Bylaws of the New Mexico Interagency Behavioral Health Purchasing Collaborative

These Bylaws were adopted by The Interagency Behavioral Health Purchasing Collaborative on March 27, 2008, at which time the previous Memorandum of Understanding, dated by signature on various dates in June, 2004, was rescinded.

Article 1 Purpose and Objectives

1.1 The purpose of The Collaborative is to develop a statewide system of behavioral health care that promotes the behavioral health and well-being of children, individuals and families; encourages a seamless system of care that is accessible and continuously available; and emphasizes prevention and early intervention, resiliency, recovery and rehabilitation.

1.2 The Collaborative has a vision of a single behavioral health delivery system in New Mexico in which available funds are managed effectively and efficiently; the support of recovery and development of resiliency is expected; mental health is promoted; the adverse effects of substance use and mental illness are prevented or reduced; and behavioral health services consumers and families are assisted in participating fully in the life of their communities.

1.3 The Collaborative is charged by law, in Section 9-7-6.1 NMSA 1978 as amended, with specific responsibilities and is directed to take into consideration specific principles, to the extent practicable and within available resources.

Article 2 Membership

2.1 Members of The Interagency Behavioral Health Purchasing Collaborative [hereinafter “The Collaborative”] are those secretaries and directors (including the Governor’s Health Policy Coordinator) or their designees who are specified in Section 9-7-6.4 NMSA 1978 as amended and any Ex-Officio members.

2.2 The Secretary of the Higher Education Department, the Secretary of the Veterans Services Department, the New Mexico Public Defender, and the Children’s Cabinet Coordinator are Ex-Officio members of The Collaborative. The Collaborative may designate Ex-Officio members. Such designated Ex-Officio members shall serve as non-voting members, but are required to otherwise participate as full members of The Collaborative.

2.3 No decision of The Collaborative or of the Governor’s Office shall be binding on the Administrative Office of the Courts, which is otherwise a non-voting full member of The Collaborative.

2.4 A member of The Collaborative may designate an individual to represent him/her by written authorization. Written authorization must be submitted to the Chief
Executive Officer prior to any meeting at which a designated proxy shall represent the statutory Collaborative member or Ex Officio member. Such a proxy authorized to vote, act or participate on behalf of the secretary or director shall be referred to as a Collaborative member.

**Article 3 Chair, Co-Chairs, Executive Committee, Chief Executive Officer**

3.1 The Collaborative shall be chaired by the Secretary of Human Services, with the Secretary of Health and the Secretary of Children, Youth and Families alternating annually as co-chairs. “Annually” or “annual” wherever found in these Bylaws shall mean the New Mexico state fiscal year.

3.2 The Chair and serving Co-Chair in consultation with the Collaborative Chief Executive Officer or her designee shall:
   a. take such operational and administrative decisions as are required on a day-to-day basis;
   b. set agendas for meetings of The Collaborative;
   c. appoint Collaborative members to any standing committees;

3.3 The Executive Committee of The Collaborative shall be comprised of the Chair of the Collaborative and the two Co-Chairs.

3.4 The Executive Committee will meet informally, including by telephone conference, to:
   a. gather information and make recommendations to The Collaborative;
   b. appoint Ad Hoc Committees as needed;
   c. receive any reports or recommendations from Collaborative committees or sub-committees;
   d. identify any policy recommendations requiring a decision by The Collaborative;
   e. may authorize proposals for rules or regulations as authorized by the Administrative Procedure Act, recommend final rules to The Collaborative, and approve emergency rules on behalf of The Collaborative;
   f. interview, select for hiring and conduct annual job evaluation reviews for the Collaborative Chief Executive Officer and her/his Deputy.

3.5 The “director” of The Collaborative as specified in law shall be called the Chief Executive Officer [CEO] of The Collaborative.

**Article 4 Committees of the Collaborative**

4.1 To facilitate its work, the Collaborative may designate such standing committees as are annually required.

4.2 The Chair and Co-Chair of the Collaborative may appoint members to any such annual standing committees.
4.3 The duties and responsibilities of any standing committees shall include at least consulting with the Collaborative Chief Executive Officer or designee, gathering information, requesting advice from the Behavioral Health Planning Council, conferring with staff of Collaborative agencies and departments, and making recommendations for action by the Collaborative, the Chair and Co-Chair, or the Executive Committee. Public notice of such meetings may be given and public attendance and participation permitted as deemed appropriate by the committee chair.

4.4 The Executive Committee may from time to time appoint Ad Hoc Committees consisting of three or more Collaborative members to gather information and make recommendations to The Collaborative about specified matters. Public notice of such meetings may be given and public attendance and participation permitted as deemed appropriate by the committee chair.

**Article 5 Exercise of Powers**

5.1 The Collaborative shall work by consensus unless and until the Chair shall determine that a vote is required.

5.2 A consensus shall be recognized by the Chair or Co-Chair of the Collaborative when all Collaborative members present are willing to be bound by the specific decision of the Collaborative being taken. Consensus may be assumed unless a member makes known his/her unwillingness to be bound by a proposed decision at the time the decision is taken.

5.3 In the absence of consensus, a majority vote of the voting members present shall constitute a final decision. A voice vote shall be taken for all decisions requiring a vote. Any member in attendance may request that a roll call vote be taken to confirm a voice vote.

5.4 A majority of voting members of The Collaborative shall constitute a quorum at any regular or special meeting. Once a quorum is established, the Collaborative may conduct business and make decisions as if a quorum still exists for that meeting.

**Article 6 Responsibilities of Members and Committees**

6.1 Members of the Collaborative are expected to prepare themselves for the issues coming before The Collaborative, to attend and to participate in meetings of The Collaborative and committees to which they are assigned.

6.2 Each Collaborative member shall participate in at least one standing or ad hoc committee.

6.3 Collaborative members shall assign staff or resources to standing and ad hoc committees and to any Steering or other work groups as requested by the CEO.

6.4 Collaborative members shall abide by Collaborative decisions and policies and shall give such directions to their agency or departmental staff as are needed to operationalize Collaborative decisions.

6.5 Collaborative members are expected to maintain the confidential nature of Collaborative deliberations held in closed session, including written and verbal communication.
Article 7 Collaborative Procedures

7.1 The Collaborative shall meet at least four times each year on dates and at times set by the co-chairs after consultation with the Collaborative.

7.2 The public shall be given notice of the dates and times of such meetings pursuant to the New Mexico Open Meetings Act requirements. Notice of regular meeting times shall be given seven business days in advance of the meetings; notice of special meetings shall be given three business days in advance of the meetings; and notice of emergency meetings shall be given twenty-four hours in advance of the meetings.

7.3 The co-chairs shall set the agendas for meetings of The Collaborative. Any Collaborative member may request an item be placed on the agenda, so long as the request is received at least four business days before the scheduled meeting, except in an emergency.

7.4 Agendas for any meeting of the Collaborative shall be sent via e-mail or facsimile to each member of the Collaborative at least three business days prior to the date of the meeting, except in an emergency. Each agenda shall indicate items that are probably decision items upon which a consensus may be reached or a vote taken. Items on the agenda not designated as decision items may result in a decision by The Collaborative after discussion at the meeting. Meeting agendas, except in the case of emergency, shall be available to the public by posting on the Collaborative website at least 24 hours prior to the meeting.

7.5 Minutes of the meetings of The Collaborative shall be maintained by the Office of the Chief Executive Officer of The Collaborative. The co-chairs may appoint counsel to The Collaborative for legal advice.

7.6 Each member of The Collaborative (except Ex Officio members) shall have one vote on any decision item.

7.7 Any member of The Collaborative may attend a meeting via telephone or video conferencing facilities and may note on any decision item by voice vote when attending by telephonic device.

7.8 If a member voting in the negative on any decision item or any member not in attendance and not represented believes that the decision of The Collaborative is contrary to law, regulation, or a legislated budget directive, or is otherwise inconsistent with the legal or authorized duties of the member or her/his department or agency, the member shall so state and request an opportunity to explain why she/he so believes. Such request shall be made at the meeting in which the decision occurred or via e-mail or facsimile to the co-chairs no later than the close of the third business day following the meeting in which the decision occurred. The co-chairs shall place the matter on the next regular, special or emergency meeting of The Collaborative. Pending further action of The Collaborative, the decision shall not be implemented.

7.9 If a member requesting reconsideration still believes that the final decision is contrary to law, regulation or a legislated budget directive, or is otherwise inconsistent with the legal or authorized duties of the member or his/her department or agency, the member shall request a
meeting with the co-chairs to determine whether there is any way to remedy the disagreement. Legal counsel for The Collaborative may be consulted as necessary. If the three members cannot reach resolution, the co-chairs and the member shall take the concern to the Governor’s Office for resolution. If the Governor or the Governor’s Chief of Staff on behalf of the Governor makes a decision contrary to the decision of the Collaborative, the co-chairs shall so inform The Collaborative and shall instruct the implementation of the decision made by the Governor’s Office. The minutes of Collaborative meetings and the public record shall reflect any final decision of the Governor’s Office.

**Article 8 Amendments**

8.1 These Bylaws may be amended at any regular meeting of The Collaborative by the affirmative vote of not less than two-thirds of the members of The Collaborative, provided that notice of any proposed amendment, including a draft thereof, shall have been given at the regular meeting of the Board next preceding the meeting at which such amendment is voted upon.