



BRIAN SANDOVAL
Governor

STATE OF NEVADA
BEHAVIORAL HEALTH PLANNING & ADVISORY COUNCIL

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SHARON WILSON
Chair

RENE NORRIS
Vice Chair

Behavioral Health Planning and Advisory Council
Bylaws Ad Hoc Meeting Minutes
September 10, 2015

Videoconference Location:
4126 Technology Way,
Second Floor Conference Room

MEMBERS PRESENT:

Alyce Thomas, Consumer
Rene Norris, Co-Chair, Family Member
Sharon Wilson, Chair, Department of Corrections

STAFF & GUESTS:

Barry Lovgren, Private Citizen
Heidi Gustafson, Foundation for Recovery
Hilary Jones, Medicaid
Janet Atkins, Foundation for Recovery
Melanie Harrill, Bureau of Health, Wellness and Prevention
Michael McMahon, Bureau of Health, Wellness and Prevention

1. Call to Order, Roll Call, and Introductions:

Sharon Wilson called the meeting to order at 9:10 a.m. Ms. Wilson noted there was a quorum present.

2. Public Comment (No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken, five(5) minute limit.)

Barry Lovgren discussed the following revisions to the Bylaws:

- Article I, Section 2.1: the Mission Statement indicates the Council members will advise the Division on the development of the State behavioral health plan. Mr. Lovgren said the federal law requires more specific wording. He recommended it be revised to “the Council will review the State plan and submit to the state any recommendations for modifications.”
- Article V, Section 4: Requesting tapes or transcripts of meetings. Mr. Lovgren said this section was unnecessary as any requests for transcripts would come to the Division not to the Council. He recommended the section be deleted.
- Article I, Section 2.3: Monitor, review and evaluate the mental health services no less than once each year, per federal law. He suggested updating the statement to reflect the combining

of behavioral health services to include co-occurring and substance abuse services. He added that it was a great deal of work and questioned if the Council had the time and resources to be the responsible entity.

Ms. Thomas stated, since we are integrating mental health and behavioral health, she sees Mr. Lovgren's concern, but added that substance abuse has their own board. The monitoring of the substance abuse should continue to be done by their board. Monitoring for mental health services is in the budget; Substance Abuse Prevention Treatment Agency (SAPTA) has their own budget for substance abuse.

Mr. Lovgren responded that there was apparently not enough in the budget to review rural mental health services, which is only one component of mental health services. There are also the state hospitals, forensic services, and Child and Family Services. SAPTA does not have a council. They are a SAPTA Advisory Board solely comprised of funded providers.

Mr. McMahon pointed out that, per federal parameters, the SAPTA Advisory Board was to be comprised of providers, whereas the BHPAC was to be comprised of consumers. There was a philosophical difference on how the bodies should function and how to approach issues. The federal government acknowledges the problem and is providing guidance to states to facilitate the merger. However, it will be a long process to bring the two bodies together in a form that works for Nevada. Going forward, he said there would be a need to modify our bylaws as well as those of the SAPTA Advisory Board, so that we can collectively meet requirements and close gaps.

3. Review the Bylaws and Update as Needed

Ms. Wilson discussed the following recommendations to the BHPAC Bylaws Subcommittee made in December, 2014:

- Article III, Vacancies; Section 1, Absences: a proposed change to the wording regarding excused or unexcused absences to read: "At each regularly scheduled meeting, absent members will be noted as either *excused* or *currently unexcused*. The Chair, Vice Chair, or Acting Chair will determine at the next scheduled meeting if the member's absence was excused or unexcused." This was to take into account that some people may not be able to be excused ahead of time, but still have a legitimate reason for being absent.
- Article VI, Officers of the Council; Section 2, Terms of Office: a proposed change to the wording to read: "Terms of Office for the Chair and Vice-Chair shall be two (2) years. One additional term of office of two years is permitted. No officer shall serve for more than four (4) years total, unless an extension is approved by a 70% or greater vote of the Council membership." The Chair or Vice-Chair would not be eligible to serve again in the same office until they had been out of office for a minimum of two years. This will address what would be a reasonable expectation of the officers.

Ms. Thomas commented that the terms should be restricted to four or six years total to encourage wider participation in the leadership roles. In response, Ms. Wilson acknowledged that this provision was originally in response to a smaller membership, whereas most of the vacancies in the committee are currently filled. She agreed that if terms were strictly limited, there may be more members willing to take initiative to serve as Chair or Vice-Chair. Mr. McMahon added that as a practical matter, anything beyond four years may begin to tax the

energy level of the officer. It is good to have a line of succession in place. Ms. Thomas clarified that ideally, the elected Vice-Chair would serve for two years; then be elected to Chair for two years; then move on to Past Chair for two years for a total of six years served. The progression to Past Chair is automatic, but a two-year commitment would be required. Currently, two elections are held, one for Vice-Chair and one for Chair, but there may be value in electing a Vice-Chair who automatically progresses to Chair as they could bring experience with them to the office. Mr. McMahon suggested the wording should remain as recommended to establish a term of office for two years with the option of extending to four years. This would allow for the committee to vote for a new slate, or to have a mechanism should secession occur. Each office would be limited to two years, and serving in the same office for a second term would be permitted.

- Article VII, Section 1, Committees: A proposed addition to the wording to include a requirement that each Council member would serve on at least one committee, to include providers, consumers and state employees. This was to address past difficulties with the same members on each committee.

Ms. Wilson then addressed Mr. Lovgren's proposals:

- Article V, Section 4: Requesting tapes or transcripts of meetings. Wording may be changed to indicate that requests for tapes or transcripts will be made through the Division of Public and Behavioral Health, which will be handled pursuant to Division policies.
- Article I, Section 2.1 and Section 2.3: Mr. McMahon said that as the Division moves forward with merging mental health with substance abuse, it will define the necessary changes to the overall mission statement. It may in fact grow to five sections or more. Mr. Lovgren agreed with Mr. McMahon, saying that it pertained to Section 2.3 regarding the adequacy of services. He maintained, however, that Section 2.1 should not be to "advise" but to "review" the state plan and "submit recommendations in writing." Part of Mr. Lovgren's concern centered on the possibility that a state plan may not provide opportunity for adequate review, and that there is too much ambiguity in current wording. Mr. McMahon commented that the goal is to open up the process. The last BHPAC meeting that was held was the first opportunity to play an active role in the selection of priorities and to provide guidance to staff concerning the allocation of dollars. He said that it would become more interactive and the Council will play an active role on an ongoing basis. There should not be a repeat of the one meeting where time was crunched. There were significant staff changes and there was only one person with experience going through the block grant process. Now that the staff changes have been stabilized, the timeline should smooth down. Mr. McMahon expressed his appreciation for Mr. Lovgren's perspectives, but he added that the changes occurring at the federal level, together with their mandates, will continue to impact the mission statement. He thinks this is premature at this point and he recommended the process be revisited in six months. Ms. Wilson pointed out that Sections 2.2 and 2.3 contain language that reflects the federal code, while 2.1 does not exactly reflect the federal code. Ms. Jones said that in her opinion, the words "review and submit" were more restrictive and she was in favor of retaining the terminology, "advise." Ms. Thomas agreed, and said that the role of the Council is to advise. She allowed that the Council's advice may not be taken, but the Council will have fulfilled their role either way. Mr. Lovgren suggested the wording could be changed to "to include but not limited to."

The following suggestions were discussed:

- Article V Meetings; Section 3 Agenda Items: “Agenda item requests for BHPAC meetings are to be submitted to the Administrative Assistant at *[insert dedicated email address]* at least 30 days prior to the next scheduled meeting. The BHPAC Executive Committee will review and approve the final agenda.” It was added that a form was not required; an email would be acceptable.
- Article III, Vacancies; Section 3, New Appointments of Other than State Representatives: a proposed change from “New Appointments” to “Filling Vacancies of Other than State Representatives.” The same proposed language should be applied to Section 4: from “New Appointments” to “Filling Vacancies of State Representatives.”

Ms. Wilson asked for final comments on the Mission Statement to keep the wording that the Council will *advise* the Division of Public and Behavioral Health. There being no further comment, she asked for a motion to approve the Bylaws with the revisions discussed, which will be presented to the full Council prior to final approval. Ms. Thomas so moved. It was seconded by Ms. Jones, and the motion carried.

Mr. McMahon stated that the revised language will be captured in a revised draft and presented to the Subcommittee Members. He wanted to provide members the opportunity to revise the draft Bylaws before presenting them to the full Council for approval.

4. Public Comment (No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken, five(5) minute limit.

Ms. Thomas commented that the Council was built on consumers and she appreciated the input from Mr. Lovgren and from the representatives of the Foundation for Recovery. She added that it is time for more people to be involved, and she thanked Ms. Wilson for Chairing the meeting.

5. Adjournment

Ms. Jones moved to adjourn the meeting, Ms. Thomas seconded, and the motion carried. The meeting was adjourned at 10:24 a.m.