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 resilience-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, resilience-based behavioral health services that are affordable, equitable, client driven, and assists community members to achieve their full potential and live and thrive in their community.

ARTICLE II: DUTIES

Section 1 Duties: The Council shall do the following:

- Report directly to the Commissioner of the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID).
- Assist DBHDID in designing a comprehensive, recovery-oriented system of care.
- Advise DBHDID 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 annual combined SABG and MHBG Application and annual Behavioral Health Report pursuant to Public Law 102-321, Section 1915 (a) and to submit recommendations to DBHDID, prior to the September 1 and December 1 due dates, respectively.
- Advocate for individuals in recovery from mental health disorders and/or substance use disorders, children and youth with behavioral health challenges, and family members.
- Monitor, review, and evaluate, not 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, and Cabinet for Health and Family Services' policy.

Section 2 Inclusion: The Council endeavors to be inclusive of all areas of diversity including, but not limited to, race, color, sex, disability, age, national origin, religion, sexual orientation, socioeconomic

status, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

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
   - Statewide Housing Organization
   - 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 DBHDID contracts with for services, including:
   - One organization representing individuals with lived experience of substance use disorders;
   - One organization representing individuals with lived experience of mental health disorders and/or co-occurring substance use disorders;
   - One organization representing family members of adults with lived experience of mental health disorders and/or substance use disorders; and
   - One organization representing youth and family members of youth with significant behavioral health challenges.

   Advocacy organization representatives shall be the Board Chair, Executive Director, 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 with lived experience of behavioral health disorders.
E. Six seats are allotted to parents, guardians, grandparents, or foster parents who are caring for a child (birth through age 20) with behavioral health challenges.
F. Six seats are allotted to family members of an adult with lived experience of behavioral health disorders.
G. Two seats are allotted to a young adult with lived experience of 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, as listed in Section 3A, do not have membership terms, nor is there a limit to their years of service.

B. Representatives of organizations, as listed in Section 3B, do not have membership terms, nor is there a limit to their years of service.
C. The Community Mental Health Center provider representative and the Regional Prevention Center representative do not have membership terms, nor is there a limit to their years of service.
D. Individuals appointed via Article III, Section 3D, 3E, 3F and 3G shall serve a term of membership of four 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 Behavioral Health Providers: A full-time employee of a behavioral health services provider is not eligible to serve on this Council in any capacity other than as a representative of that entity.

Section 7 Appointment of Members: Once voted upon, the Council shall recommend applicants to the Commissioner of DBHDID for appointment.

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 voting 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 DBHDID. Council officers and committee chairs shall also be reimbursed for necessary expenses incurred with the performance of scheduled planning duties. 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 quarterly Council 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 Council member may be removed, with just cause, with a two-thirds vote of the Council membership, at any time, at a properly called Council meeting.

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. Officers shall participate in planning duties and the following:

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, 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 DBHDID.
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, preside over the meeting in the Chair and Vice Chair's absence, 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 Council officers shall be made at a duly called meeting of the Membership Committee or Council. The Council shall recommend to the Commissioner of DBHDID at least two (2) candidates for the office of Chair and at least one (1) candidate for the offices of Vice Chair and Secretary.

Section 5 Appointment of Officers: Council officers shall be appointed by the Commissioner of DBHDID, the Secretary of the Cabinet for Health and Family Services, or a designee. If the Commissioner or designee do not make the needed appointment(s), the nomination process shall be repeated to create new recommendation(s).

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 recommendation(s) for that office. The new officer shall serve the remainder of the current term.

ARTICLE V: MEETINGS

Section 1 Quorum: Quorum for a Council meeting shall be one-third of the Council membership, with one-half plus one of the assembled members designated in Article III, Section 3D, 3E, 3F, and 3G.

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: Council meetings will be conducted in accordance with Kentucky's Open Meetings Act. The Act requires that all meetings of a quorum of the members of a public agency where public business is discussed, or action is taken, must occur in meetings open to the public, unless an exemption applies. No person attending a Council meeting can be required to identify himself or herself in order to attend the meeting, unless making public comment. The Open Meetings Act does not require the Council to permit public comments or public participation. The Council encourages the public to submit new business and comments to the Executive Committee for consideration.

ARTICLE VI: COMMITTEES

Section 1 Standing and Ad hoc Committees: The Council shall have such standing and ad hoc committees as it deems necessary for its business. Standing and ad hoc committees shall be established and discontinued by the Council and shall report directly to the Council. Ad hoc committees should consist of approximately five (5) to seven (7) members.

Section 2 Executive Committee: The Executive Committee shall make recommendations for Council operation, prioritize agenda topics for full Council meetings, and address special business that requires attention.

The committee shall be comprised of:

A. The Chair;
B. The Vice Chair;
C. The Secretary; and
D. Standing and Ad hoc Committee Chairs.

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

A. Adult mental health;
B. Children's behavioral health;
C. Substance use treatment;
D. Substance use prevention;
E. Mental health promotion, prevention, and preparedness; and
F. 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. Making membership and officer recommendations;
C. Orientation of new members;
D. Making recommendations for Council officers;
E. Making recommendations to the Bylaws Committee regarding membership and nominations of officers; and
F. 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 DBHDID or by the provisions of Robert's Rules of Order (latest edition). However, the Council may, by the vote of two-thirds of the members present at a Council meeting, 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 (KRS 61.800 to KRS 61.850) and open records_(KRS 61.870 to KRS 61.884). The Council shall refer to the most recent edition of *"The Kentucky Open Records & Open Meetings Acts: A Guide for the Public and Public Agencies"* 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 17, 2022.

Sherry Sexton _____ 12-6-22 _____

Sherry Sexton, Chair **Date**