



## State of Maryland

### Advisory Council on Mental Hygiene/Planning Council

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor –, Joshua M. Sharfstein, M.D., Secretary, DHMH

#### MARYLAND ADVISORY COUNCIL ON MENTAL HYGIENE/ PL 102-321 PLANNING COUNCIL BY-LAWS

#### JOINT COUNCIL BY-LAWS

#### PURPOSE:

Pursuant to the Annotated Code of Maryland, Health General, Title 10, Mental Hygiene Law, Subtitle 3, and Public Law 102-321, the State of Maryland has established the Maryland Advisory Council on Mental Hygiene/PL 102-321 Planning Council for the purpose of advising the Governor and other State and federal officials on the needs of citizens with mental illnesses and the ways in which the State can meet those needs. The Maryland Advisory Council on Mental Hygiene is mandated by State law to “be a strong advocate of a comprehensive, broad-based approach to the social, economic, and medical problems of mental hygiene.” Under federal law, the State Mental Health Planning Council is required “to advise, review, monitor and evaluate all aspects of the development and implementation of the State plan.” For purposes of implementing and coordinating the duties of the federal and State Councils, a Joint Council has been established and is herein referred to as “the Council.”

#### Article I: Duties

The Council shall:

1. Advocate for a comprehensive, broad-based approach to meet the social, economic, and medical needs of people with mental illnesses, as mandated by Health General 10-305.
2. Review plans provided to the Council by the Mental Hygiene Administration and submit to the State any recommendations of the Council for modifications to the plans, as mandated by PL 102-321.
3. Monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services, as mandated by PL 102-321.

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c/o Mental Hygiene Administration

Spring Grove Hospital Center – 55 Wade Avenue – Dix Building – Catonsville MD 21228 – (410) 402-8473

TDD for Disabled – Maryland Relay Service (800) 735-2258

**Healthy People in Healthy Communities**

4. **Serve as an advocate for adults with serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses or emotional problems, as mandated by PL 102-321.**
5. **Submit an annual report of its activities to the Governor and, subject to Section 2-1312 of the State Government Article, to the General Assembly.**
6. **Submit reports to the federal government, as mandated by PL 102-321.**
7. **Receive and review annual reports submitted by County Advisory Committees, as mandated by Health General 10-312, and,**
8. **Serve as a forum for the dissemination and sharing of information concerning the public mental health system between MHA staff, mental health advocates, Joint Council Members, including consumers, and providers of mental health services in Maryland, and other interested persons.**
9. **Serve as a linkage with other state agencies seeking collaboration for improved mental health services.**

## **Article II: Membership**

### **A. Composition:**

1. **The Maryland Advisory Council on Mental Hygiene consists of 18 members appointed by the Governor. Representatives include people from a broad range of agencies and groups that are concerned directly or indirectly with mental hygiene, e.g., courts, police, probation offices, clergy, labor, management, legal profession, medical profession, mental health associations, State and local government, private employee groups, local citizens groups, and major socio-economic and ethnic groups.**
2. **The PL 102-321 Planning Council consists of residents of Maryland, including representatives of (a) the principal State agencies (mental health, education, vocational rehabilitation, criminal justice, housing and social services); (b) public and private entities concerned with the need, planning, operation, funding and use of mental health services and related support services; (c) adults with serious mental illness who are receiving (or who have received) mental health services; (d) family members of adults who are receiving (or who have received) mental health services; and (e) family members of children with serious emotional disturbances, who are receiving (or who have received) mental health services. Members also shall include representatives from local Mental Health Advisory Committees.**

- 3. A minimum of 50 percent of the total membership of the Council will be individuals who are not State employees or providers of mental health services. The Council shall strive to assure the majority of members represent present and former recipients of mental health services and their families, and, further, that the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council. The membership of the Council shall be in compliance with PL 102-321, all subsequent amendments, and applicable State laws.**

**B. Term of Membership:**

- 1. Members of the Maryland Advisory Council on Mental Hygiene are appointed by the Governor to serve three-year terms. A member may be appointed to serve a shorter term when serving the remaining term of a seat vacant due to a resignation. A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies. At the end of a term, the member continues to serve until a successor is appointed and qualifies.**
- 2. Members of the PL 102-321 Planning Council are appointed by the Director of the Mental Hygiene Administration for three-year terms. Agency/organization representatives of PL 102-321 are chosen by their respective agencies. The selected representatives remain as members of the Council until such time that they leave the agency and/or position or the agency itself selects a replacement for them.**
- 3. Terms of all Council members are staggered so that one third of members' terms end each year.**

**C. Removal:**

- 1. Members of the Maryland Advisory Council on Mental Hygiene are subject to Article 41, Section 1-203 of the Annotated Code of Maryland that states: "Any member of any State Board or Commission appointed by the Governor who shall fail to attend 50 percent of the meetings of the Board or Commission of which he is a member during any period of twelve consecutive months shall be considered to have resigned and the Chairman of said Board or Commission shall forward or cause to be forwarded to the Governor, not later than January 15 of the year following such nonattendance with the statement of such nonattendance, and the Governor shall thereupon appoint his successor for the remainder of the term. If the member has been unable to attend meetings as required by this section for reasons satisfactory to the Governor, the Governor may waive such resignation if such reasons are made public."**

2. **Non agency/organization representatives of the PL 102-321 Planning Council who fail to attend 50 percent of meetings during any period of 12 consecutive months shall be considered to have resigned. The Chairperson shall forward or cause to be forwarded to the Director of the Mental Hygiene Administration a statement of nonattendance and a request for removal. If the member has been unable to attend meetings as required for reasons satisfactory to the Director, the Director may waive such resignation if such reasons are made public.**
3. **In the event an agency/organization representative on the PL 102-321 Planning Council fails to attend 50 percent of the meetings during any period of 12 consecutive months, the Chairperson shall recommend to the head of the agency/organization that the member be replaced. If the agency member has been unable to attend meetings as required for reasons satisfactory to the Director, the Director may waive such resignation if such reasons are made public.**

#### **D. Travel Allowance:**

**Council members whose transportation costs are not reimbursed by an agency, group or organization, and who need financial assistance in order to attend a Council meeting and/or when officially representing the Council at other meetings, are eligible for reimbursement by the Mental Hygiene Administration. Travel expenses shall be consistent with the Standard State Travel Regulations and are dependent upon resource availability. Council members are responsible for completing all expense reporting forms in a timely manner, and submitting appropriate accompanying documentation as required.**

### **Article III: Meetings, Agenda, Voting, Official Records**

#### **A. Meetings**

**The Council shall meet at the times and places that it determines. There shall be at least six meetings per year. Special meetings of the Council shall be authorized by the Executive Committee, at the request of two-thirds of the total Councils' voting members. Ad hoc and standing subcommittee meetings may be convened whenever necessary. If necessary, the Executive Committee or any other committee can meet and converse by telephone when it is not feasible to convene and an immediate decision is required. Decisions reached by telephone shall be recorded as meeting minutes for that date and considered official meeting minutes.**

#### **B. Agenda**

**Any member of the Council may submit to the Chairperson an item for the agenda. Whenever possible, this shall occur at least two weeks before the scheduled date of the meeting. The agenda for regular meetings of the Council shall be distributed to members during the week prior to the scheduled meetings. At the beginning of each meeting of the Council, the Chairperson shall entertain motions for additions or changes in the agenda.**

### **C. Voting**

**A quorum for any meeting of the Council shall consist of a simple majority of its members present at that meeting. Robert's Rules of Order govern the voting procedures. Only members of the Council are eligible to vote. Members with any conflicts of interest are expected to make a declaratory statement on same and refrain from voting on the issue(s). No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.**

### **D. Official Record**

**The minutes of the Council meeting shall be the official record of the Council. The minutes shall be distributed to all members of the Council and to the Director of the Mental Hygiene Administration within a three-week period following a meeting. After final adoption, minutes will be mailed to all local Mental Health Advisory Committees. All minutes, recommendations, and other materials will be kept on file by the Mental Hygiene Administration. Minutes may be distributed to interested members of the public, providing any and all confidential information has been excised.**

### **Article IV: Support Services**

**The Mental Hygiene Administration shall provide secretarial, consultant, and other staff services needed by the Council within resource availability. The support staff shall be responsible for obtaining meeting facilities, recording of minutes, disseminating meeting notices, agenda, minutes, reports, etc.**

### **Article V: Officers**

#### **A. Chairperson**

**The Chairperson shall be elected from among the appointed membership of the Maryland Advisory Council on Mental Hygiene. The Chairperson shall serve for two years and may be reelected for no more than two consecutive terms. Elections shall be held annually in June and the term shall begin on July 1 through June 30.**

**The Chairperson shall be responsible for:**

- 1. Calling and presiding over all joint meetings of the Council;**
- 2. Coordinating the activities of the Council, including preparation of the required State and federal reports;**
- 3. Preparing the agenda for the meeting of the Council;**
- 4. Appointing the Chairpersons and members of the Nominating Committee and the Chairpersons of ad hoc subcommittees;**

5. **Serving as ex-officio on standing and ad hoc committees, except for the Nominating Committee; and,**
6. **Representing the opinion of the Council to the public.**

#### **B. Vice Chairperson**

**The Vice Chairperson shall be elected from among the appointed membership of the Maryland Advisory Council. The Vice Chairperson shall be responsible for the Chairperson's duties in the absence of the Chairperson. The Vice Chairperson shall be elected in June and the term shall begin on July 1 through June 30. The Vice Chairperson shall serve for two years and may be reelected for no more than two consecutive terms.**

#### **C. PL 102-321 Coordinators**

**Two persons shall be elected from the PL 102-321 membership as PL 102-321 Coordinators. The Coordinators shall serve for two years and may be reelected for no more than two consecutive terms. The Coordinators shall be responsible for assuring tasks and issues, related to the Council's role, and implementation of the State plan are completed. One Coordinator should be a recipient or former recipient of mental health services or a relative of such an individual.**

### **Article VI: Committees**

#### **A. Nominating Committee**

**The Nominating Committee Chairperson and four other members shall be appointed by the Chairperson. Members shall be selected equally from both Councils. The Nominating Chairperson is responsible for convening the Nominating Committee, soliciting nominations and submitting the Committee's report to the Council in May for elections to be held in June.**

#### **B. Executive Committee**

**The Executive Committee shall be composed of the Chairperson, Vice Chairperson, the PL 102-321 Coordinators and Committee and Ad Hoc Committee Chairpersons. The Executive Committee shall meet on an ad hoc basis. Minutes shall be recorded for all Executive Committee meetings. The Executive Committee responsibilities include, but are not limited to, preparing, reviewing or approving testimony or other public presentations/documents/reports submitted on behalf of the Council when sufficient time does not permit review and approval of the entire Council and timing is of critical importance, etc.**

### **C. Interagency Forensic Services Committee**

**This Committee shall advise, review, monitor, and evaluate the development and implementation of the State plan applicable to persons with serious mental illness who are incarcerated or at risk of incarceration in jails and detention centers. This Committee may invite others outside of appointed Council members to consult and participate in the activities of this Committee. The Chairperson of this Committee shall be elected by the members of the Committee, with the approval of the Council Chairperson, for a two year renewable term.**

### **D. Local Mental Health Advisory Committee**

**The duties of this committee include promoting and facilitating linkages with local mental health advisory committees. The Committee may assist in developing specific training programs pertaining to mental health issues and the roles of the committees in local mental health systems. This Committee may invite others outside of appointed Council members to consult and participate in the activities of this Committee. The Chairperson of this Committee shall be elected by the members of the Committee, with the approval of the Council Chairperson, for a two year renewable term.**

### **E. Legislative Committee**

**The duties of this committee include review and promotion of legislation that impacts on the purpose and responsibilities of the Council. While members do not formally meet, coordinated efforts to deliver reports of legislative activity, particularly during the Legislative session, are made by the Committee chair and other involved representatives of advocacy groups that follow closely the legislative actions, Joint Chairmen Reports, and special studies.**

### **F. Planning Committee**

**The duties of this committee include participation in a yearlong planning process comprised of plan development, review, and final recommendation of the State Mental Health and Federal Mental Health Block Grant Plans. Also, the committee shall identify focus areas/issues to be monitored and make recommendations to the Council. Additionally, the Committee shall participate in the development of the Annual Report, which summarizes the activities, priorities, and recommendations of the Council and is submitted to the Governor annually.**

## **G. The Cultural and Linguistic Competence Advisory Committee**

**This Committee shall advise, monitor, and evaluate the development and implementation of initiatives and training opportunities that facilitate increased awareness of and access to services and supports for individuals in the Public Mental Health System that are culturally and linguistically competent. The Committee shall make recommendations that create a more receptive environment for participants/providers across the state to discuss issues of cultural and linguistic diversity in their work places and how to better provide culturally and linguistically competent services and supports to the individuals they serve. This Committee may invite others outside of the appointed Council members to consult and participate in the activities of this Committee. The Committee shall deliver regular updates to the Council. The Chair and Co-Chair shall be elected by the members of the Committee.**

## **H. The Membership Committee**

**The Committee shall work with MHA, as well as the DHMH and Governor's Offices of Appointments, to encourage participation from people who are legislatively prescribed and who have a broad foundation of knowledge and experiences. The Membership Committee shall support recruitment efforts by exploring ways to promote the interest and involvement of consumers, family members, and individuals with skills or professions connected to mental health and making recommendations to increase membership. The Chairperson of this Committee may be appointed by the Council Chairperson.**

## **I. Ad Hoc Committees and Special Studies/Workgroups**

**The Chairperson may appoint temporary committees or Council representatives for a specified purpose and time. Upon completion of the task, the committee shall be dissolved. Examples of ad hoc committees are as follows:**

### **1. Ad Hoc Committees**

**The duties of these committees are to address a specific mental health priority area identified by the Joint Council for review, presentation, and possible advocacy recommendation.**

### **2. Special Studies/Workgroups**

**The duties of this committee may include an individual(s) representing the Council on various Mental Hygiene Administration or other agency or organization sponsored task forces, workgroups, etc.**

## **Article VII: Amendments**

**The By-laws may be amended by recommendations of the Executive Committee and two-thirds of the voting members of the Council who are present, provided that copies of the proposed amendments and notice for consideration have been mailed to every member at least two weeks before the date of the meetings, during which adoption of the amendment(s) would be considered.**

**FIRST REVISION DATE: September 21, 1993**

**SECOND REVISION DATE: October 16, 2001**

**THIRD REVISION DATE: March 20, 2012**