

# BEHAVIORAL HEALTH PLANNING AND ADVISORY COUNCIL BYLAWS

## ARTICLE I AUTHORIZATION AND PURPOSE

### Section 1: Authorization

The Nevada State Behavioral Health Planning and Advisory Council (BHPAC) is authorized by Executive Order of the Governor. See Exhibit I.

### Section 2: Purpose

#### 1. Mission

The Nevada Behavioral Health Planning and Advisory Council will serve as an advocate for individuals with chronic mental illness, children and youth with severe emotional disturbance, other individuals with mental illnesses or emotional problems, and persons with substance abuse and co-occurring disorders.

#### 2. Under federal statutes, the specific duties and responsibilities of the Council are:

- 1) The Council shall advise the Division of Public and Behavioral Health and the Division of Child and Family Services on the development of the state behavioral health plan.
- 2) Serve as an advocate for adults with serious mental illness, children with severe emotional disturbance, other individuals with mental illnesses or emotional problems and persons with substance abuse and co-occurring disorders.
- 3) The Council shall monitor, review, and evaluate, no less than once each year, the allocation and adequacy of behavioral health services within the state.

## ARTICLE II MEMBERSHIP

### Section 1: Appointments

The Governor shall appoint 23 members to the Nevada Behavioral Health Planning and Advisory Council.

### Section 2: Composition

#### 1. Council membership will be composed of residents of the state, including representatives from:

- 1) The principal state agencies with respect to:  
Mental Health Services for Children and Adolescents  
Mental Health Services for Adults

Substance Abuse Prevention and Treatment  
Education  
Housing  
Vocational Rehabilitation  
Criminal Justice  
Social Services  
Medicaid

- 2) Public and private entities concerned with the need, planning, operation, funding, and use of mental health, substance use and co-occurring services and related support services.
  - 3) Persons with mental illness and persons with substance abuse and co-occurring disorders, who are receiving (or have received) behavioral health services.
  - 4) The families of such individuals in (3) above.
2. At least 50 percent of the members of the Council will be individuals who are not state employees or providers of behavioral health, substance abuse or co-occurring services.

### Section 3: Term of Appointment

The term of an appointed member is four (4) years. An appointed member may be reappointed for an unlimited number of 4 year terms. The 4 year term of appointment does not apply to an appointed member who was/is appointed to serve “at the pleasure of the Governor.”

### Section 4: Reappointment

Reappointments of Council members will be processed in the following manner:

1. The Administrative Assistant to the Council will maintain a list of members and their appointment terms and request that an Application for Boards and Commissions be completed by each member six months prior to the end of their term and submitted to the Office of the Governor of the State of Nevada.
2. Reappointment is official when the Governor of the State of Nevada or his or her designee approves a candidate and issues a Certificate of Appointment.
3. The Council shall not discriminate in any regard with respect to age, race, creed, color, sex, sexual orientation, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, physical disability, or mental disability.
4. New BHPAC members must attend Council member orientation within six months of appointment, and refresher training at least every two years thereafter, if made available.

Section 5: Oath of Office

In accordance with Nevada Revised Statutes (NRS) 282.020, members of the Council shall, before they enter upon the duties of members of the Council, take and subscribe to the following oath:

I, ....., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Behavioral Health Planning and Advisory Council member, on which I am about to enter,  
(if an oath) so help me God;  
(if an affirmation) under the pains and penalties of perjury.

ARTICLE III  
VACANCIES

Section 1: Absences

Three absences from regularly scheduled meetings (which include regular BHPAC meetings and/or Executive Committee meetings) within any twelve month period without sufficient or overriding reason will be considered unexcused absences and may constitute grounds for the Council recommending the member’s removal from the Council to the Governor. 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. An excused absence includes, but is not limited to, an unexpected occurrence or emergency with health, family, or employment that would prevent the member from attending the meeting. An unexcused absence includes, but is not limited to, lack of communication (no contact) with the BHPAC Chair, Vice Chair, or Administrative Assistant. Unless an absence is the result of an emergency or unexpected occurrence, members who cannot attend a regularly scheduled meeting must give written prior notice (letter, memo, or e-mail) to the BHPAC Chair, Vice Chair, or Administrative Assistant no less than two business days prior to the meeting. Failure to do so will result in an unexcused absence.

Section 2: Removal from Membership

When a member has a third unexcused absence within any twelve month period, the Chair will send a notification letter to the member that the Council intends to take action at the next scheduled meeting. At that meeting, the member will have an opportunity to refute the action or the Council will proceed with the removal

process. The removal process shall be a simple majority vote to recommend the removal to the Governor for action.

### Section 3: Filling Vacancies of Other than State Representatives

Council vacancies for members other than State representatives are filled by the following process:

1. The Administrative Assistant to the Council shall maintain an active and secure file of interested applicants from which to draw in the event of Council vacancies.
2. Applications on file and newly received applications shall be reviewed based on Council composition requirements to establish candidates for open positions.
3. A Nominating Committee established by the Council shall nominate candidates from the pool of applicants.
4. A majority vote by the Council shall determine recommended candidates for appointment by the Governor.
5. Appointment is official when the Governor of the State of Nevada or his or her designee approves recommended candidates, issues Certificates of Appointment and a copy of the Certificates are received from the candidates by the Administrative Assistant to the Council.
6. The Council shall not discriminate in any regard with respect to age, race, creed, color, sex, sexual orientation, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, physical disability, or mental disability.
7. New BHPAC members must attend Council member orientation within six months of appointment, and refresher training at least every two years thereafter if made available. Failure to attend a Council member orientation within six months of appointment or within any two-year period may constitute grounds for the Council recommending to the Governor the member's removal from the Council.

### Section 4: Filling Vacancies of State Representatives

Council vacancies for State Representatives are filled by the following process:

1. Upon receipt of a resignation notification, a letter to the Administrator (or his or her designee) of the Agency in which the vacancy occurs will be sent requesting that the name of a new prospective representative be provided to through the Council to the Governor's Office in the manner prescribed by the Governor's Office.
2. Appointment is official when the Governor of the State of Nevada or his or her designee approves recommended candidates, issues Certificates of Appointment and a copy of the Certificates are received from the candidates by the Administrative Assistant to the Council.
3. New BHPAC members must attend Council member orientation within six months of appointment, and refresher training at least every two years

thereafter. Failure to attend a Council member orientation within six months of appointment or within any two-year period may constitute grounds for the Council recommending to the Governor's Office the member's removal from the Council.

#### Section 5: Resignations

When a member resigns from the Council, a resignation notification shall be submitted to the Chair of the Council, copied to Council staff, via standard mail or electronic mail. Resignations should not be submitted directly to the Governor's Office. Vacancies created by resignations will be filled as outlined in Section 3 or 4 above.

### ARTICLE IV REIMBURSEMENT

#### Section 1: Travel and Per Diem

Reimbursement for travel and per diem costs at State rates shall be processed by the Administrative Assistant to the Council and taken from the Combined Mental Health and Substance Abuse Prevention and Treatment Block Grant allocated to the State of Nevada.

#### Section 2: Stipends

Members who are not employed by the government and do not receive compensation for their participation in meetings as part of their regular employment shall be given a stipend in the amount of \$80 per day for each regularly scheduled meeting of the Council. Stipends will also be provided to members of the Council who meet as part of a committee of the Council, attend conferences and other behavioral health related activities, or represent the Council at the direction of the Chair. Stipends for these activities shall be paid in the amount of \$80 per day for full-day activities and \$40 per day for half-day activities. Additionally, the BHPAC will also offer its members, who are not employed by the government and who do not receive compensation for their participation in meetings, reimbursement for respite and/or child care, to enable them to attend and participate in BHPAC meetings. The reimbursements for stipends shall be processed by the Administrative Assistant to the Council and taken from the Combined Mental Health and Substance Abuse Prevention and Treatment Block Grant allocated to the State of Nevada.

### ARTICLE V MEETINGS

### Section 1: Frequency of Meetings

The Nevada Behavioral Health Planning & Advisory Council shall meet at least four times per year. Special meetings of the Council may be called at any time by the Chair, Executive Committee, or by a quorum of Council members.

### Section 2: Open Meetings

All meetings of the Council shall comply with the requirements of the State of Nevada Open Meeting Law. A Public Comment item shall be included on each agenda to allow members of the public to address the Council.

### Section 3: Agenda Items

Council members may request Agenda items for BHPAC meetings. Agenda item requests should be submitted via e-mail to the Administrative Assistant at least thirty (30) days prior to the next scheduled PHPAC meeting. The BHPAC Executive Committee will review and approve the final Agenda.

### Section 4: Requesting Tapes or Transcripts of Meetings

All requests for tapes or transcripts of BHPAC meetings will adhere to established policy and procedures. Requests should be directed to the Division of Public and Behavioral Health (DPBH).

## ARTICLE VI OFFICERS OF THE COUNCIL

### Section 1: Officers

The members of the Council shall elect a Chair and a Vice Chair. The immediate past Chair shall be considered an officer of the Council and a member of the Executive Committee.

### Section 2: Terms of Office

The Chair and Vice-Chair serve a term of office comprised of a two (2) year period. One additional term of office (two year period) is permitted with approval the Council. The maximum consecutive term of office that may be served in each office is four (4) years, unless an extension is approved by a 70% or greater vote of the Council. This does not preclude someone from serving in another office upon reaching the term limit for the currently held office.

Following a minimum of two years out of either office, the past Chair or Vice Chair would become eligible again to serve in the same office. Each officer shall serve until the installation of a successor.

### Section 3: Officer Nominations and Elections

Elections for Council offices shall be held at the first regularly scheduled meeting falling on or after October 1 at the end of the current officers' two year term. A Nominating Committee established by the Council shall nominate candidates for open office positions, or Council members may make nominations from the floor. Each office shall be voted upon separately. If more than two nominees are selected for a single office, the lowest vote recipient shall be eliminated during each round of voting necessary until only two nominees remain. Nominees for offices who receive a majority vote for the office available shall be declared elected to that office, effective the next regularly scheduled meeting of the Council.

### Section 4: Executive Committee

The Council shall have an Executive Committee comprised of the current Chair, current Vice Chair, immediate past Chair, the representative to the Council from the principal state agencies with respect to Mental Health Services for Children and Adolescents and Behavioral Health Services for Adults . The Executive Committee shall be authorized by the Council to make decisions concerning the affairs of the Council in the interim between regularly called meetings. Actions taken by the Executive Committee must be reported to all members of the Council at the next regularly called meeting.

### Section 5: Vacancies in Office

Any vacancies in office during an unexpired term shall be filled by an election of the Council and the elected person shall hold office for the remainder of the unexpired term of office. If the immediate past Chair is no longer able to serve on the Executive Committee, the current Chair shall appoint a successor until the next officer election which allows for a new immediate past Chair to serve on the Committee.

### Section 6: Duties of the Chair

1. To preside at all meetings of the Council.
2. In consultation with the Executive Committee and Administrative Assistant to the Council, determine the agenda for Council meetings.

### Section 7: Duties of the Vice Chair

The Vice Chair shall preside at Council meetings in the absence of the Chair.

Section 8: Duties of the Past Chair

The Past Chair shall preside at Council meetings in the absence of the Chair and the Vice Chair.

Section 9: Secretary

The Administrative Assistant to the Council shall act as secretary to the Council.

ARTICLE VII  
COMMITTEES

Section 1: Appointments of all Permanent and Ad Hoc Committees

Except for the Nominating Committee and the Executive Committee, the Chair, in consultation with the Council, shall appoint all chairs and members of all committees established by the Council. Each Council member will serve on at least one committee. Only members of the Council are eligible for appointment to committees. The Nominating Committee shall be appointed by the Council. The Executive Committee is established as outlined under Article VI, Section 4.

Section 2: Powers

Committees appointed by the Chair or Council shall have power and authority to make decisions only as specifically assigned by a majority of a quorum of the Council at a regularly called meeting of the Council. Committee chairs shall be responsible for keeping minutes of committee meetings and reporting on committee activities to the Council.

Section 3: Removal

The Chair or any member of a committee may be removed by a majority of a quorum of the Council at any regularly called meeting of the Council.

ARTICLE VIII  
QUORUM

Section 1: Quorum

A quorum will consist of a majority of the members of the Council (more than one-half of the total membership).

ARTICLE IX  
VOTING

Section 1: Quorum Present



Voting shall occur only when a quorum is present. A vote of a majority of those present is required to carry a motion.

## Section 2: Conflict of Interest

Members shall abstain from voting on issues that relate to a possible conflict of interest, e.g., funding to a program in which they are a salaried employee or a member of the governing or advisory board. A record of abstentions shall be part of the minutes. Agencies or programs with which Council members are directly employed or affiliated may not apply for or seek funding from the Council. Members shall not use their position on the Council to influence other members or the Council as a whole to award funding or give privileges, preferences, exemptions, or advantages to specific agencies or programs with which they are directly employed or affiliated. Members must disclose their employment or affiliation with specific agencies or programs when business related to such agencies or programs is set before the Council for deliberation.

## ARTICLE X GRIEVANCES

### Section 1: Grievance Rights

Grievances are limited to deviations from or violations of the bylaws established by the Behavioral Health Planning and Advisory Council.

### Section 2: Grievance Procedure

1. The grievance process will be fair, impartial, and responsive to all parties.
2. A grievant shall not be discriminated against, nor suffer any retaliation, as a result of filing or participating in the grievance process.
3. A complaint or grievance must be submitted to the Executive Committee, which will serve as the Grievance Committee, within 30 days of the date of the alleged episode causing the grievance became known.
4. The Executive Committee shall address grievances for the Council, including making a formal recommendation regarding the grievance. In the event the grievant does not agree with the Executive Committee's final decision, the grievant may appeal to the Council as a whole within 30 days of the constructive receipt of the Executive Committee's decision. In such cases, the Executive Committee will bring the formal recommendation before the Council at the next regularly scheduled Council meeting, which will be presented as an agenda item. The Council will then, by majority vote, agree or disagree with the Executive Committee's formal recommendation in determining the final action regarding the grievance. The grievant may attend in person, or if not in person, elect to submit a letter on his or her behalf.

5. In lieu of the Executive Committee, the Council shall appoint an ad hoc Grievance Committee only if and when a grievance is filed against:

- a. The Executive Committee as a whole, or
- b. An individual member of the Executive Committee.

This ad hoc Grievance Committee will serve in the place of and handle all above-mentioned grievance-related duties otherwise to have been performed by the Executive Committee if the BHPAC determines that the Executive Committee cannot serve as a fair and impartial committee and if item a. or b. is met.

## ARTICLE XI AMENDMENTS

### Section 1: Amendment or Repeal

The Bylaws may be amended or repealed at any regular meeting of the Council by a majority vote of the quorum, provided that a written notice of proposed change(s) has been submitted to each member at least seven (7) days before said meeting and public notice has been provided at least three (3) days before said meeting.

Proposed amendments shall be received by the Administrative Assistant to the Council and circulated to the members of the Council.

## ARTICLE XII FUNCTIONS NOT SPECIFICALLY COVERED BY THESE BYLAWS

### Section 1: Rules of Order

Any necessary functions not specifically covered by these bylaws will be covered by Robert's Rules of Order, Revised.

THESE BYLAWS WERE LAST AMENDED September 9, 2016 AND REMAIN IN EFFECT UNTIL AMENDED OR REPEALED AS PROVIDED IN ARTICLE XI.