Policies, Procedures
For the
New Mexico Behavioral Health Planning Council

FINAL DRAFT- MAY 19, 2010
Table of Contents

I. Introduction 4

II. Scope 4

III. Vision 4

IV. Purpose 4

V. Code of Conduct 5

VI. Goals 5

VII. Roles and Responsibilities of Membership 5
   A. Duties 5
   B. Membership 5
   C. Officers 5

VIII. Meetings 6
   A. Types 6
      1. Council 6
      2. Subcommittees 6
         a. Executive Committee 6
         b. Finance 7
         c. Statutory Subcommittees 8
            Adult 9
            Medicaid 9
            Children and Adolescent 9
            Native American 10
            Substance Abuse 12
         d. Ad Hoc Subcommittees 12
   B. Format 12
      1. Open 12
      2. Closed 13
      3. Emergency 13
   C. Procedure 13
      1. Notice 13
      2. Occurrence 14
         a. Council 14
         b. Statutory Subcommittees 14
         c. Executive Subcommittee 14
d. Ad Hoc Subcommittees 14
3. Roberts Rules of Order 14
4. Elections 14
5. Electronic Participation 15
6. Council Packets 15

D. Agenda 15

E. Minutes 16

IX. Council and Third Parties 16
   A. Behavioral Health Purchasing Collaborative 17
   B. Statewide Entity 17
   C. Behavioral Health Services Division 17

X. Amendment 18

XI. Concerns and Feedback 18

Appendices

   A. Statement of Support Application 20
   B. Business Item Application to Subcommittees 22
      Guidelines for Presenters to Subcommittees 23
   C. Statutory Subcommittee Participation 24
      Local Collaborative Designation Form 25
   D. Code of Conduct 26
Policies and Procedures
Behavioral Health Planning Council

I. Introduction. In 2004, the New Mexico Legislature passed House Bill 271 creating an Act (24-1-27 to 24-1-28 NMSA 1978) (the “Act”) relating to Collaborative (“Collaborative”) and a Behavioral Health Planning Council (“Council”) that was passed and enacted into law. The Council members are appointed by and serve at the discretion of the Governor. Council members are charged with advocating for adults, children and adolescents with serious mental illness or severe emotional neurological and behavioral disorders, including substance abuse and co-occurring disorders; and encouraging and supporting the development of a comprehensive, integrated, community-based behavioral health system of care.

II. Scope. The Behavioral Health Planning Council’s Operating procedures encompass and regulate the responsibilities and activities of the Council. It is through this manual that the Council establishes the guidelines within which, the general Council and committees act to implement policy, advocacy and oversight.

While the Bylaws form the ultimate governing rules for the organization, day-to-day decisions and operations are governed by this set of policies and procedures. The policies reflect the Council’s interpretations of the By-laws procedures define the implementation of those policies. In contrast to the Bylaws, which rarely change and require a Council vote, policies and procedures are living, fluid documents that change fairly often in response to new circumstances, needs or concepts.

III. Vision. “To be a potent voice for children, adults and families and the providers that serve them in New Mexico’s customer-centered recovery and resiliency focused, coordinated and quality behavioral health care system.” The BHPC speaks for infants, children, youth, young adults transitioning to adulthood, adults, the elderly and their families, in the ongoing implementation of a consumer-driven, fully integrated, outcome-based, state-wide comprehensive system of wrap around behavioral health services.

IV. Purpose. The purpose of the Council is to serve as the statewide advisory body for behavioral health in New Mexico. Specifically, but not limited to, the Council shall advocate, advise, report to, recommend and represent on behavioral health matters of interest to the Governor, the Legislature, the Purchasing Collaborative, State agencies, and Local Collaboratives. In addition, the BHPC focuses its efforts on system
continuum of care development, implementation and assessment and actively collaborates with all system stakeholders and the general public.

V. **Code of Conduct.** All Members of the Behavioral Health Planning Council shall abide by the terms of the New Mexico Governmental Conduct Act (Chapter 10, Article 16, Section 10-16-1 et seq., NMSA 1978) (See Appendix D), and to that end shall maintain appropriate and professional internal and external relationships. Members found to be in violation of the New Mexico Governmental Conduct Act or any provision of the Council By-laws may be subject to removal pursuant to Article II, Paragraph F of the Council By-laws.

VI. **Goals.**

A. To develop and maintain an effective partnership with Local Collaboratives;
B. To develop and maintain an effective partnership with Purchasing Collaborative;
C. To develop and maintain an effective partnership with the Statewide Entity;
D. To make recommendations to the Purchasing Collaborative on quality assurance and quality improvement issues, including consumer and family satisfaction and analysis of complaints and grievances;
E. To develop, maintain, review and update annually an Operating Procedures Manual;

VII. **Roles and Responsibilities of Membership.**

A. **Duties:** The Council shall have all the statutory duties prescribed and proscribed under the Act, including replacing the Governor’s Mental Health Planning Council and acts in accordance with Public Law 102-321 of the Federal Public Health Service Act.
B. **Membership:** Membership to the Council shall be qualified pursuant to Articles I and II of the By-laws, thereby conforming to Public Law 102-321 of the Federal Public Health Service Act. All members shall be appointed by and serve at the pleasure of the Governor. Providers and state agency representatives together may not constitute more than forty-nine percent of the Council membership.
C. **Officers:** Officers of the Council shall be elected pursuant to Article IV of the By-laws, thereby conforming to Public Law 102-321 of the Federal Health Service Act.
VIII. Meetings

A. Types

1. Council
Members of the Council are expected to attend every meeting. Failure to do so, and in absence of a written excusal by the Chair, may result in a written recommendation to the Governor that the Member be removed from the Council and a new member be appointed. At a minimum, Council Members must attend seventy-five percent of all Council meetings (e.g. 3 out of 4 annually) and are expected to actively participate in at least one statutory subcommittee. Attendance at scheduled Council meetings will be monitored quarterly by the Vice-chair.

A BHPC member may participate as a voting or non-voting member.

To be a voting member of the statutory subcommittee, the BHPC member must either:
1. Be elected as the representative of their respective Local Collaborative, or
2. Be elected as an At-large representative of the statutory subcommittee. There are seven (7) At-large members of the Adult, Substance Abuse, Medicaid and Children / Adolescent subcommittees.

Only voting members of the subcommittees are eligible for stipends and/or mileage reimbursement.

The BHPC member may also participate as a non-voting member; as such, that BHPC member will not be eligible for monetary reimbursements.

Please note: if a BHPC member is removed from the Council by the Governor - either for failure to attend meetings or any other reason - there is no guarantee or expectation that someone else will be appointed by the Governor to fill that vacancy. Attendance at scheduled Council meetings will be monitored quarterly by the Vice-chair.

2. Subcommittees [Executive, Statutory, Ad Hoc]
   a) Executive Committee
   The qualification, composition, terms, duties and voting procedures of the Executive Committee are set forth in
Article V, Paragraph A of the Bylaws. The governance and mission of the Executive Committee is as follows:

The Executive Committee shall be presided by the Chair and Vice-Chair of the Planning Council and will manage the operations of the Council and be authorized to act and make decisions on behalf of the Council at the Council’s discretion. The Chair of Planning Council shall also preside over all Executive Committee meetings.

All policies that apply across multiple committees or have widespread impact will be discussed by the Executive Committee before going to full Council for vote. An electronic return receipt may be utilized to ensure that members received the electronic ballot. The Executive Committee may vote electronically for all issues that need an immediate response.

It is the responsibility of the Executive Committee to develop and distribute the Agenda to the full Membership at least three days prior to any Council meeting for Member additions, corrections and/or comments. The Executive Committee will convene at least one week prior to any regular Council meeting to develop the agenda. The following must be submitted to the Executive Committee forty-eight hours prior to its meeting to insure inclusion and appropriate representation on a Council agenda:
   i. Any agenda item requests from the Membership;
   ii. All subcommittee reports and agenda item requests; and
   iii. Draft Minutes from the prior regular Meeting of the Council.

b) Finance Subcommittee of Executive Committee
[Functions]
   The Finance Subcommittee, which reports to the Executive Committee of the Planning Council will:
      i. Develop an annual budget for the BHPC and its statutory subcommittees one month prior to the beginning of every fiscal year.
      ii. Submit an Income Statement for the Council and its statutory subcommittees one month following the first six months, as well as the end of every fiscal year. That Income Statement shall also track against the proposed Budget.
iii. Based on the availability of funds, the Finance Subcommittee shall also make quarterly recommendations regarding when, and if, reimbursements to members for stipends, mileage and per diem shall be awarded.

iv. The Finance Subcommittee shall be comprised of the Chair of the Finance Subcommittee, the Chair of the Council, a representative of the State’s fiscal agent and one representative from each of the Statutory Subcommittees.

Council members, who are not state employees, or otherwise compensated, such as some providers, shall submit a Planning Council Reimbursement Form to be reimbursed for verifiable travel and per diem expenses for participation in scheduled Council meetings and one statutory subcommittee meeting.

Allowable reimbursements for meetings are as follows:
Round trip mileage (from home to meeting location);
Stipend – for time spent attending meeting;
Per Diem – for hotel and meals if traveling greater than 100 miles one way from home to meeting location.

The Council will use the New Mexico Department of Finance and Administration (DFA) regulations and the New Mexico Per Diem and Mileage Act as a guideline, as long as funds are available.

c) Statutory Subcommittees
Pursuant to the Act, the Council shall establish the following Subcommittees:
Medicaid (which may also serve as subcommittee of the Medical Advisory Committee);
Child and Adolescent;
Adult;
Substance Abuse (which shall include DWI issues and shall include representation from local DWI councils);
Native American;
Other Subcommittees as may be deemed necessary by the Chair of the Council to address specific issues. (To date, one additional Sub committee has been created which is the Executive Committee).
1. The number, qualification, composition, terms, duties and voting procedures of the Statutory Subcommittees are set forth in Article V, Paragraph B of the Bylaws. The Subcommittees shall establish a standardized membership roster that identifies members by Council representation (e.g., consumer, family member, etc.), local collaborative and/or other representations. The Subcommittees shall be composed of no more than 25 members of which there will be one voting member for each of the Local Collaboratives. A designated proxy will be permitted when the appointed Local Collaborative representative is unable to attend. Attendance for voting members will be tracked. Missing more than 3 meetings can result in a dismissal as a voting member.

2. The governance and mission of each statutory subcommittee is as follows:

**Adult Subcommittee:** Chaired by the Secretary of Health Services (or his/her designee) and Co-Chaired by a non-state agency, who is a member of the Council (elected to that position by the Subcommittee membership), the Adult Subcommittee shall make recommendations to the Council regarding services for all citizens of New Mexico with behavioral health issues;

**Medicaid Subcommittee:** Chaired by the Secretary of Human Services who is a member of the Council (or his/her designee) and Co-Chaired by a non-state agency who is a member of the Council (elected to that position by the Subcommittee membership), the Medicaid Subcommittee shall educate advise the Council and the Medicaid Advisory Committee on matters relating to behavioral health in New Mexico’s Medicaid program;

**Children and Adolescent Subcommittee:** Chaired by the Secretary of Children, Youth and Families (or his/her designee) and Co-Chaired by a non-state agency, who is a member of the Council (elected to that position by the Subcommittee membership), the Children and Adolescent Subcommittee shall
advocate for families/caretakers, infants, children, youth, adolescents and young adults transitioning to adult services with or at-risk emotional, neurobiological and behavioral disorders, including substance abuse and co-occurring disorders. Additionally, the subcommittee intends to:

a. Encourage and support the development of a comprehensive, integrated, culturally competent, high quality and timely statewide children’s continuum of care.

b. Advise and make recommendations for increased and improved behavioral health service for families/caretakers, infants, children, youth, adolescents and young adults transitioning to adult services.

Native American Subcommittee. Chaired by the Secretary of Indian Affairs Department (or his/her designee) and Co-Chaired by a non-state agency, who is a member of the Council (elected to that position by the Subcommittee membership), the Native American Subcommittee shall assure excellence in behavioral health services to all Native American people in New Mexico.

The number, qualification, composition, terms, duties and voting procedures of the Statutory Subcommittees are set forth in Article V, Paragraph B of the Bylaws. The Subcommittees shall establish a standardized membership roster that identifies members by Council representation (e.g., consumer, family member, etc.), local collaborative and/or other representations. The Subcommittees shall be composed of no more than 25 members of which there will be one voting member for each of the Local Collaboratives. A designated proxy will be permitted when the appointed Local Collaborative representative is unable to attend. Attendance for voting members will be tracked. Missing more that 3 meetings can result in a dismissal as a voting member. (Section VIII, B, (1) does not apply to the Native American Subcommittee; see Section VIII B (2) Native American Subcommittee for applicable policies and procedures.)
Chaired by the Secretary of Indian Affairs Department (or his/her designee) and Co-Chaired by a non-state agency, who is a member of the Council (elected to that position by the Subcommittee membership), the Native American Subcommittee shall assure excellence in behavioral health services to all Native American people in New Mexico.

The Native American Subcommittee of the Behavioral Health Planning Council is open to anyone interested in Native American behavioral health issues. You do not have to be a Native American or member of a Tribe to participate in the NASC. Subcommittee participants may include those not appointed by an LC.

However, in so far as possible, all LCs, in addition to meeting the qualifications for LC representatives to the BHPC Subcommittees pursuant to sub-part (i), shall identify and appoint a representative from their LC to the NASC who meets one of the following criteria:
1. Is a Native American
2. Is a person representing a tribal program or administration; or
3. Is a family member of a Native American.

At the meeting held approximately two months after the start of each fiscal year (on or about the September NASC meeting), if an LC chooses not to or fails to fill their reserved seat on the NASC, or an LC representative fails to attend two consecutive meetings, then the NASC shall:
1. Send a letter to that LC to notify them of the unfilled seat and ask that it be filled according to the guidelines specified in Sub-Section Article V.B.i of the Bylaws.
2. If no response or a negative response is received by the next NASC meeting, any unfilled seat may be redistributed at the discretion of the Chair of the NASC and consistent with the qualifications specified in Sub-Section Article V.B.i of the Bylaws.).

On or about the first NASC meeting of each fiscal year the NASC shall create and maintain thereafter until the end of that fiscal year a list of twenty-five
participants of the NASC who shall be eligible for reimbursement by the BHPC for their attendance and participation on the NASC. The NASC shall submit this list to the Council Chair, the Council Coordinator and the BHSD Tribal Liaison by the following NASC meeting.

Additionally, on or about the first meeting of each fiscal year, the NASC shall pass a resolution stating the method of decision making it shall use throughout the remainder of that fiscal year. This method may include, but is not limited to, the following:

1. Voting (either restricted or open to all participants)
2. Consensus decision making

Substance Abuse Subcommittee. Chaired by the Secretary of Health (or his/her designee) and Co-Chaired by a non-state agency, who is a member of the Council (elected to that position by the Subcommittee membership), the Substance Abuse Subcommittee shall:

1. Provide guidance and recommendations in regard to substance abuse/dependence and prevention and treatment services for communities, families and individuals as well as DWI issues;
2. Represent statewide local DWI councils;
3. Assist in the ongoing development of a system that recognizes substance abuse/dependence as a preventable and treatable illness for which high quality services are available.

Please Note: The Chair of Statutory Subcommittee can establish work groups for that subcommittee.

c) Ad Hoc Subcommittees. An ad hoc committee can be formed by the Chair of the Council or Chair of a statutory subcommittee for a special purpose. An ad hoc committee automatically dissolves upon completion of the specific task. The Chair of any ad hoc subcommittee shall be chaired by a Council member.

B. Format
1. Open Meetings
The State of New Mexico Behavioral Health Planning Council (Council) is committed to full transparency and public input in all work of the Council. All meetings of the Council, Executive Committee, Statutory Subcommittees and all other committees which may be formed, will be conducted in compliance with the New Mexico Open Meetings Act §10-15-1
§10-15-1 guarantees the right of public access and input to all proceedings at the State, regional and local levels, is equally applicable to elected and appointed BHPC members, and is applicable to any gathering wherein there is both a voting quorum present in person or by electronic means and the Council, Executive Committee or one of its statutory subcommittees will formulate policy, discuss public business or take action.

To close an Open Meeting, refer to open meetings act §10-15-1NMSA 1978.

2. Closed Meetings
If the Council, Executive Committee or one of its statutory subcommittees wishes to hold a closed meeting, it may do so only to engage in one or more of the following:
   a. Deliberations about the issuance, suspension, renewal or revocation of a Council Statement of Support;
   b. Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation of a Council member;
   c. The investigation, consideration of complaints or charges against a Council member;
   d. Meeting with the BHPC’s Purchasing Collaborative attorney pertaining to threats of pending litigation in which the Council is or may become a participant;

3. Emergency Meetings
Under limited circumstances, an emergency meeting may be held with little advance notice if:
   a. The Council, Executive Committee or one of its statutory subcommittees did not expect the circumstance giving rise to the meeting; and
   b. If the Council, Executive Committee does not act immediately, injury or damage to persons or property or substantial financial loss to the Council or one of its statutory subcommittees is likely.

C. Procedures

1. Notice
   a. Reasonable advance notice of Council and Statutory Subcommittees meetings will be provided to the public;
b. The notice complies with deadlines and procedures for meetings as directed by the Bylaws of the Council.
c. The notice includes the date, time, agenda and location of the meeting of the Council on the Purchasing Collaborative website which is accessible to the public and at least one local newspaper;
d. The notice for the Statutory Subcommittees is posted on the Purchasing Collaborative website which is accessible to the public;
e. All Council and Statutory subcommittee meetings and notice thereof shall be held in accordance with Article III of the Bylaws.

2. Occurrence
   a. Council: Regular meetings of the Council shall be held at least quarterly (and no more than six times a year) at the time and place fixed at the request of the Chair, or the Executive Committee of the Council in consultation with representatives of the Collaborative. Bylaws, Article III, Paragraph A-C. Emergency meetings may be called in accordance with the Bylaws.
   b. Statutory Subcommittees: Each statutory subcommittee shall meet at least quarterly.
   c. Executive Committee: The Executive Committee shall meet at least quarterly.
   d. Ad Hoc Subcommittees: The Ad Hoc Subcommittees shall meet as needed and will be announced via electronic media.

3. Roberts Rules of Order
   The Council shall conduct business in accordance to its Bylaws and Roberts Rules of Order. The purpose of this is to allow equal opportunity for members to participate and for both support and dissent to occur. It is the responsibility of the chair to insure adherence to the approved agenda timeline. In order to accomplish this, the Chair may set time limitations per speaker. A call for the question always requires a 2/3 vote of attending members in order to pass.

4. Elections
   Election of officers and Council Representatives shall occur at the May meeting.
5. Electronic Participation: If a member of the Council, Executive Committee or one of its statutory subcommittees participates in a meeting by telephone, it must be pursuant to the By-laws of the Council which authorizes its members to:
   a. Participate by conference telephone or similar communications equipment; and
   b. Each member participating telephonically can be identified when speaking; and
   c. All participants are able to hear each other at the same time and; and
   d. Members of the public attending the meeting are able to hear any member of the Council or one of its statutory subcommittees who speaks during the meeting.

6. Council Packets
   At least three days prior to every, regular Council meeting, the Membership will receive a packet containing:
   a. The Agenda and the Minutes from the prior, regular Council meeting, (because the Statutory Subcommittees meet the day before the Council meeting);
   b. Comments or corrections to the packet should be submitted to the Chair prior to the Council meeting.

F. Agenda

1. The meeting agenda will:
   a. Include a list of specific items the Council, Executive Committee or Statutory Subcommittee intends to discuss or transact at the meeting;
   b. Clearly describe agenda items that the Council, Executive Committee or Statutory Subcommittee intends to discuss or act on during the meeting in order to give adequate public notice;
   c. Except for an emergency meeting, the agenda is available to the public at least 24 hours before the meeting.

2. Agenda/Business Items
   Inclusion of Agenda/Business Items for discussion should be done as follows:
   a. Any Council member, agency, organization or individual may bring business matters to the Behavioral Health Planning Council for consideration;
b. Formal submission of proposed business items on an approved Council Business Item Application is required, (Appendix B);
c. Council Business Item Applications must be submitted to:

Behavioral Health Planning Council
37 Plaza La Prensa
Santa Fe, NM 87505
505/476-9286 (office)

for proper routing to the appropriate Council staff or committee.

E. Minutes

1. A summary of proceedings and all votes and recommendations of the Council, Statutory Subcommittees and Executive Committee shall be recorded into the minutes. The representative state staff will record such minutes and will forward drafts to the Executive Committee for its review prior to disbursement to the Membership. If the meeting is open, written minutes are required. Minutes must contain at least:
   a. The date, time and place of the meeting, those members who are absent,
   b. The names of all members of the Council or one of its statutory subcommittees attending the meeting and of those members who are absent,
   c. A description of the substance of all proposals considered during the meeting,
   d. A record of any decisions made and votes taken that shows how each member voted.
   e. A draft copy of the minutes is prepared within ten working days of the public meeting,
   f. The minutes are approved, amended or disapproved at the next meeting where a quorum of the Council, Executive Committee or one of its statutory subcommittees is present,
   g. All minutes are made available for public inspection.

IX. Council and Third Parties In accordance with its statutory and Advisory obligations, the Council shall interact with the following professional partners in the manner prescribed below:
A. Behavioral Health Purchasing Collaborative

The Behavioral Health Purchasing Collaborative (“Collaborative”) – Please reference the website at www.BHC.State.NM.US\BHcollaborative for membership.

The Council in coordination with the Collaborative will:
1. Assign a representative as a non-voting member of the Collaborative and its workgroups;
2. Prioritize the information needed by the Council and develop a uniform reporting method;
3. Develop a mechanism for obtaining process and outcome data from the Collaborative.
4. Develop and sustain an effective partnership with the Purchasing Collaborative.

B. Statewide Entity

The Statewide Entity has been contracted by the Collaborative to meet the behavioral health service needs and provider network capacity throughout New Mexico by transitioning from current multiple systems to one behavioral health delivery system for all New Mexicans.

1. The Council in coordination with the Collaborative and the Statewide Entity will develop a mechanism for obtaining process and outcome data;
2. The Council will request that a Statewide Entity assign a representative to attend each subcommittee and Council meeting. The Council will request that the Statewide Entity assign a representative to attend all statutory subcommittee meetings;
3. The Council will provide a place on the agenda in order to ensure that the Statewide Entity furnishes regular updates about decisions and activities at all Council meetings, and;
4. The Council will provide recommendations through presentations to the Collaborative.

C. Behavioral Health Services Division

The Behavioral Health Services Division of the Human Services Department (“Staff”) shall provide staff support for the Council.

A Council coordinator shall be provided by the Behavioral Health Services Division and shall be a non-voting member of the Council.
Staff support for the subcommittees shall be provided by the Collaborative as needed, which would include the Department of Health, Children Youth and Families and the Human Services Department. Staff members will provide administrative support to the Chair and Co-Chair of the Subcommittees and may be non-voting members. The Chair and Vice-Chair of the Council are persons authorized to request staff services or information from the Collaborative.

X. Amendment. This Policies and Procedures document shall be maintained, reviewed and updated annually by the Executive Committee or an ad-hoc committee of its choosing. Proposed amendments shall be mailed or e-mailed to the membership of the Council two weeks prior to any meeting where amendments are scheduled to be discussed and adopted. A simple majority of a quorum shall be sufficient to adopt any amendments to the Policies and Procedures document.

XI. Concerns and Feedback.

The Behavioral Health Planning Council follows a consistent procedure for recording, triaging, resolving and tracking complaints/grievances, defined as “expressions of dissatisfaction”, filed verbally or in writing, by Council Members, Local Collaboratives, persons with mental illness or substance use disorders, their advocates, behavioral health service providers, State agency personnel and other stakeholders, about the Council’s policies, procedures, practices, actions or personnel. The intent of this policy and procedure is to ensure fair, appropriate and timely resolution of such complaints or grievances. The Executive Committee will review complaints on a case by case basis and determine steps of action to resolve the complaints.

A complaint or grievance can be mailed to:

Behavioral Health Planning Council
37 Plaza La Prensa
Santa Fe, NM 87505
505/ 476-9286 (office)
505/ 699-0234 (cell)
505/ 476-9277 (FAX)
APPENDIX A

APPLICATION FOR A STATEMENT OF SUPPORT FROM THE NEW MEXICO BEHAVIORAL HEALTH PLANNING COUNCIL

NAME OF YOUR ORGANIZATION OR PROJECT: ________________________

WHAT IS THE PURPOSE OF THIS REQUEST? ________________________

ARE YOU AFFILIATED WITH AN AGENCY OF THE STATE OF NEW MEXICO: _____
IF SO, PLEASE DESCRIBE: __________________________________________

CONTACT INFORMATION:
NAME AND TITLE OF PERSON SUBMITTING APPLICATION:
_______________________________________________________________

PHONE NUMBERS:
CELL: ___________________________ WORK: ________________

EMAIL: ________________________________

MAILING ADDRESS:
______________________________________________________________

______________________________________________________________

DATE OF SUBMISSION TO THE BHPC COORDINATOR: _________________

PLEASE PROVIDE A SUCCINCT ARTICULATION OF YOUR MISSION / VISION; BE SURE TO PRESENT A CLEAR TIE-IN WITH BEHAVIORAL HEALTH.

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

PLEASE LIST THE STRENGTHS AND WEAKNESSES OF YOUR PROJECT AS WELL AS WHO WILL BE IMPACTED, IF YOU ARE SUCCESSFUL.

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
DO YOU PLAN TO SEEK OUTSIDE FUNDING FOR THIS PROJECT? _____
IF SO, PLEASE DESCRIBE.

_________________________________________________________

______ PLEASE SUBMIT, AS AN ATTACHMENT, A GENERAL BUDGET, IF APPLICABLE

PLEASE INDICATE HOW YOU WANT THIS STATEMENT OF SUPPORT (PLEASE CHOOSE ONLY ONE):

_____ INCLUDED IN THE MINUTES OF THE BHPC

_____ LETTER OF SUPPORT FROM THE BHPC
(PLEASE INCLUDE A DRAFT OF THE LETTER)

_____ RESOLUTION OF SUPPORT FROM THE BPHC
(PLEASE INCLUDE A DRAFT OF THE RESOLUTION)
# APPENDIX B (1)

## BUSINESS ITEM APPLICATION

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Appendix B (2)
GUIDELINES FOR PRESENTERS TO BHPC SUBCOMMITTEES
Those invited to speak to the BHPC Subcommittee are asked to follow these simple guidelines in order to leave ample time for interaction and ensure a successful presentation.

Audience

The Subcommittees have a plan of work and your presentation will likely inform and advance that work. Subcommittees and the Council have moved away from having general presentations about work being done in order to focus their time and energies on best advising the Behavioral Health Collaborative and its Statewide Entity.

The Subcommittees may be held face to face, by videoconference or via Webinar. In order to ensure maximum participation from remote sites as well as those present, the meeting facilitator will assist you with Q&A.

Keep in mind that the technical knowledge of Subcommittee members varies. It is best to give broad overviews of policies, procedures, technologies, and effects, rather than minute details unless specifically requested. Subcommittee members who want specifics will ask in the Q&A time at the end of your talk. Explain any acronyms you must use.

Handouts

All materials used in the presentation need to be made available in advance for early distribution to committee members. Electronic versions of handouts, including PowerPoint presentations, must to be submitted by noon the Friday before the meeting to Letty Rutledge, the Council's Coordinator, at leticia.rutledge@state.nm.us. Drafts are acceptable for this early distribution, but final versions will be needed to post with the meeting minutes.

Time

Unless you have heard otherwise from Letty or the Subcommittee Chair or Co-Chair, your time allocation will need to include maximum time for questions and comments. Ending early is always better than running over time. You may ask the Subcommittee to withhold questions until the end so you may make all of your points.

Audio-visual

Many presenters use PowerPoint, but you should not feel you must. If you do, we suggest using it to illustrate your points, and not to outline and read your talk. A good general rule is 1 slide per 30 seconds of narration. Save complex tables, charts and other detailed information for handouts. Let us know in advance if you need a network connection, external speakers, or any other arrangements. Please contact Letty Rutledge (505-476-9286) with questions.
APPENDIX C - PART A
Statutory Subcommittee Participation

Per the By-laws (Article V Section B Sub-section i), Voting members of the Adult, Substance Abuse, Medicaid, and Childrens and Adolescents Statutory Subcommittees there are 25 voting members of the above mentioned Statutory Subcommittees. Of those 25 voting members, there shall be 7 At-Large voting members and 18 Local Collaborative representative voting members.

The above mentioned Council statutory subcommittees shall hold a voting slot for each of the duly elected representatives of the 18 Local Collaboratives (LCs).

Each of the above mentioned Local Collaboratives shall elect one representative and one alternate for each of the above mentioned subcommittees. A Council member can be a voting member of a subcommittee as one of the seven At Large representatives or as the Local Collaboratives representatives.

The Local Collaborative is not required to elect the Council member as its designated representative.

The primary voting representative must be a consumer or family member. The alternate can be a consumer, family member, advocate or provider. If an LC does not have a consumer or family member, the alternate representative can serve as the primary voting representative.

Each chair or point of contact of the Local Collaborative shall submit the names of the representatives in writing to the Behavioral Health Planning Council Coordinator by June 30.

The local collaborative representatives shall be elected by their LCs to be a member of one or more of the subcommittees and represent the interests of his/her LC.

Each representative is required to report back to his/her respective local collaborative at their next LC meeting.

Representatives are appointed from July 1 to June 30.

If a Local Collaborative primary representative resigns then the alternate representative becomes primary. The Local Collaborative has 2 months to submit a new alternate representative to the Council Coordinator. Resignations must be submitted in writing to the Council Coordinator.

If an At Large representative resigns, the nominations for At Large member will be submitted at the following the Statutory Subcommittee meeting after the resignation is received. The voting members of the Statutory Subcommittees shall elect a new At Large member at next meeting of the above mentioned subcommittees.
APPENDIX C – PART B

Local Collaborative Designation Form
BHPC Statutory Subcommittee Representatives

I, ____________________________, Chair / Point of Contact of LC ______, designate the following person(s) to represent our local collaborative on the BHPC statutory subcommittee(s) and hereby authorize their vote on our behalf. Appointed representatives will participate on the subcommittee meetings consistently and will report back to our LC.

The alternate representative(s) are also listed below.

For the Adult Subcommittee:
Primary Representative: ________________________________ (Consumer/Family Member)
Alternate: _____________________________________________

For the Children’s and Adolescents Subcommittee:
Primary Representative: _______________________________ (Consumer/Family Member)
Alternate: _____________________________________________

For the Medicaid Subcommittee:
Primary Representative: ________________________________ (Consumer/Family Member)
Alternate: _____________________________________________

For the Substance Abuse Subcommittee:
Primary Representative: _______________________________ (Consumer/Family Member)
Alternate: _____________________________________________

For the Native American Subcommittee:
Participants: _______________________________
_____________________________________________

Please Note: Per By-laws, Section VIII, B 2 Native American Subcommittee

In so far as possible, all LCs, in addition to meeting the qualifications for LC representatives to the BHPC Subcommittees pursuant to sub-part (i), shall identify and appoint a representative from their LC to the NASC who meets one of the following criteria:

1. Is a Native American
2. Is a person representing a tribal program or administration; or
3. Is a family member of a Native American

Submitted to the BHPC Executive Committee on: ____________________________ Day, Month, Year
APPENDIX

Code of Conduct

CHAPTER 10 Public Officers and Employees

ARTICLE 16
Governmental Conduct

10-16-1. Short title.

Chapter 10, Article 16 NMSA 1978 may be cited as the “Governmental Conduct Act”.

10-16-2. Definitions.

As used in the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978]:

A. “business means a corporation, partnership, sole proprietorship, firm, organization or individual carrying on a business;
B. “confidential information” means information that by law or practice is not available to the public;
C. “employment” means rendering of services for compensation in the form of salary as an employee;
D. “financial interest” means an interest held by an individual, his spouse or dependent minor children that is:
   (1) an ownership interest in business; or
   (2) any employment or prospective employment for which negotiations have already begun;
E. “official act” means an official decision, recommendation; approval, disapproval or other action that involves the use of discretionary authority;
F. “person means an individual or entity;
G. “public officer or employee” means any person who has been elected to appointed to or hired for any state office and who receives compensation in the form of salary or is eligible for per diem or mileage; but excludes legislators or judges;
H. “standards” means the conduct required by the Governmental Conduct Act; and
I. “substantial interest” means an ownership interest that is greater than twenty percent.

10-16-3. Ethical principles of public service; certain official acts prohibited; penalty.

A. A legislator, public officer or employee shall treat his government position as a public trust. He shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests incompatible with the public interest.
B. A legislator, public officer or employee shall conduct himself in a manner that justifies the confidence placed in him by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.

C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

D. No legislator, public officer or employee may request or receive, and no person may offer a legislator, public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

10-16-4. Official act for personal financial interest prohibited; disqualification from official act; providing a penalty.

A. It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing his own financial interest or financial position. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

B. A public officer or employee shall disqualify himself from engaging in any official act directly affecting his financial interest.

C. If the public interest so requires, the governor may make an exception to Subsection B of this section for a public officer or employee by expressing the exception and the reasons for it in writing. The exception is effective when the public officer or employee files this writing with the secretary of state.

10-16-4.1. Honoraria prohibited.

No legislator, public officer or employee may request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. For the purposes of this section, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars ($100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of a private business pursuit.

10-16-5. Repealed.

10-16-6. Confidential information.

No legislator, public officer or employee shall use confidential information acquired by virtue of his state employment or office for his or another's private gain.

10-16-7. Contracts involving public officers or employees.
A state agency shall not enter into any contract with a public officer or employee of the state or with a business in which the public officer or employee has a substantial interest unless the public officer or employee has disclosed his substantial interest and unless the contract is awarded pursuant to the Procurement Code [13-1-28 NMSA 1978]; provided that this section does not apply to a contract of official employment with the state or to contracts made pursuant to the provisions of the University Research Park Act [21-28-1 to 21-28-25 NMSA 1978].

10-16-8. Contracts involving former public officers or employees; representation of clients after government service.

A. A state agency shall not enter into a contract with, or take any action favorably affecting, any person or business that is:

1) represented personally in the matter by a person who has been a public officer or employee of the state within the preceding year if the value of the contract or action is in excess of one thousand dollars ($1,000) and the contract is a direct result of an official act by the public officer or employee; or

2) assisted in the transaction by a former public officer or employee of the state whose official act, while in state employment, directly resulted in the agency's making that contract or taking that action.

B. A former public officer or employee shall not represent a person in his dealings with the government on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.

C. For a period of one year after leaving government service or employment, a former public officer or employee shall not represent for pay a person before the government agency at which the former public officer or employee served or worked.

10-16-9. Contracts involving legislators; representation before state agencies.

A. A state agency shall not enter into any procurement contract for services, construction or items of personal property with a legislator or with a business in which the legislator has a substantial interest unless the legislator has disclosed his substantial interest and unless the contract is awarded in accordance with the provisions of the Procurement Code [13-1-28 NMSA 1978].

B. A legislator shall not appear for, represent or assist another person in any matter before a state agency, unless without compensation or for the benefit of a constituent, except for legislators who are attorneys or other professional persons engaged in the conduct of their professions and, in those instances, the legislator shall refrain from references to his legislative capacity except as to matters of scheduling, from communications on legislative stationery and from threats or implications relating to legislative actions.

10-16-10. Repealed.
10-16-11. Codes of conduct.

A. By January 1, 1994, each elected statewide executive branch public officer shall adopt a general code of conduct for employees subject to his control. The New Mexico legislative council shall adopt a general code of conduct for all legislative branch employees. The general codes of conduct shall be based on the principles set forth in the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978].

B. Within thirty days after the general codes of conduct are adopted, they shall be given to and reviewed with all executive and legislative branch officers and employees. All new public officers and employees of the executive and legislative branches shall review the employees' general code of conduct prior to or at the time of being hired.

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978] and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the secretary of state and are open to public inspection.

D. Codes of conduct shall be reviewed at least once every four years. An amended code shall be filed as provided in Subsection C of this section.

E. All legislators shall attend a minimum of two hours of ethics continuing education and training biennially.

10-16-12. Repealed.


No state agency shall accept any bid from a person who directly or indirectly participated in the preparation of specifications on which the competitive bidding was held.

10-16-13.1 Education and voluntary compliance.

A. The secretary of state shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978] of those duties. This includes advising all those persons at least annually of that act's ethical principles.
B. The secretary of state shall seek first to ensure voluntary compliance with the provisions of the Governmental Conduct Act. A person who violates that act unintentionally or for good cause shall be given ten days' notice to correct the matter. Referrals for civil enforcement of that act shall be pursued only after efforts to secure voluntary compliance with that act have failed.


A. The secretary of state may refer suspected violations of the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978] to the attorney general, district attorney or appropriate state agency or legislative body for enforcement. If a suspected violation involves the office of the secretary of state, the attorney general may enforce that act. If a suspected violation involves the office of the attorney general, a district attorney may enforce that act.

B. Violation of the provisions of the Governmental Conduct Act by any legislator is grounds for discipline by the appropriate legislative body.

C. If the attorney general determines that there is sufficient cause to file a complaint against a public officer removable only by impeachment, he shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the attorney general shall make public the nature of the charges, but he shall make clear that the merits of the charges have never been determined. Days during which the legislature is not in session shall not be included in determining the thirty-day period.

D. Violation of the provisions of the Governmental Conduct Act by any public officer or employee, other than those covered by Subsection C of this section, is grounds for discipline, including dismissal, demotion or suspension. Complaints against executive branch employees may be filed with the agency head and reviewed pursuant to the procedures provided in the Personnel Act [10-9-1 NMSA 1978]. Complaints against legislative branch employees may be filed with and reviewed pursuant to procedures adopted by the New Mexico legislative council. Complaints against judicial branch employees may be filed and reviewed pursuant to the procedures provided in the judicial personnel rules.

E. Subject to the provisions of this section, the Governmental Conduct Act may be enforced by the attorney general. Except as regards legislators or statewide elected officials, a district attorney in the county where a person resides or where a violation occurred may also enforce that act. Enforcement actions may include seeking civil injunctive or other appropriate orders.


10-16-16. [Recompiled.]

10-16-17. Criminal penalties.
Unless specified otherwise in the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978], any person who knowingly and willfully violates any of the provisions of that act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than one year or both. Nothing in the Governmental Conduct Act shall preclude criminal prosecution for bribery or other provisions of law set forth in the constitution of New Mexico or by statute.

10-16-18.Enforcement; civil penalties.

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978], the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or a district attorney may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars ($250) for each violation not to exceed five thousand dollars ($5,000).