

WEST VIRGINIA BEHAVIORAL HEALTH PLANNING COUNCIL BY-LAWS

ARTICLE I NAME AND LOCATION

The name of this organization shall be WEST VIRGINIA BEHAVIORAL HEALTH PLANNING COUNCIL, hereinafter referred to as the Council.

The principal office of this organization shall be determined by the Council's Executive Committee.

ARTICLE II GENERAL PURPOSES

- A. The purpose of this Council is to actively participate in the planning, development, implementation and monitoring of a comprehensive behavioral health (mental and substance use disorders) service delivery system in the State of West Virginia, through the cooperative efforts of the members representing all stakeholders in the public behavioral health services delivery system.
- B. The Council's mission is to improve the behavioral health system and function as a catalyst for change in that system. Its responsibilities are:
 1. Work in partnership with stakeholders, advocates, state officials, providers and others to develop and implement a community based planning process;
 2. Assist in improving the behavioral health service delivery system by providing leadership and systemic advocacy on both the regional and state level;
 3. Monitor the behavioral health service delivery system to ensure access, responsiveness, equity, parity, efficacy and quality.
 4. Evaluate the effectiveness of programs and services within the West Virginia system of behavioral health services.
 5. Identify gaps in services and recommend strategies for addressing the gaps.
 6. Advocate for the needs of persons with behavioral health challenges before the governor, funding entities, policy makers and the public.
 7. Encourage and support empowerment of persons in or seeking recovery and their families so that they may realize their potential as leaders in the behavioral health service system.

In addition to the foregoing, the Council shall comply with all applicable Federal laws, rules and regulations governing the creation, composition and existence of the Council and, to the extent that any provision of these By-Laws may be in conflict with and violate any such applicable federal law, rule or regulation, the Federal law, rule and/or regulation shall govern.

The duties of the Council required by Federal law at the adoption of these By-Laws are:

To serve as an advocate for adults with serious mental illness, children and youth with serious emotional disturbances, and other individuals with mental illnesses or emotional problems, children and adults with substance abuse disorders;

To monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health and substance abuse services within the State of West Virginia; and

To review and make recommendations on West Virginia's Federal Block Grant application.

ARTICLE III FISCAL YEAR

The fiscal year of the Council shall begin on the first day of July in each year, and shall end on the last day of June the following year.

ARTICLE IV MEMBERSHIP

- A. The number of members of the Council shall not exceed thirty-five (35) persons.
- B. To be eligible for election to the Council, individuals must be residents of the State of West Virginia. The basic criterion for Council membership is that a prospective member must have a stakeholder interest in the West Virginia behavioral health system and the work of the Council.
- C. Members of the Council shall be elected by the Council as hereinafter provided:
 - 1. Election of council members may take place at any regularly scheduled meeting of the council upon a motion made by the Membership Committee and approved by a simple majority vote of the membership.
 - 2. All applications for membership shall be presented to the Membership Committee. The Membership Committee shall determine whether to recommend the applicant to the Council for membership. The Council shall not consider any individual for membership unless and until the Membership Committee has approved the applicant for membership.
 - 3. Individuals will be elected to Council membership by a simple majority vote of those Council members present at the meeting in which the applicant is presented for membership. The vote may be conducted by a voice vote or by ballot.
- D. Council membership shall represent all six (6) Bureau for Behavioral Health and Health Facilities (BBHF) regions of the State. Council membership should include, at a minimum, three (3) persons (non-providers of behavioral health services or State employees from each of the six (6) regions; one (1) behavioral health provider from each of the six (6) regions, and representatives of principal state agencies as identified below.
 - 1. The principal state agencies which are to be represented are Mental Health, Substance Abuse, Education, Vocational Rehabilitation, Criminal Justice, Housing, and Social Services. These representatives are to be appointed by their respective agency.
 - 2. Council membership must include representatives from public and/or private entities (providers) concerned with the provision, need, planning, operation, funding, and use of behavioral health and related support services.
 - 3. Council membership must include adults who are receiving, seeking, or have received behavioral health services.
 - 4. Council membership must include youth representatives (aged 18-24) who are receiving, seeking, or have received behavioral health services.
 - 5. Council membership must include families of such adults or families of children or youth who are receiving, seeking, or have received behavioral health services.
 - 6. At least fifty-one percent (51%) of the members of the Council shall be individuals who are not state employees or providers of behavioral health services.

- E. Council members, except for those members appointed by designated state agencies, are elected to serve three (3) year terms. The Membership Committee must maintain a roster of active members, divided equally into classes to determine term expiration of each member. An individual may be elected to serve a partial term when a seat is vacated due to resignation or other action.
- F. Membership of any individual on the Council shall be terminated upon any of the following occurrences:
 - 1. Attendance

Absence at three (3) consecutive Council meetings and/or absence from more than one half (1/2) of Council meetings within a twelve (12) month period will be cause for potential removal. When a member meets either of these attendance thresholds the Membership Committee will notify the Council's Executive Committee and shall make a recommendation regarding the continued membership of said member. The Executive Committee will render a decision and instruct the Membership Committee to convey the decision, in writing, to the Council member. The member may appeal the decision of the Executive Committee by submitting a request for reconsideration to the Council Chair within fourteen (14) days after receipt of decision.

For members filling required principle state agency seats:

At the second consecutive unattended meeting at which the representative enters immediate jeopardy of removal due to an absence the Membership Committee will provide notice to the Council Chair, and the Chairperson will send written notification of jeopardy of removal to the senior member of the principle state agency.

At the third consecutive unattended meeting, the Chairperson will invoke this policy and send written notification to the senior member of the represented organization. This notification will also request that another representative be assigned to the Planning Council.
 - 2. Death or resignation of a Council member.
 - 3. Removal of a Council member under Article VIII of these By-Laws.
- G. Appeal of any decision regarding membership, other than removal due to the attendance policy, shall be made in writing to the Executive Committee. The Executive Committee shall consider and investigate an appeal and shall, at the next meeting of the Council, make a recommendation as to disposition of the appeal to the membership. The membership will vote on the recommendation. A simple majority of those present will decide the issue. If the recommendation of the Executive Committee is not accepted by the membership, the Executive Committee will reconsider the appeal and present a subsequent recommendation(s) to the membership for vote.

**ARTICLE V
MEETING OF THE MEMBERS**

- A. The annual meeting of the Council shall be the June meeting, at which time the election of officers shall be held.
- B. OTHER MEETINGS: There shall be at least four quarterly meetings, one of which will serve as the annual meeting. Other meetings and workshops may be called by the Executive Committee at any time. The Executive Committee shall call a special meeting at the request of a majority of the members of the Council.

- C. NOTICE OF MEETING: A written notice shall be sent to each member of the Council at least fourteen (14) days prior to the date of any regular or special meeting. This notice shall include a request for the member to signify plans to attend and accommodation needs.
- D. QUORUM: A quorum shall consist of a majority of members of the Council. In the case of a committee meeting, a quorum shall consist of a majority of the members of that committee. A quorum shall be necessary to conduct business on action items of the council or a committee.
- E. VOTING: Except as otherwise expressly provided in these By-Laws, all actions shall be decided by a simple majority vote of the members present.

ARTICLE VI OFFICERS

- A. The officers of the Council shall be: Chair, Vice Chair, Secretary and Treasurer, each of whom shall be elected at the annual meeting. The terms of the officers shall commence at the beginning of the next fiscal year. Officers are elected for two (2) year terms. The Chair may serve two (2) consecutive terms. After serving two terms, the person serving as Chair must sit out at least one (1) two year term before being eligible to be elected to Chair again. The Vice Chair, Secretary, and Treasurer do not have term limits. Should a resignation or vacancy for any reason occur in any office during the term of office, the Executive Committee shall appoint a member of the Council to serve in that office and complete the term of office until the next election of officers as herein provided.
- B. The Chair shall preside at all meetings of the Council and at all meetings of the Executive Committee. The Chair shall prepare an agenda for each meeting, with the advice and consent of the Executive Committee, and shall prepare annual comments and reports for the BBHFF to submit with the Block Grant application and plan.
- C. The Vice Chair shall assume the duties of Chair when the Chair is absent or otherwise unavailable.
- D. The Secretary shall assemble, and submit draft minutes of Council meetings, obtain and disseminate to the membership available written reports from designated state agencies and committee chairs prior to each meeting, maintain an accurate and complete listing of membership, and serve as the chair of the Membership Committee.
- E. The Treasurer shall serve as a financial monitor of funds allocated for Council use. The Treasurer shall acquire and report to the Council financial status at each meeting of the Council and shall annually prepare or participate in preparation of a budget for the operations of the Council for presentation at the annual meeting prior to the next fiscal year.

ARTICLE VII COMMITTEES

The Council shall annually develop strategies and priorities. The work of all Permanent and Ad Hoc Committees shall be guided by these strategies and priorities.

- A. PERMANENT COMMITTEES: The permanent or standing committees of the Council shall be: Executive, System Monitoring and Evaluation, Membership, Housing, Adult Services and Children and Family Services. The Chair will recommend to the Executive Committee, members to serve as Chairpersons of these committees. The Executive Committee by a simple majority vote may ratify the recommendations of the Council Chair.
 - 1. EXECUTIVE COMMITTEE
The Executive Committee shall consist of the officers of the Council, the immediate

past chair of the council provided that such past chair is a voting member of the Council, and three (3) members of the Council elected at the annual meeting by the Council membership to serve a two year term. The Chair of the Council shall serve as the Chair of the Executive Committee.

The Executive Committee shall act for and on behalf of the Council during the intervals between the meetings of the Council, subject to policies determined by the Council. Provided however, that the Executive Committee shall have no authority to bind the Council to any contract or other legal obligation in absence of Council approval of such contract or legal obligation.

A quorum of the Executive Committee shall consist of any four (4) members, one of whom must be the Chair. A quorum shall be necessary to convene any meeting of the Executive Committee.

2. SYSTEM MONITORING & EVALUATION COMMITTEE

The System Monitoring & Evaluation Committee shall be composed of a Chairperson and at least four (4) other individuals. This committee shall be responsible for reviewing and providing comments for the State's Block Grant application, proposing and coordinating system monitoring and review activities including a peer evaluation of state funded behavioral health programs and activities, and monitoring systemic service provision issues statewide. Other tasks for this committee may be assigned by the Council Chair.

3. MEMBERSHIP COMMITTEE

The Membership Committee shall be composed of a Chairperson and at least four (4) other individuals. This Committee shall be responsible for soliciting and reviewing interest indicators from potential members of the Council, make recommendations to the Council for approval by the membership, and ensure the membership is representative of the communities in West Virginia. Other tasks for this committee may be assigned by the Council Chair.

4. HOUSING COMMITTEE

The Housing Committee shall be composed of a Chairperson and at least four (4) other individuals. This committee shall be responsible for evaluating housing needs across the state, identifying and reporting to the Council policy, financial, or other barriers to community integration and consult with the Council to address those barriers, and advocate for full implementation of West Virginia's Olmstead Plan. Other tasks for this committee may be assigned by the Council Chair.

5. ADULT SERVICES COMMITTEE

The Adult Services Committee shall be composed of a Chairperson and at least four (4) other individuals. This committee shall be responsible for reviewing the availability, accessibility, and quality of behavioral health services for adults in West Virginia, advocating for the statewide implementation and sustainability of evidence based practices and emerging/promising practices, report systemic barriers and challenges to the Council and make recommendations in regard to strategies to address any barriers or challenges. Other tasks for this committee may be assigned by the Council Chair.

6. CHILDREN AND FAMILY SERVICES COMMITTEE

The Children and Family Services Committee shall be composed of a Chairperson and at least four (4) other individuals. This committee shall be responsible for reviewing the availability, accessibility, and quality of behavioral health services for Children and Families in West Virginia, advocating for the statewide implementation and sustainability of evidence based practices and emerging/promising practices, report systemic barriers and challenges to the Council and make recommendations

in regard to strategies to address any barriers or challenges. Other tasks for this committee may be assigned by the Council Chair.

- B. AD HOC COMMITTEES: The Chair may create such ad hoc committees as is deemed necessary. These Committees will serve at the pleasure of the Chair and may be dissolved by the Council Chair at any time. The Council Chair may appoint the Chair and membership of ad hoc committees.

ARTICLE VIII ETHICS

- A. Members of the Council shall be bound by the ethical standards established under West Virginia Code: 6B-2-5, as amended, while acting as members of the Council. Any member of the Council who violates these standards may, upon a motion of the membership committee, at a regularly scheduled Council meeting, and two-thirds (2/3) vote of the members of the Council in attendance, be removed as a member of the Council.
- B. Confidentiality: Members of the Council shall respect confidential information gained by virtue of involvement with block grant reviews or information shared by other members in the course of Council meetings, per West Virginia Code: 6B-2-5, as amended. Failure to comply with confidentiality requirements may result in removal from the Council, as described in Paragraph A above.

ARTICLE IX AMENDMENTS

Any member of the Council may propose an amendment to these by-laws. Such proposals must be made in writing to the Council Chair.

By-Laws may be amended by a two-thirds (2/3) majority vote of the members of the Council attending the meeting wherein such amendments are scheduled for vote. Notice of proposed By-Law changes, which shall include the specific language of the proposed amendment, shall be sent to each council member at least two (2) weeks prior to the meeting at which the amendment will be proposed.

ARTICLE X RULES OF PROCEDURE

Unless otherwise specified in these By-Laws, meetings and procedures of the Council and all committees, shall be in accord with Robert's Rules of Order, Revised.

ARTICLE XI

If any article or provision of these by-laws is found to be inconsistent with West Virginia or Federal law, only that article or provision shall be invalid. The remainder of these by-laws shall remain in effect.

ARTICLE XII TRAVEL REIMBURSEMENT

Reimbursement for travel expenses approved and related to Council business will be governed by the Council's Travel Reimbursement Policy.

(Revised and adopted January 2013)