice messaging system or other system or technology designed to record and communicate messages, electronic mail, or other electronic means, and shall state the date, place and time of the meeting.

C. Emergency Meetings. Emergency meetings of the Council may be called by or at the request of any two Members of the Executive Committee, or at the request of at least ten (10) percent of the Council members, or by any two Co-Chairs of the Statutory Subcommittees of the Council, at the time and place fixed by the persons calling the meeting and upon not less than twenty-four (24) hours' notice by telephone, including use of a voice messaging system or other system or technology designed to record and communicate messages, electronic mail, or other electronic means, and shall state the date, place and time of the meeting.

D. Waiver of Notice. Any Member may waive notice of any meeting. Notice of a meeting shall be deemed given to any Member who attends the meeting without protesting the lack of adequate notice before the meeting or at its commencement.

E. Quorum and Voting. A majority of the Members (51%) shall constitute a Quorum. Those Members with an excused absence will not be counted for purposes of determining Quorum. Each Council Member shall have one vote. The act of a majority of Members present at a meeting at which a Quorum is present shall be the act of the Council, except as otherwise explicitly provided herein. The act of a majority of Members present at a meeting will have validity as long as quorum was present at the beginning of the meeting. Voting by proxy is not permitted except by represented State agencies and only then if the Chair of the Council has received advance written notice of such proxy from either the Secretary or Director of the designating State agency. Any State Agency proxy, written and timely received by the Chair, shall have one vote.

F. Action without a Meeting. Any action required or permitted to be taken at any meeting of the Council may be taken without a meeting if all Members then in office shall individually or collectively consent in writing to such action. A writing generated via electronic mail shall be deemed a sufficient "writing" for purposes of this section. Such written consents shall be filed with the minutes of the proceedings of the Council. Such written consents shall have the same force and effect as the unanimous vote of such Members.

G. Telephone, Electronic and Video-conferencing Meetings. At the Chair's sole discretion, members may participate in Council meetings or committee meetings by means of a

video-conference, conference telephone, electronic video screen communication, or other similar communications equipment so long as all of the following apply:

(i) Members participating in the meeting, sufficient in number to constitute a Quorum, can communicate with all the other Members concurrently;

(ii) Members participating in the meeting, sufficient in number to constitute a Quorum, are provided with the means of participating in all matters before the Council, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Council; and

(iii) the Executive Committee verifies that: (a) a person communicating by telephone, electronic video screen, or other communications equipment is entitled to participate in the Council meeting as a Member, or by invitation to the Council or otherwise, and (b) all motions, votes, or other actions required to be made by a Member were actually made by a Member and not by someone not entitled to participate as a Member.

H. Minutes. Historical documents and minutes of all proceedings will be maintained by the Behavioral Health Services Division staff.

ARTICLE IV OFFICERS

A. Officers. The officers of the Council shall be nominated each Spring either verbally at a regular Council meeting or by electronic mail at the discretion of the Chair. Election of Council officers will occur at every June regular Council Meeting as needed and shall hold office for a term of two (2) years with each term beginning July 1 and shall serve until his or her successor shall have been elected or qualified. No officer may serve more than two consecutive terms.

The officers of the Council shall be President/Chair (Chair) and Vice president/chair (Vice-chair). Additionally, members of the Executive Committee shall include elected representatives of the Council: a consumer, a family member, an advocate, a provider, and a Native American representative. Election of these representatives shall be held at the same meeting as the election of the Officers.

B. Vacancies in Office. If any office becomes vacant for any reason, the vacancy shall be filled for the remainder of its term by the Council at its next regular or special meeting.

C. Chair. The Chair shall be the chief executive officer of the Council, shall preside over all regular, special and emergency meetings of the Council, and shall direct and supervise all of the activities and affairs of the Council in a manner prescribed by the Members and in accordance with these Bylaws. In addition, when authorized, the president/chair shall execute and deliver all documents in the name of the Council and establish ad hoc subcommittees as needed. The Chair will be an ex-officio member of all ad hoc committees and standing statutory subcommittees of the Council. He/she shall not assume chairmanship of any ad hoc or statutory sub-committee.

If the elected Chair is unwilling or unable to perform his/her duties for a period exceeding three (3) consecutive months, the Chair may be removed from office at the discretion of the Executive Committee. If removed, a new president/chair shall be elected by the Membership.

D. Vice-chair. In the absence of the president/chair, or in the event of his/her inability or refusal to act, the Vice-chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the president/chair. Additionally, the Vice-chair shall perform such other duties as from time to time may be assigned to him/her by the president/chair or by the Council.

If the elected Vice-chair is unwilling or unable to perform his/her duties for a period exceeding three (3) consecutive months, the Vice-chair shall be removed from office, and a new Vice-chair elected by the Membership.

ARTICLE V COMMITTEES

A. Executive Committee.

(i) Qualifications. The Executive Committee shall be a committee composed of the following individuals: Chair and Vice-chair of the Council; Chairs or Co-Chairs of all statutory subcommittees of the Council; and the following representatives elected by a majority vote of the Council: a consumer, a family member, an advocate, a provider, and a Native American representative.

(ii) Terms. Each term shall be two (2) years. No Executive Committee member may serve more than two consecutive terms in one position.

(iii) Duties. The Council shall delegate to the executive committee such authority, powers and duties, as the Council deems necessary and appropriate to carry out the activities and purposes of the Council including but not limited to: (a) reviewing all information and developing the agenda for any Council meeting, including information pertaining to policy, proposed action items, letters of support and any necessary recommendations; and (b) requesting the presence of any statutory subcommittee representative or any other persons relevant to decisions being made at Council meetings.

(iv) Quorum and Voting. Fifty-one percent (51%) of the Executive Committee membership shall constitute a Quorum. Those members with an excused absence will not be counted for purposes of determining Quorum. Those executive committee members with an excused absence will not be counted for purposes of determining Quorum.

Each executive committee members shall have one vote. The act of a majority of executive committee members present at a meeting at which a Quorum is present shall be the act of the Council, except as otherwise explicitly provided herein. The act of a majority of executive committee members present at a meeting will have validity as long as quorum was present at the beginning of the meeting. Voting by proxy is not permitted.

(v.) Removal. Members of the executive committee may be removed for cCause. "Cause" includes but is not limited to: (i) conduct unbecoming of a public official; (ii) neglect of assumed or assigned responsibilities; (iii) failure to attend 3/4 of required meetings in a single year unless excused by the Chair; (iv) change in personal status, which alters the prescribed executive committee composition of the executive committee; or (v) a lack of active leadership.

(vi.) Resignation. Any Member may submit in writing to the Chair a written notice of resignation. Upon the Chair's acceptance of such resignation, it shall take effect as of the time specified or, if no time is specified, at the time of its acceptance by the Chair.

(vii.) Meetings. Any meeting of the executive committee shall be conducted in accordance with Article III.

B. Statutory Sub-Committees. Pursuant to the Act, the Council shall establish the following sub-committees: Medicaid (which may also serve as a subcommittee of the Medicaid Advisory Committee ("MAC")); child and adolescent; adult; substance abuse (which shall include DWI issues and shall include representation from local DWI councils); Native American; and any other sub-committee as may be deemed necessary by the Chair to address specific issues.

(i) Qualifications. Each of the respective statutory sub-committees shall be comprised of no more than twenty-five (25) voting members (excluding the co-chair). Non-voting members may also serve upon formal approval by the co-chair. Non-voting members may consist of interested parties, technical advisors, and State agency staff members.

Of the voting membership, each must be formally approved by the co-chair (membership roster to be approved by the co-chair in writing at the regular August meeting of the Council) and reflect the diversity of Council Membership. Non-Council members may become voting members if formally approved by the Chair and recommended by the chair or co-chair of the respective statutory sub-committee. None may be a representative of a Medicaid Managed Care Organization; or a state agency employee (unless appointed as a state agency proxy to the Council). Additionally, of the twenty-five available voting seats on each sub-committee three seats shall be prioritized for each of the six Behavioral Health regions.

(ii) Committee Chairmanship. The respective statutory sub-committees shall be chaired as follows:

(a) Adult (mental health), Substance Abuse, and Medicaid (combined) sub-committee (ASAM), co-chaired by a non-state agency council member, elected by the subcommittee membership, and by the Secretary of the Human Services Department² or designee;

(b) Child and Adolescent sub-committee (CASC), co-chaired by a non-state agency council member, elected by the sub-committee membership, and by the Secretary of the Children, Youth, and Families Department or designee;

(c) Native American sub-committee (NASC), co-chaired by a non-state agency council member, elected by the subcommittee membership, and by the Secretary of the Indian Affairs Department or designee.

The co-chair of a sub-committee shall be elected by a majority of the voting members of the sub-committee.

(a) Terms. There are no term limits for the secretary co-chairs or their designees. Each term of the elected co-chairs shall be for one (1) year. No elected co-chair shall serve more than two consecutive terms.

(b) Duties. All statutory sub-committees shall meet at least quarterly. Additionally, the Council shall delegate to the statutory sub-committees such authority, powers and duties, as the Council deems necessary and appropriate to carry out the activities and purposes of the Council.

(v) Quorum and Voting. Forty percent (40%) of voting members of any sub-committee shall constitute a Quorum. Those sub-committee members with an excused absence will not be counted for purposes of determining Quorum. In the absence of a Quorum the sub-committee can meet and make a recommendation to the full sub-committee for action, or report to the full council without a recommendation.

²Pursuant to NMSA 24-1-28, mental health and substance abuse services were located at the Department of Health. In 2008, mental health and substance abuse services relocated to the Human Services Department.

Each sub-committee voting member shall have one vote. The act of a majority of voting sub-committee members present at a meeting at which a Quorum is present shall be the act of the Sub-Committee, except as otherwise explicitly provided herein. The act of a majority of voting sub-committee members present at a meeting will have validity as long as Quorum was present at the beginning of the meeting. Voting by proxy is not permitted.

(vi) Removal. Aside from the state appointed co-chair, any member of a statutory sub-committee may be removed for cause. "Cause" includes but is not limited to (a) conduct unbecoming a public official; (b) neglect of assumed or assigned responsibilities; (c) failure to attend 3/4 of required meetings in a single year unless excused by the Chair of the Council; or (d) a lack of active leadership. Co-chairs may be removed with or without cause by the Governor.

(vii.) Resignation. Any Member may submit in writing to the co-chair a written notice of resignation. Upon the co-chair's acceptance of such resignation, it shall take effect as of the time specified or, if no time is specified, at the time of its acceptance by the co-chair.

(viii) Meetings. Any meeting of the statutory sub-committees shall be conducted in accordance with Article III.

C. Other Committees. Other sub-committees as may be established by the Chair of the Council to address specific issues. All sub-committees may include nonvoting members appointed by the co-chair for purposes of providing expertise necessary to the charge of the respective sub-committee. All members must be formally approved by the co-chair, either verbally or through writing, including but not limited to electronic mail.

Either the Council chair shall appoint or, members of ad hoc sub-committees may elect, a chair of the ad hoc sub-committee and all meetings shall be conducted at the discretion of the chair of the ad-hoc sub-committee.

D. Compensation. Members of the Executive or sub-committee shall not receive compensation for their services as Members. The Council may authorize the advance or reimbursement to committee members of actual, reasonable expenses incurred in carrying out his or her duties as committee members pursuant to the Council's Policies and Procedures.

ARTICLE VI AMENDMENTS

A. Amendments. The Council shall have the power to make, amend, and repeal the bylaws of the Council by vote of two-thirds of the Members at any meeting of the Council, provided that written notice of the intent to make, amend, or repeal the bylaws, according to the meeting and notice provisions of Article III, shall have been given. Proposed amendments to these Bylaws shall be submitted in writing, including electronic mail, to the Members two-weeks in advance of any Council meeting at which they will be considered for adoption

B. Validity. Any legal defect in any part of these Bylaws does not render the balance of the Bylaws invalid.

C. Governing Law. In all matters specified in these Bylaws, New Mexico law shall apply.

ARTICLE VII PARLIAMENTARY AUTHORITY

A. Governing Procedure. The bylaws of the Council are always superior to and supersede the policy and procedures and parliamentary authority of Council. The Chair, Executive Committee, sub-committees and membership shall always look to the Council bylaws for a ruling on any question, then to the policies and procedures, and finally in *Robert's Rules of Order Newly Revised*.

B. Parliamentarian. Either the Chair or Vice-Chair of the Council or any co-chair of a sub-committee may appoint a Parliamentarian to rule/advise on matters of Parliamentary procedure. The Parliamentarian shall serve at the pleasure of the Chair of the Council or the co-chairs of any sub-committee.

ARTICLE VIII POLICIES AND PROCEDURES

The Policy and Procedures Manual contains business and financial policies that apply to the Council and is specifically incorporated by reference herein.

ARTICLE IX EFFECTIVE DATE

These Bylaws have been approved by the Council on December 11, 2019 and are effective on December 11, 2019.

Policies and Procedures
for the
New Mexico Behavioral Health Planning Council

Approved by Behavioral Health Planning Council
March 3, 2020

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Policies and Procedures

New Mexico Behavioral Health Planning Council

I. Introduction

In 2004, the New Mexico Legislature passed House Bill 271 creating act 24-1-27 to 24-1-28 NMSA 1978 (the "Act") relating to the Purchasing Collaborative ("Collaborative") and a Behavioral Health Planning Council ("Council") that was passed and enacted into law. The Council members are appointed by and serve at the discretion of the Governor. Council members are charged with advocating for adults, children, and adolescents with serious mental illness or severe emotional neurological and behavioral disorders, including substance abuse and co-occurring disorders; and encouraging and supporting the development of a comprehensive, community-based behavioral health system of care.

II. Scope

The Behavioral Health Planning Council's Operating procedures encompass and regulate the responsibilities and activities of the Council. It is through this manual that the Council establishes the guidelines within which, the general Council and committees act to implement policy, advocacy, and oversight.

III. Vision

"To be a potent voice for children, adults, and families and the providers that serve them in New Mexico's customer-centered recovery and resiliency focused, coordinated and quality behavioral health care system." The Council speaks for infants, children, youth, young adults transitioning to adulthood, adults, the elderly and their families, in the on-going implementation of a consumer-driven, fully integrated, outcome-based, state-wide comprehensive system of wrap around behavioral health services.

IV. Purpose

The purpose of the Council is to serve as the statewide advisory body for behavioral health in New Mexico. Specifically, but not limited to, the Council shall advocate, advise, report to, recommend and represent on behavioral health matters of interest to the Governor, the Legislature, the Collaborative, State agencies, and local community groups.

In addition, the Council focuses its efforts on continuum of care development, implementation and assessment and actively collaborates with all system stakeholders and the general public.

V. Code of Conduct

All members of the Behavioral Health Planning Council shall abide by the terms of the New Mexico Governmental Conduct Act (Chapter 10, Article 16, Section 10-16-1 et seq., NMSA 1978) (See Appendix D), and to that end shall maintain appropriate and professional internal and external relationships. Council members found to be in violation of the New Mexico Governmental Conduct Act or any provision of the Council By-Laws may be subject to removal pursuant to Article II, Paragraph F of the Council By-Laws.

Members who have a conflict of interest on a subject must recuse themselves from discussion, in addition to recusing themselves from voting.

Once a year, all members will sign a Conflict of Interest Statement at the June meeting of the Council.

In addition to the formal statement above, the Executive Committee will develop and enforce ground rules across all meetings; and each member of the Council and the Subcommittees shall sign a statement yearly acknowledging that he/she has read the guidelines, understands them and will abide by them.

In general, guidelines and expectations have been designed to make the experience within the Council and its subcommittees satisfying to all attending. All participants shall adhere to the core values to respect the individual rights, safety, and property of others, to demonstrate the character traits of trustworthiness, respect, responsibility, fairness, caring and citizenship.

Therefore, all attendees will:

- Actively participate,
- Listen Respectfully,
- Explore Differences and Search for Common Ground,
- Stay Focused – One Conversation at a Time and Silent Cell Phones,
- Begin and End on Time, and
- Share Air Time.

VI. Goals

A. To maintain an effective partnership with the Collaborative;

- B. To maintain an effective partnership with local community groups;
- C. To maintain an effective partnership with the MCOs; and
- D. To maintain a representative relationship with the clientele we represent.

VII. Roles and Responsibilities of Membership

A. Duties: The Council shall have all the statutory duties prescribed and proscribed under the Act, including replacing the Governor's Mental Health Planning Council and acts in accordance with Public Law 102-321 of the Federal Public Health Service Act.

B. Membership: Membership to the Council shall be qualified pursuant to Articles I and II of the By-laws, thereby conforming to Public Law 102-321 of the Federal Public Health Service Act. All members shall be appointed by and serve at the pleasure of the Governor. Providers and state agency representatives together may not constitute more than forty-nine percent of the Council's membership.

C. Officers: Officers of the Council shall be elected pursuant to Article IV of the By- Laws, thereby conforming to Public Law 102-321 of the Federal Health Service Act.

D. Self-Disclosure: In the case where the Governor does not designate representations as a consumer, family member, advocate, provider or Native American, it will be important for the Council members to self-identify as one or more of those categories so that the Executive Committee can continue to have the breadth and depth of all our representative members. Per the Community Mental Health Block Grant, the regulations stipulate that the "State mental health planning council" shall be made up of "not less than 50 percent of the members....who are not State employees or providers of mental health services."

VIII. Meetings

Excused Absences:

Members of the Council are expected to attend every meeting of the Council as well as their Subcommittee(s). Failure to do so, and in absence of a written excusal by the Chair, may result in a written recommendation to the member and the Governor that the member removed from the Council and a new member be appointed.

Excused absences may include weather, sickness, family commitment, vacation, technological failures and scheduling conflicts. NOTE: That even with an excused absence, the Vice-Chair will track compliance with the 75% requirement.

A. Types of Meetings:

1. Council

Members of the Council are expected to attend every meeting. Failure to do so, and in absence of a written excusal by the Chair may result in a written recommendation to the Governor that the Member be removed from the Council and a new member be appointed. At a minimum, Council Members must attend seventy-five percent of all Council meetings (i.e., 3 out of 4 annually) and are expected to actively participate in at least one statutory subcommittee.

Attendance at scheduled Council meetings will be monitored quarterly by the Vice-Chair.

Please note: if a Council member is removed from the Council by the Governor- either for failure to attend meetings or any other reason- there is no guarantee or expectation that someone else will be appointed by the Governor to fill that vacancy. Attendance at scheduled Council meetings will be monitored quarterly by the Vice-Chair.

2. Subcommittees (Executive, Statutory, Ad Hoc)

Members of the Council are expected to actively participate in at least one statutory subcommittee. Failure to do so may result in the Vice-Chair writing a letter to the member explaining the requirement. If the member still does not participate, there will be a second letter from the Vice-Chair to the member requesting that the member resign from the Council. If there is still no action, the Chair will write a recommendation to the Governor that the member be removed from the Council and a new member be appointed.

a. Executive Committee

The qualification, composition, terms, duties and voting procedures of the Executive Committee is as follows:

The Executive Committee shall be presided by the Chair and Vice-Chair of the Council and will manage the operations of the Council and be authorized to act and make decisions on behalf of the Council at the Council's discretion. The Council Chair shall also preside over all Executive Committee meetings.

All policies that apply across multiple committees or have widespread impact will be discussed by the Executive Committee before going to the full Council for vote. An electronic return receipt may be utilized to ensure that members received the electronic

ballot. The Executive Committee may vote electronically for all issues that need an immediate response.

It is the responsibility of the Executive Committee to develop and distribute the Agenda to the full membership at least three days prior to any Council meeting for member additions, corrections and/or comments. The Executive Committee will convene at least one week prior to any regular Council meeting to develop the agenda. The following must be submitted to the Executive Committee forty-eight hours prior to its meeting to ensure inclusion and appropriate representation on a Council agenda:

- Any agenda item requests from the membership;
- All subcommittee agenda item requests; and
- Draft Minutes from the prior meeting of the Council.

b. Finance Subcommittee of the Executive Committee (Functions)

The Finance Subcommittee, which reports to the Executive Committee of the Council, will:

- Develop an annual budget for the Council and its statutory subcommittees prior to the beginning of every fiscal year.

- Submit an Income Statement for the Council and its statutory subcommittees monthly following the first six months, as well as the end of every fiscal year. That Income Statement shall also track against the proposed budget.

- Based on availability of funds, the Finance Subcommittee shall also make quarterly recommendations regarding when, and if, reimbursements to members for stipends, mileage, and per diem shall be awarded.

The Finance Subcommittee shall be comprised of the Chair of the Finance Subcommittee, the Chair of the Council, a representative of the BHPC fiscal agent and one representative from each of the Statutory Subcommittees.

Behavioral Health Planning Council Members, who are not state employees, or otherwise compensated, such as some providers, shall submit a Council Reimbursement Form to be reimbursed for verifiable travel and expenses for participation in scheduled Council meetings and subcommittee meetings.

Allowable reimbursements for meetings are as follows:

- Round-trip mileage (from home to meeting location) for Council meetings only;
- Stipend for time spent attending meeting;
- Per Diem – for hotel and meals if traveling greater than 100 miles one-way from home to meeting location for Behavioral Health Planning Council meetings.

The Council will use the New Mexico Department of Finance and Administration (DFA) regulations and the New Mexico Per Diem and Mileage Act as a guideline to pay reimbursement, as long as funds are available.

Only Planning Council and voting members of the subcommittees are eligible for stipends and reimbursements.

Advances for Mileage

An advance (80% of mileage) can be granted on a case by case basis by the Chair of the Council or the Chair of the Finance Subcommittee. A request must be submitted 7 working days prior to the meeting date to the Council liaison. If the individual does not attend the meeting, the money must be returned to the Council within 2 weeks. Failure to do so will result in loss of advancement privileges and all forthcoming reimbursements and stipends. The other 20% of the advancement will be reimbursed after the completion of the meeting.

c. Statutory Subcommittees: Pursuant to the Act, the Council shall establish the following Subcommittees:

Adult

Medicaid

Substance Abuse

Child and Adolescent

Native American

NOTE: The Adult, Substance Abuse, and Medicaid Subcommittee was created to combine the first three subcommittees into one large subcommittee.

The number, qualification, composition, terms, duties and voting procedures of the Statutory Subcommittees are set forth in Article V, Paragraph B of the By-Laws. The Subcommittees shall establish a standardized membership roster that identifies members by Council representation (e.g., consumer, family member, etc.), and other representations. The Subcommittees shall be composed of no more than 25 members. Attendance for voting members will be tracked. Members are required to attend at least 75% of meetings annually.

d. Other Subcommittees: As deemed necessary by the Chair of the Council to address specific issues.

B. Meeting Structure:

Who: Co-Chairs

Cabinet Secretary or his/her designee (by Statute)

Governor appointee elected by the subcommittee

How: Nominations and elections are held at the June meeting.

When: Co-Chairs will determine how often their subcommittees will meet.

The Adult, Substance Abuse, and Medicaid Subcommittee is a combined subcommittee and meet jointly at their discretion.

Where: The subcommittee meetings are held in a location designated by the co-chairs and utilize telephone and web-based conferencing.

Job Descriptions:

The Elected Co-Chairs:

Develop the Agenda

Facilitate the meeting

Develop and lead initiatives

Develop, lead, and present recommendations to the council

Write all reports, such as the report for the subcommittee to be submitted to the Chair of the Council

Appoint representatives to Ad-Hoc Subcommittees (including the Finance Subcommittee)

State Agency Co-Chairs:

Develop, in conjunction with the elected Co-Chair, the agenda

In the absence of the Chair, facilitate the meeting

Track and report on attendance to the Executive Committee; signs letters to members regarding attendance requirements

Interface with their respective state agencies

Advise on regulations, funding, and state processes

Members of Subcommittees:

Represent the systems-wide issues and local interests in regard to the issues of the Subcommittee

May participate as a voting or non-voting member.

A list of voting members of each subcommittee shall be maintained by the elected co-chair

Only voting members of the subcommittees are eligible for stipends and/or mileage.

A list of voting members of each subcommittee shall be maintained by the elected chair.

It is the responsibility of the voting member to confirm in advance, the date, time and location of all meetings. No stipend and/or mileage reimbursement will be provided to a voting member when there are announced changes to a meeting's date, time or location, including the cancellation of a meeting.

A Council member may only be a voting member on one subcommittee. However, they may participate as a non-voting member of other subcommittees but will not be eligible for monetary reimbursement.

C. Governance and Mission Statutory Subcommittees:

Adult Subcommittee, Substance Abuse Subcommittee and Medicaid Subcommittee. The Adult, Substance Abuse, and Medicaid Subcommittee (ASAM) was created to combine these three subcommittees into one large Subcommittee. ASAM is co-chaired by the Secretary of the Human Services Department (or his/her designee) and co-chaired by a non-state agency Council member who is a voting member of the Subcommittee elected by the Subcommittee.

ASAM shall make recommendations to the Council regarding prevention and treatment services for all citizens of New Mexico with mental health, substance use/misuse disorder, and Medicaid issues.

Children and Adolescent Subcommittee (CASC): The CASC is co-chaired by the Secretary of Children, Youth, and Families (or his/her designee) and co-chaired by a non-state agency Council member who is a voting member of the Subcommittee elected by the Subcommittee.

The Children and Adolescent Subcommittee shall advocate for families/caretakers, infants, children, youth, adolescents and young adults transitioning to adult services with or at-risk for emotional, neurological and

behavioral disorders, including substance abuse and co-occurring disorders. Additionally, the Subcommittee intends to:

- Encourage and support the development of a comprehensive, integrated, culturally competent, high quality and timely statewide children's continuum of care.
- Advise and make recommendations for increased and improved behavioral health services for families/caretakers, infants, children, youth, adolescents and young adults transitioning to adult services.

Native American Subcommittee (NASC): The NASC is co-chaired by the Secretary of Indian Affairs Department (or his/her designee) and co-chaired by a non-state agency, who is a member of the Council elected to that position by the Subcommittee membership. The NASC shall assure excellence in behavioral health services to all Native American people in New Mexico.

All active Native American local collaboratives shall identify and appoint a representative from their Local Collaborative to the Native American Subcommittee who meets one of the following criteria:

1. Is a Native American,
2. Is a person representing a tribal program or administration, or
3. Is a family member of a Native American.

On or about the first meeting of each fiscal year, the NASC shall pass a resolution stating the method of decision-making it shall use throughout the remainder of that fiscal year. This method may include, but shall not be limited to, voting (either restricted or open to all participants) or consensus.

D. Format:

Open Meetings

The State of New Mexico Behavioral Health Planning Council (Council) is committed to full transparency and public input in all work of the Council. All meetings of the Council, Executive Committee, Statutory Subcommittees and all other committees which may be formed, will be conducted in compliance with the New Mexico Open Meetings Act § 10-15-1 which guarantees the right to public access and input to all proceedings at the State, regional and local levels, is equally applicable to elected and appointed BHPC members, and is applicable to any gathering wherein there is both a voting quorum present in person or by electronic means and the Council, Executive Committee or one of its Statutory Subcommittees will formulate policy, discuss public business or take action.

Closed Meetings

If the Council, Executive Committee or one of its Statutory Subcommittees wishes to hold a closed meeting, it may do so only to engage in one or more of the following:

- a. Deliberations about the issuance, suspension, renewal or revocation of a Council Statement of Support.
- b. Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation for a Council Member.
- c. The investigation, consideration of complaints or charges against a Council member.
- d. Meeting with the Behavioral Health Collaborative attorney pertaining to threats of pending litigation in which the Council is or may become a participant.

Emergency Meetings

Under limited circumstances, an emergency meeting may be held with little advance notice if:

- a. The Council, Executive Committee or one of its Statutory Subcommittees did not expect the circumstances giving rise to the meeting; and
- b. If the Council or its Executive Committee does not act immediately, injury or damage to persons or property or substantial financial loss to the Council or one of its Statutory Subcommittees is likely.

E. Procedures:

Notice

- a. Reasonable advance notice of Council and Statutory Subcommittees meetings will be provided to the public.
- b. The notice complies with deadlines and procedures for meetings as directed by the By-Laws of the Council.
- c. The notice includes the date, time, agenda and location of the meeting of the Council on the Behavioral Health Collaborative website which is accessible to the public and at least one local newspaper.
- d. The notice for the Statutory Subcommittee is posted on the Behavioral Health Collaborative website which is accessible to the public.
- e. All Council and Statutory Subcommittee meetings and notice thereof shall be held in accordance with Article III of the By-Laws.

Occurrence

- a. Council: Regular meetings of the Council shall be held at least quarterly (and no more than six times a year) at the time and place fixed at the request of the Chair, or the Executive Committee of the Council in consultation with representatives of the Collaborative. By-Laws, Article III, Paragraphs A-C. Emergency meetings may be called in accordance with the By-Laws.
- b. Statutory Subcommittees: Each Statutory Subcommittee shall meet at least quarterly.

- c. Executive Committee: The Executive Committee shall meet at least quarterly.
- d. Ad-Hoc Subcommittees: The Ad-Hoc Subcommittees shall meet as needed and will be announced via electronic media.

Robert's Rule of Order

The Council shall conduct business in accordance to its By-Laws, policy and procedures, and Robert's Rules of Order. The purpose of this is to allow equal opportunity for members to participate and for both support and dissent to occur. It is the responsibility of the Chair to ensure adherence to the approved agenda timeline. In order to accomplish this, the Chair may set time limitations per speaker.

A call for the question always requires a quorum (1 over 50%) of attending members in order to pass.

Elections

Elections of officers and Council representatives shall occur at the June meeting.

Electronic Participation

If a Member of the Council, Executive Committee or one of its Statutory Subcommittees participates in a meeting by telephone, it must be pursuant to the By-Laws of the Council which authorizes its members to:

- a. Participate by conference telephone or similar communications equipment,
- b. Each member participating telephonically can be identified when speaking,
- c. All participants are able to hear each other at the same time, and
- d. Members of the public attending the meeting are able to hear any member of the Council or one of its Statutory Subcommittees who speaks during the meeting.

Council Packets

At least three days prior to every, regular Council meeting, the Membership will receive a packet containing:

- a. The Agenda and the Minutes from the prior, regular Council meeting, (because the Statutory Subcommittees meet the day before the Council meeting);

b. Comments or corrections to the packet should be submitted to the Chair prior to the Council meeting.

F. Agenda:

The meeting agenda should:

- a. Include a list of specific items the Council, Executive Committee or Statutory Subcommittee intends to discuss or transact at the meeting;
- b. Clearly describe agenda items that the Council, Executive Committee or Statutory Subcommittee intends to discuss or act on during the meeting in order to give adequate public notice;
- c. Except for emergency meetings, the Agenda is available to the public at least 24 hours before the meeting.

BHPC Agenda / Business Items

Inclusion of Agenda / Business Items for discussion should be as follows:

- a. Any Council member, agency, organization or individual may submit business matters to the Behavioral Health Planning Council's Executive Committee for consideration;
- b. Formal Submission of proposed external business items on an approved Council Business Item Application is required (Appendix B); and
- c. Council Business Item Applications must be submitted to the BHPC Liaison via email (see Appendix B).

G. Minutes:

A summary of proceedings and all votes and recommendations of the Council, Statutory Subcommittees and Executive Committee shall be recorded into the Minutes. Designated staff will record such minutes and will forward drafts to the Executive Committee for its review prior to disbursement to the Membership. If the meeting is open, written Minutes are required. Minutes must contain at least:

- a. The date, time and place of the meeting, and those members who are absent;
- b. The names of all members of the Council or one of its Statutory Subcommittees attending the meeting and of those who are absent;
- c. A description of the substance of all proposals considered during the meeting; and
- d. A record of any decisions made and votes taken that shows how each member voted.
- e. A draft copy of the minutes is prepared within ten working days of the public meeting.
- f. The minutes are approved, amended or disapproved at the next meeting where a quorum of the Council, Executive Committee or one of its Statutory Subcommittees is present.
- g. All minutes are made available for public inspection.

Lost Minutes: If minutes from any BHPC meeting, including Subcommittee and Ad-Hoc meetings are lost, the Chair will note at the next regularly scheduled BHPC meeting that the official minutes are lost and are unrecoverable. Any action items that were voted upon in the lost minutes will be voted on again and recorded in the current minutes.

IX. Council and Third Parties

In accordance with its statutory and advisory obligations, the Council shall interact with the following professional partners in the manner prescribed below:

A. Behavioral Health Collaborative

The Council in coordination with the Collaborative will:

- a. Prioritize the information needed by the Council and develop a uniform reporting method,
- b. Develop a mechanism for obtaining minutes from the Collaborative meetings, and
- c. Develop and sustain an effective partnership with the Collaborative.

B. Medicaid Managed Care Organizations (MCOs)

The MCOs have been contracted by the Human Services Department to meet the behavioral health needs and provider network capacity throughout New Mexico.

- a. The Council, in coordination with the Collaborative and the MCOs will develop a mechanism for obtaining process and outcome data.
- b. The Council will request that each MCO assign a representative to attend the Subcommittee and Council meetings.
- c. The Council will provide a place on the Agenda in order to ensure that the MCOs furnishes regular updates about decisions and activities at all Council meetings, and

C. Behavioral Health Services Division

The Behavioral Health Services Division of the Human Services Department shall provide staff support for the Council.

A Council Program Manager shall be provided by the Behavioral Health Services Division and shall be a non-voting member of the Council.

Staff support for the Subcommittees shall be provided by the Behavioral Health Services Division or the appropriate state agency as needed.

X. Changes to the Policies and Procedures

This Policies and Procedures document shall be maintained, reviewed, and updated annually by the Executive Committee or an Ad-Hoc Committee of its choosing. Proposed changes shall be mailed or e-mailed to the Membership of the Council two weeks prior to any meeting where amendments are scheduled to be discussed and adopted. A simple majority of a quorum shall be sufficient to adopt any amendments to the Policies and Procedures document.

XI. Concerns and Feedback

The Behavioral Health Planning Council follows a consistent procedure for recording, triaging, resolving and tracking complaints and grievances, defined as "expressions of dissatisfaction", filed verbally or in writing, by Council Members, local collaboratives, persons with mental illness or substance use disorders, their advocates, behavioral health services providers, State agency personnel and other stakeholders about the Council's policies, procedures, practices, actions or personnel. The intent of this policy and procedure is to ensure fair, appropriate and timely resolution of such complaints or grievances. The Executive Committee will review complaints on a case-by-case basis and determine steps of action to resolve the complaints.

A complaint or grievance can be mailed to:

**Behavioral Health Planning Council
P.O. Box 2348
Santa Fe, New Mexico 87504-2348**

Office: (505) 470-3926

