

MINUTES
of the
Mental Health Planning Advisory Council's
Bylaws Ad Hoc Committee
meeting on
Monday, August 27, 2012
held at
Division of Mental Health & Developmental Services
4126 Technology Way, MHDS Conference Room
Carson City, Nevada 89706

**1. CALL TO ORDER, ROLL CALL, AND INTRODUCTIONS –
ALYCE THOMAS, COMMITTEE CHAIR**

Alyce called the meeting to order at 1:10 p.m. Roll call was taken and a quorum was present. Diane completed the sign-in sheet.

MEMBERS PRESENT AT THE CARSON CITY LOCATION:

Dave Caloiaro – MHDS

MEMBERS PRESENT VIA TELECONFERENCE:

Alyce Thomas – Consumer/Family Member, Committee Chair
Rene Wilson – Family Member, Past MHPAC Chair
Sharon Wilson – DOC

STAFF AND GUESTS:

Tami Jo McKnight – MHDS
Diane Dempsey – MHDS
Barry Lovgren – Private Citizen

2. PUBLIC COMMENT

Mr. Lovgren said he represents himself and for the past three years he has been looking into how substance abuse treatment of pregnant women has been falling each year since 2004, last year of which he can find statistics. By 2011, it had fallen to a third of what it had been. He hasn't addressed this issue to the Council because it is outside the Council's authority. On July 27, he asked MHDS to distribute to the members of the Council a letter from him seeking changes to the Governor's Proclamation and the Council's bylaws to expand the Council's authority to include substance abuse issues. He provided the Committee with a copy of the letter and asked that it be attached to the minutes of this meeting. A week later he received and

read an unsigned, written response from the members of the Council. Mr. Lovgren provided a copy of the Council's letter and asked that the letter be attached to the minutes so that it becomes public record. Mr. Lovgren added that he has not been able to find out who wrote the letter, only that it "came from somewhere within the Division". He suggested MHPAC amend their bylaws to specify that action taken representing the Council must be on resolution by the Council. It should not be necessary but someone at MHDS is acting in the name of the Council. The response to his request may not be the first time that has happened but to protect the integrity of the Council, you want to make it the last. The response misses the point. Health Care Reform and the composition of the Council are totally irrelevant to its standing of the authority of the Council. This is about SAPTA having listed in its Block Grant Application as its Citizen's Advisory Council, a Council with no authority to address substance abuse issues. This is about Nevada being proactive in coordination and integration of services and taking advantage of the opportunity for this created by substance abuse services having been moved from the Health Division to MHDS. The response to his letter is truly reactive and ignores what can be done without waiting for a federal mandate. Whether that is the Council's position is a decision for the Council not for whoever wrote the response. There is no mandate to have a Planning Council with substance abuse. Nevada doesn't have one. It doesn't mean we don't need one. The federal law requiring the Mental Health Planning Council is the same law that establishes the Mental Health and Substance Abuse Block Grants, Public Law 102-321. Mr. Lovgren provided a copy of the relevant section of that law to also be attached to the minutes. Nothing prohibits the Council from addressing both mental health and substance abuse issues so long as the requirements of that section are met. New Mexico and Florida have already done this and Florida's Mental Health Planning Council website states that, "This parallels the national focus and reflects the combined application for federal block grant funding." And it has changed its name to the Substance Abuse and Mental Health Planning Council. For Nevada to do this requires the revised Governor's Proclamation. Mr. Lovgren reiterated his request that the Council put action items on its agenda to seek revision of the Governor's Proclamation from subsequent revision of the Council's bylaws. The Council may or may not do that but that is not a decision not to be made by whoever wrote what is purported to be the Council's response to my request. That is a decision to be made by the Council. Mr. Lovgren is hoping that the appropriate expansion of the Council's authority isn't stymied by the distraction of red herrings, such as Health Care Reform and the Council's composition. He is also hoping that the Council will protect its integrity by amending its bylaws to make it explicit that action taken in representation of the Council must be action taken by the Council. Mr. Lovgren asked if anyone had questions for him and added that he quickly reviewed the proposed revisions to the bylaws, commenting on a typo on page 2 and Section 3: Agenda Items on page 6.

Alyce thanked Mr. Lovgren for his public comment and then asked for his copies. Mr. Lovgren provided Diane with a copy of three documents, his letter to the MHPAC Council dated July 27, 2012, the August 2, 2012, response purportedly by

the Council, and Federal Law 102-321. Mr. Lovgren asked that these be attached to the minutes.

3. REVIEW AND DISCUSS MHPAC BYLAWS, LAST AMENDED 8/12/2010, FOR POSSIBLE AMENDMENTS

Dave reviewed his proposed amendments to the MHPAC bylaws, which included renaming the Mental Health Planning Advisory Council to Behavioral Health Planning Advisory Council; adding three additional positions specific to substance abuse and co-occurring disorders; adding Items 4 and 5 to Section 2 for persons receiving substance abuse services and persons serving persons needing substance abuse services; add additional language to Section 3: Proxies; and add language to Section 5: Reappointment in Item 4; delete language and replace language in Section 1: Absences; add language in Section 3: New Appointments of Other than State Representatives, in Item 7; add language to Section 4: New Appointments of State Representatives, Item 3; delete language from Section 2: Stipends Section 2: Terms of Office, adding with the possibility of one additional two-year re-election term; and in Section 3: Officer Nominations and Elections, delete two year at the end of the current officers' term.

There was discussion that, under Section 3: Officer Nominations and Elections there not be a term limit. There was also discussion on Section 3: Proxies. It was agreed to keep the language added in Dave's proposal and include language about the Proxy form. Alyce asked if there was a proposal addressing Chair and Vice Chair vacancies. After review of the current bylaws, this has been addressed, but language may be added to make it clearer.

Diane proposed the following revisions to the bylaws, most of which were drafted from Washington State's MHPAC bylaws: Add a new Section 1 under Article I to include the name of the Council, add language in Section 2: Authorization, additional language in Section 3: Purpose, Mission; the addition of 12 identified goals; the addition of Article II, Section 1: Duties; the addition of Section 2: Qualifications; the addition of language in Composition and Membership; the addition of Proxy forms and added language in Proxies; the addition of a section for Communication; additional language for Special Meetings; new language for Agenda; new language for Quorum; modification of the Rules of Order; additional language for Nominating Committee; additional language in Absences; additional language in Removal from Membership and New Appointments – Nevada State Representatives; additional statement for Subcommittees and Quorum Present; deletion of language in the Grievance Procedure. Diane also recommended an amendment to Article III, Section 3 (Item 7) and Section 4 (Item 3) in the current MHPAC bylaws that would establish an Orientation Committee, remove mandatory orientation for existing Council members, unless the Orientation Committee determines refresher training is warranted, and new member orientation to occur within the first three to six months of membership on the Council.

The consensus of the Committee members was favorable for the majority of the proposed revisions presented by Dave and Diane. Further amendments to the proposed MHPAC bylaws revisions may be made, particularly those incorporated from Washington State, so it is more in line with Nevada. Following discussion, Dave asked Diane to prepare a revised copy for the members.

4. PUBLIC COMMENT

Barry Lovgren, private citizen, stood by his initial testimony and commented that the current bylaws under Executive Committee do not specifically point out that 51% of the members will be individuals who are not state employees or providers.

Alyce thanked Mr. Lovgren for his public comment.

5. SET DATE AND TOPICS FOR FOLLOW-UP MEETING (ACTION ITEM)

The next meeting date was set for September 19, 2012, starting at 9:00 a.m.

Rene motioned to accept the date and time of the next meeting. Dave seconded. Motion passed unanimously.

6. ADJOURNMENT (ACTION ITEM)

Sharon motioned to adjourn at 3:00 p.m.

Diane Dempsey
Recording Secretary