Bylaws of the
Kentucky Behavioral Health Planning and Advisory Council

ARTICLE I: PURPOSE

Section 1 – Name: The name of this unincorporated entity shall be the Kentucky Behavioral Health Planning and Advisory Council and is herein after referred to as the Council.

Section 2 – Authority: The Kentucky Behavioral Health Planning and Advisory Council was established pursuant to Administrative Order 89-43, dated September 12, 1989, and amended by Administrative Order 93-225, dated August 26, 1993. The Council was established to conform to Public Law 102:321 that requires formation of such a Council and specifies its composition.

Section 3 – Mission: The Council is the active voice promoting awareness of and access to effective, affordable, recovery-oriented and resiliency-based services in all communities.

Section 4 – Vision: We believe that all children, adolescents, and adults in the Commonwealth have the right to excellent, recovery-oriented behavioral health services that are affordable, consumer driven, value their individuality, assists them to achieve their fullest potential, and enables them to live and thrive in their community.

ARTICLE II: DUTIES

Section 1 – Duties: The Council shall do all of the following:

- Report directly to the Commissioner of the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (BHDID).
- Assist BHDID in designing a comprehensive, recovery-oriented system of care.
- Advise BHDID on the use of Substance Abuse Prevention and Treatment Block Grant (SABG) funds and Mental Health Block Grant (MHBG) funds and on the quality of statewide, recovery-oriented behavioral health services.
- Review the biennial combined SABG and MHBG Application and annual Behavioral Health Report pursuant to Public Law 102-321, Section 1915 (a) and to submit recommendations to BHDID, prior to the April 1 and December 1 due dates, respectively.
- Advocate for individuals in recovery, children and youth with behavioral health challenges, and family members.
- Monitor, review, and evaluate, no less than once a year, the allocation and quality of statewide, recovery-oriented behavioral health services.

ARTICLE III: MEMBERSHIP

Section 1 – Council Membership: Members shall be appointed in accordance with federal laws, Council Bylaws, regulation by Behavioral Health Order from the Commissioner of BHDID and Administrative Order of the Secretary of the Cabinet for Health and Family Services.

Section 2 – Anti-Discrimination: The Council is consciously and proactively inclusive of all areas of diversity including, but not limited to, age, race, ethnicity, creed, color, sex, gender identity, sexual orientation, marital status, religion, national origin, military or veteran status, ancestry, pregnancy, socioeconomic status, or physical or mental disability.

Section 3 – Membership Seats: Seats on the Council shall be allotted as follows:

A. Eleven seats are allotted to state agency representatives. State agency representatives are designated by their respective agency heads by virtue of the positions they hold. State agency members include:
   - Department for Aging and Independent Living
   - Department for Behavioral Health, Developmental and Intellectual Disabilities
   - Department for Community Based Services
   - Department of Corrections
   - Department of Education
   - Department of Juvenile Justice
   - Department for Medicaid Services
   - Department for Public Health
   - Kentucky Housing Corporation
   - Kentucky Protection and Advocacy
   - Office of Vocational Rehabilitation

   The Council may add additional state agency representatives as deemed appropriate.
B. Four seats are allotted to advocacy organizations that BHDID contracts with for services, including:
   - One organization for individuals in recovery from substance use disorders;
   - One organization for individuals in recovery from mental health disorders and/or co-occurring substance use disorders;
   - One organization for family members of adults in recovery from mental health disorders and/or substance use disorders; and
   - One organization for youth and family members of youth with significant behavioral health challenges.

   Advocacy organization representatives shall be the Board Chair or designee.
C. One seat is allotted to a community mental health center provider representative. The community mental health center provider representative is the Executive Director or designee of the Kentucky Association of Regional Programs.
D. Six seats are allotted to adults in recovery from mental health disorders and/or substance use disorders.
E. Six seats are allotted to parents/grandparents/guardians/foster parents who have custody of a child (birth through age 20) with behavioral health challenges.
F. Six seats are allotted to family members of an adult in recovery from behavioral health disorders.
G. One seat is allotted to a young adult in recovery from behavioral health disorders (age 18-25).
H. One seat is allotted to a Regional Prevention Center representative.

Section 4 – Terms of Membership: The terms of membership shall be as follows:

A. State agency representatives do not have membership terms, nor is there a limit to their years of service.

B. Representatives of organizations, as listed in Section 3 B., do not have membership terms, nor is there a limit to their years of service.
C. The community mental health center provider representative does not have a membership term, nor is there a limit to his or her years of service.
D. Individuals appointed via Article III, Section 3D, 3E, 3F and 3G shall serve a term of membership of two years from his or her date of appointment (unless he/she is completing the term of a member who resigned). There is no limit to the number of terms these members may serve.

Section 5 – Eligibility of State Employees: A full-time employee representing a state agency is only eligible to serve on the Council as a representative of his/her respective agency.

Section 6 – Eligibility of Employees of Mental Health Providers: A full-time employee of a provider of behavioral health services is not eligible to serve on this Council in any capacity other than as a representative of that entity.

Section 7 – Appointment of Members: The Council shall recommend, to the Commissioner of BHDID, persons to fill Council vacancies, once voted upon by the Council.

Section 8 – Designees: State employees and members of advocacy organizations who are designated as members by virtue of their office or advocacy organization representation may appoint, in writing or by email, a designated alternate to attend meetings in their stead, and such alternate shall have full Council member privileges.

Section 9 – Confidentiality: Each member shall keep confidential all sensitive information pertaining to Council members and applicants, both during and after serving on the Council.

Section 10 – Reimbursement of Expenses: All individuals appointed via Article III, Section 3D, 3E, 3F and 3G shall be reimbursed for necessary expenses incurred with the performance of duties related to approved Council business consistent with the policies of the Cabinet for Health and Family Services and BHDID. The members who are representing state agencies, providers, and advocacy organizations will not be reimbursed with Council funds but may be reimbursed by the organization which they are representing. This includes stipends, travel, lodging and per diem expenses.

Section 11 – Attendance: Minutes of Council meetings shall reflect the names of those members in attendance and those serving as alternates.

Section 12 – Absences: Members who miss three consecutive meetings without a substantial reason submitted and reviewed by the Chair may be recommended for removal from membership unless the Council acknowledges special circumstances and acts to continue the membership.

Section 13 – Resignation of Membership: A member who is unable to complete his or her term of membership shall submit a written notice of resignation to the Chair.

Section 14 – Removal: The Chair or any member of the Council may be removed, with just cause, with a two-thirds vote of the membership of the Council, at any time, at a properly called meeting of the Council.

Section 15 – Conflict of Interest: Members shall abstain from voting upon such matters in which they have a direct financial interest.

ARTICLE IV: OFFICERS

Section 1 – Officers and Duties: The officers shall include a Chair, Vice Chair, and Secretary.

A. The **Chair** shall be the principal officer of the Council. The Chair shall preside over all meetings of the Council, call special meetings as needed, appoint committees, represent the Council at required national conferences and meetings, and generally supervise and direct all actions of the Council with assistance from staff liaison(s) from BHDID.
B. The **Vice Chair** shall assist the Chair in all duties assigned to that office and preside over the meeting in the Chair's absence.
C. The **Secretary** shall serve as the timekeeper for Council meetings, oversee the recording of attendance at meetings, and follow-up on attendance matters.

Section 2 – Terms: Officers shall serve a two-year term (or until such time as a new officer is appointed). Officers are limited to two consecutive terms in the same office and to no more than four consecutive terms as an officer.

Section 3 – Qualifications of Officers: Nominations for officer positions shall be limited to individuals who have served on the Council for at least one year. Officers are limited to those who meet the criteria in Article III, Section 3D, 3E, 3F and 3G.

Section 4 – Nomination and Approval Process for Officers: Nominations for officers of the Council shall be made at a duly called meeting of the Council as recommended from the Membership Committee. The Council shall provide at least two (2) candidates for the office of Chair, and at least one (1) candidate for the office of Vice Chair and for the office of Secretary to the Commissioner of BHDID.

Section 5 – Appointment of Officers: Officers of the Council shall be appointed by the Commissioner of BHDID. In the event that the Commissioner does not make the needed appointment(s), the nomination process shall be repeated to create new recommendations.

Section 6 – Vacancies: If an officer is unable to complete his or her term in an appointed office for any reason, the nomination process shall be repeated to create new recommendations for that office. The new officer shall serve the remainder of the current term.

ARTICLE V: MEETINGS

Section 1 – Quorum: One-third of the membership of the Council present, consisting of one-half plus one of the assembled members Article III, Section 3D, 3E, 3F and 3G shall constitute a quorum. Agency and organizational representatives who may be individuals in recovery, parents and/or family members shall not be considered consumer and family member representatives.

Section 2 – Regular Meetings: The Council shall meet a minimum of four times per calendar year. Members shall be notified in writing of the date, time, and place of the meeting at least 10 days in advance.

Section 3 – Special Meetings: The Chair may call special meetings of the Council as is necessary to fulfill the purpose and mission of the Council. Members shall be notified in writing of the date, time, and place of the meeting at least five (5) days in advance.

Section 4 – Public Participation: Members of the public are entitled to attend meetings, but shall not have the right to participate under Kentucky's Open Meetings Act. They may propose new business for the next meeting; however, the Council encourages all new business or comments to be submitted in writing for consideration by the Executive Committee.

ARTICLE VI: COMMITTEES

Section 1 – Standing and ad hoc Committees: The Council shall have such standing and ad hoc committees as the Council shall deem necessary for the proper conduct of its business. Such committees shall be appointed by the Chair and shall report directly to the Council, unless otherwise requested by the Council. The ad hoc committees should consist of approximately five (5) to seven (7) members.

Section 2 – Executive Committee: The Executive Committee shall be responsible for formulating the meeting agenda for full Council meetings conducting any such Council business as may arise and require attention at times other than during regular meetings.

The committee shall be comprised of:

A. The Chair;
B. The Vice Chair; and
C. The Secretary.

Ex-officio members shall be comprised of the BHDID managers or designees representing:

A. Adult behavioral health;
B. Children's behavioral health;
C. Substance use treatment;
D. Substance use prevention; and
E. Others as may be deemed appropriate.

Section 3 – Finance and Data Committee: The Finance and Data Committee is responsible for reviewing SABG and MHBG allocations and deliverables of funded entities, reviewing quality and performance data, and making recommendations to the Council regarding funding issues.

Section 4 – Membership Committee: The Membership Committee is charged with the following:

A. Recruitment of new Council members;
B. Orientation of new members;
C. Making recommendations for the officers of the Council;
D. Making recommendations to the Bylaws Committee regarding membership and nominations of officers; and
E. Ensuring that the Council follows both public laws and Council Bylaws of membership.

ARTICLE VII: COMPLAINTS AND RESOLUTION

Section 1 – Complaints by Council Members or Meeting Guests: Any formal complaint from a Council member or meeting guest shall be submitted in writing to the Chair stating the specific issues, documentation to support the complaint, and a potential resolution. The Chair shall present the complaint to the Executive Committee for resolution. If the complaint lies with the Chair, the complaint shall be handled by another Executive Committee member.

ARTICLE VIII: RULES OF ORDER

Section 1 – Rules of Order: In all procedural matters not governed by these bylaws, the Council shall be bound by the policy and procedures of the BHDID or by the provisions of Robert's Rules of Order (latest edition). However, the Council may, by the vote of two-thirds of a quorum of the Council present at a meeting of the Council, suspend any provision of these bylaws or of Robert's Rules at any time.

Section 2 – Open Meetings and Open Records: All meetings of the Council shall be open to the public and adhere to the provisions for open meetings as set forth in KRS 61.870 to KRS 61.884. The Council shall refer to the most recent edition of *"Protecting Your Right to Know: The Kentucky Open Records and Open Meetings Acts"* published by the Office of the Attorney General, should further procedural clarification be needed.

Section 3 – Amendments to the Bylaws: The Council Bylaws may be amended by a majority vote of a quorum at any meeting of the full Council, provided that the proposed amendment shall have been submitted in writing to the entire membership at least ten days prior to such meeting.

Amended and approved by the Council at its meeting on November 19, 2015.

Mary Singleton 1/28/16

Mary Singleton, Chair **Date**