

Bylaws of the New Jersey Behavioral Health Planning Council

Article I—Name

The name of this unincorporated association shall be the New Jersey Behavioral Health Planning Council.

Article II—History, Authority and Purpose

Prior to the enactment of the Federal mandate governing State Planning Councils, the New Jersey Community Mental Health Services Act (N.J.S.A. 30:9A-2) established the State Community Mental Health Citizens Advisory Board (Board). Subchapter 2 of the implementing regulations (N.J.A.C. 10:37-2.1 et seq.) repeats and further describes the requirements for membership, function, power to establish committees and scope of authority.

Federal law (42 U.S.C. §300x-3) mandated the creation of Mental Health Planning Councils in every state. In order to meet the requirements of the federal law, New Jersey created the New Jersey Mental Health Planning Council.

These bylaws define the structure and maximize the strengths of these two legally distinct groups with a common mission. The Board and the New Jersey Mental Health Planning Council were functionally merged in 2003 as they had as their common goal the examination and improvement of mental health services in New Jersey, and they have benefited from the combined vision of a unique partnership of providers, consumers, and families of consumers.

Since 2011, the New Jersey Mental Health Planning Council has broadened its membership and purview to include substance abuse services, in response to the Substance Abuse and Mental Health Services Administration (SAMHSA) combined application for the Community Mental Health Services and Substance Abuse Prevention and Treatment Block Grants application guidance and instructions (OMB No. 0930-0168). In 2014, the New Jersey Mental Health Planning Council voted to change its name to better reflect its purpose, and is now the New Jersey Behavioral Health Planning Council (Council).

The purposes of the combined Council shall include: (1) to review New Jersey's Federal Community Mental Health Services Block Grant and Substance Abuse Prevention and Treatment Block Grant plans each year before submission and to make recommendations for improving the plans to the Assistant Commissioner of the New Jersey Division of Mental Health and Addiction Services (the Division), (2) to serve as an advocate for consumers concerning State policy, legislation, and regulations affecting behavioral health, (3) to monitor, review, and evaluate the allocation and adequacy of behavioral health services in New Jersey, (4) to advise the Department of Human Services (Department) and the Division concerning the need for, and quality of, services and programs for persons with behavioral health disorders in the state, (5) to

advise the Assistant Commissioner concerning proposed and adopted plans affecting behavioral health services provided or coordinated by the Division and the implementation thereof, (6) as appropriate, to assist in the development of strategic plans for behavioral health services in the State and advocate for the adoption of such plans to other state departments or branches of government, and (7) to exchange information and develop, evaluate, and communicate ideas about mental health, substance abuse and co-occurring planning and services. In accomplishing these purposes the Council shall avail itself of whatever staff assistance is provided by the Division, shall access information about planning and provision of behavioral health services by the Division and various state departments, shall inform itself on national and international perspectives, and shall advise the Division on coordination of services among various private and public providers.

Article III—Membership

Section 1. Qualifications and appointment of Community Mental Health Citizens Advisory Board. Fifteen members shall be appointed by the Governor, or his or her designee, as members of the Board in accordance with N.J.S.A. 30:9A-2, and shall also be voting members of the Council. Council members who are also appointed as members of the Board shall remain as voting members until their successors are qualified and appointed. If a Board member's employment status changes in a way that adversely affects compliance with N.J.S.A. 30:9A-2 or 42 U.S.C. §300x-3, the Board shall recommend to the Governor or his or her designee that the member be removed or that new appointments be made to align the membership with those requirements.

Section 2. Appointment of the Council. The Assistant Commissioner for the Division shall appoint as many members in addition to those appointed to serve on the Board as are necessary to achieve the membership qualifications required by 42 U.S.C. §300x-3 or any subsequently enacted federal law or regulation pertaining to Council membership. S/he shall further appoint any others permitted by that law and deemed desirable to accomplish any purpose of the Council and to reflect a well-rounded council that is inclusive of behavioral health interests, and those members shall be voting members of the Council and shall serve at the will of the Assistant Commissioner.

Section 3. Composition of the Council. Members of the Council shall represent the principal State agencies with respect to behavioral health, education, vocational rehabilitation, criminal justice, housing, Medicaid, and social services; public and private entities concerned with the need, planning, operation, funding, and use of behavioral health services and related support services; adults with serious mental illnesses who are receiving (or have received) mental health services; adults in substance abuse treatment or recovery; and the families of such adults or families of children with emotional disturbances. Any such appointments shall preserve the balance of membership required by both the federal and state laws.

The Council shall foster the interests of consumers and family members with substance use disorders, serious mental illness, serious emotional disturbance (for parents of

youth) or co-occurring disorders; and/or prevention, early intervention, treatment or recovery support services. Accordingly, membership shall include consumers, family members of consumers, other advocates, providers and State government staff, and the ratio of parents of children with serious emotional disturbances and/or addictions to other Council members shall be sufficient to provide adequate representation. In addition, not less than 50 percent of the members of the Council shall be individuals who are not State employees or providers of behavioral health services.

Section 4. Meetings. Regular meetings of the Council shall be held at least six times per year. All meetings, including special meetings, shall be called and held in a manner that complies with the provisions of the New Jersey Open Public Meetings Act.

A teleconference capacity shall be provided to grant members increased flexibility to participate. The call in number shall be emailed to all members at least three calendar days prior to the meeting.

Section 5 Liaison. A liaison who is employed by the Division shall be assigned to send notices, take and maintain minutes and other records of the Council, and perform other administrative tasks on behalf of or for the Council and its committees.

Section 6. Quorum. A quorum of the Council shall exist if one third or more of the total members appointed to the Council on the day prior to the meeting are present. No action by the Council may be taken unless a quorum exists and at least 50% of those present and voting vote in favor of the action. A quorum of any committee shall exist whenever one third of the members appointed to the committee are present. If five persons in attendance at any Council meeting are members of the Board, the regular meetings shall also be deemed to be meetings of the Board and separate minutes shall be produced of any items voted upon that require Board approval.

Section 7. Attendance. Any member of the Council who misses three consecutive regular meetings, or three regular meetings in one calendar year, may be asked by the Chair to resign from the Council, if no excused absences are requested for illness or personal reasons. A member of the Council who is also a member of the Board who misses more than half of the regular meetings held in one State Fiscal Year (July 1- June 30) shall not be recommended for reappointment at the time of renewal of that appointment. Members may designate an alternate individual to represent them, with proxy voting privileges, in cases where attendance by the member is not possible.

Section 8. Agenda. An agenda detailing all items to be discussed or acted upon by the Council, with supporting documents and the previous meeting's formal minutes, shall be sent to all members via email at least three calendar days prior to each meeting of the Council by the liaison.

Section 9. Reimbursement. Consumers, family members and advocates not otherwise compensated their employers may request travel reimbursement from the liaison, who

shall process such applications at the regular rate for state employee travel reimbursement

Section 10. Rules of Order. The most recent edition of Robert's Rules of Order shall be the usual parliamentary guide for the conduct of all Council and committee meetings. When s/he deems it necessary, the Chair may appoint a parliamentarian to keep order.

Article IV—Nominations and Election of Officers

Section 1. Election of officers. Every odd-numbered year in July, or as soon thereafter as feasible, the Council shall elect a Chair and a Vice Chair, and such other officers, if any, that it has decided are required by a majority vote at any regular meeting before the appointment of the nominations committee. The election may be held at a regular meeting or special meeting. The Chair and Vice Chair will maintain their positions for a two year term, and may serve no more than two consecutive terms in the same position. Combined, the two positions should be representative of the substance abuse and mental health field.

Section 2. Duties of Chair and Vice Chair. The Chair shall be the parliamentary chair of the Council. It shall be the duty of the Chair to preside over all meetings of the Council, and, subject to the control of the Council, to supervise and control all of the business affairs of the Council. The Chair shall be an ex-officio member of all committees. The Chair shall have the responsibility for assuring that all motions and resolutions of the Council are carried out. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, has a conflict with the business before the Council, or as the Chair directs, and shall perform such other duties as the Council may prescribe.

Section 3. Removal. The Chair, Vice Chair, or a member of any standing or ad hoc committee, except for the Community Mental Health Citizens Advisory Board, may be removed from that office or committee by the Council for willful misconduct or inability to perform their duties, by a majority of a quorum of the Council at any time whenever in its judgment, the best interests of the Council would be served thereby. Removal shall not affect the membership of the person on the Council. Removal may occur only at a properly called meeting of the Council, after at least 30 days notice to the person proposed to be removed. An officer may resign at any time by giving written notice to the Council.

Section 4. Vacancy. A vacancy shall exist when an officer is removed, resigns, dies, or ceases to be a member of the Council. A vacancy in the office of Chair shall be filled by the Vice Chair until the next election, and the Vice Chair acting as Chair shall appoint other members of the Council to act in his or her place in the case of absence or conflict so long as they consent to do so. Any other vacancy for an officer may be filled by a majority vote of the Council at a regular or special meeting for the remainder of the officer's term. No one constituency shall fill both Chair and Vice Chair role.

Article V—Committees

Section 1. Standing Committees. Members are expected to participate in at least one committee as part of their active participation on the Council.

Community Mental Health Citizens Advisory Board. There shall be a standing committee of the Council which shall include the members of the Board and the Chair of the Council ex officio. The attendance in person or telephonically of five members of the Board or their proxies shall constitute a quorum. If the Chair is not a member of the Board, the Chair shall be a non-voting member of the committee, and the Chair's presence shall not count toward the quorum. All meetings of this committee at which a quorum are present shall be deemed to be meetings of the Board and shall be held in compliance with the requirements of the Open Public Meetings Act and the Community Mental Health Services Act. The Board shall choose a Chairperson by majority vote of those present at its first meeting in each Fiscal Year and annually thereafter. The Board may make, through its Chairperson, recommendations to the Division without the review or approval of the Council. The Board Chairperson may appoint subcommittees as necessary to assist him or her in the work of the Board.

Nominations Committee. The Council Chair shall appoint a Council member to serve as Chairperson of the Nominations Committee in January of each year. Additional Council members shall volunteer for the committee, which shall present a slate of candidates from among the membership of the Council at least one month before each election. The slate shall include at least one candidate for Chair and one for Vice Chair, and one for each other officer deemed necessary by the Council. Consideration will be given in the selection process to ensure that adequate mental health, substance abuse, children's services, and consumer and family representation is included. (The Nominations Committee shall be dissolved upon the completion of the election.)

Block Grant Committee. The Chair shall appoint a Council member to serve as Chairperson of the Block Grant Committee. Additional Council members and any other person interested in and of value to the work of the committee shall be appointed by the Chair to serve on the committee. The Chair shall ensure that there is representation from Council members representing both mental health and substance abuse. The Block Grant Committee shall review New Jersey's Federal Community Mental Health Services Block Grant and Substance Abuse Prevention and Treatment Block Grant applications and plans and shall make recommendations to the Council. The Council may accept or reject any of the recommendations of the committee in making its recommendation to the Assistant Commissioner about any such plan or application.

Membership Committee. The Chair shall appoint a Council member to serve as Chairperson of the Membership Committee. Additional Council members shall be appointed by the Chair if they volunteer for the committee, which will review applications for Council membership and make recommendations to the appropriate appointing authority.

Executive Committee. The Executive Committee shall consist of the Chair, Vice Chair, and Chairpersons of all standing committees and ad hoc committees. The Executive Committee shall develop and review agendas for regular and special Council meetings and may review requests for presentations and other items to come before the Council.

Section 2. Ad Hoc Committees. The Council Chair may create such committees as may be necessary to accomplish such business that will further the mission of the Council, and shall appoint a Council member to serve as Chair for each committee, who shall be responsible to call meetings of the committee as needed and to provide formal and informal reports to the Council. Additional Council members or interested members of the public may be appointed by the Ad Hoc Committee Chair or Council Chair to any ad hoc committee.

Article VI—Amendment of Bylaws

Amendment. These bylaws may be amended by the Council at any time, provided that a full description of the effect of any proposed amendment is included in the agenda of a meeting announced in accordance with the Open Public Meetings Act, ordered published by the Chair of the Council at or after that meeting, published in final form by written notice to all Council members, and approved by a majority of a quorum of the Council present at a meeting held at least seven days after publication in final form, without any substantive amendment.

Article VII—Anti-discrimination


The Council shall not discriminate in any regard with respect to race, religion, national origin, color, sex, disability, age, ancestry, marital status, or affectional or sexual orientation, or any other protected class included in the New Jersey Law Against Discrimination.

The effects of these proposed amendments were described in full in the agenda of the meeting at which they were approved, the meeting was announced in accordance with the Open Public Meetings Act, and the bylaws as amended were published at or after that meeting.

The amendments were approved by a majority of a quorum of the New Jersey Mental Health Planning Council and by a majority of a quorum of the Community Mental Health Citizens Advisory Board on October 8, 2014.



Phil Lubitz, Chairperson



Dona Sinton, Liaison