

PAIMI ADVISORY COUNCIL OPERATING PROCEDURES

The name of this organization shall be The Mental Health Advisory Council of IPAS, hereinafter referred to as the “Council.”

I. Purpose of the Advisory Council

As required under the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, 42 U.S.C. 10801 et seq. And 42 C.F.R. Part 51 et seq., the purpose of the Council is to:

- a) Advise Indiana Disability Rights (hereafter referred to as “IDR”) staff and its governing authority (IPAS Commission) on policies and priorities to be carried out in protecting and advocating for the rights of individuals with mental illness in Indiana.
- b) Complete a section of the annual PAIMI program performance report that describes the activities of the Council and its assessment of the operation and quality of services of the PAIMI program, as required by the Act and its regulations.
- c) Work with the governing authority of the IDR known as the IPAS Commission and the PAIMI program staff members jointly to develop the annual statement of objectives and priorities for the PAIMI program of IDR.
- d) Educate the public and IPAS Commission about the agency’s purpose, priorities and activities in regards to mental health issues.

II. Political Neutrality

The Council shall be non-political, shall neither support nor oppose any party or candidate for public office, and shall take no position on matters of governmental policy or legislation, other than those that are relevant to its purposes.

III. Composition of the Council and Membership Criteria

- a) As required by the PAIMI Act and its supporting regulations (42 U.S.C. 10805(a)(6)(B), 42 C.F.R. 51.23(b), the Council members shall include:
 - 1) attorneys;
 - 2) mental health professionals;
 - 3) individuals from the public who are knowledgeable about mental illness, the advocacy needs of persons with mental illness and have demonstrated a substantial commitment to improving mental health services;
 - 4) a provider of mental health services; and
 - 5) individuals who have received or are receiving mental health services and family members of such individuals.

- b) At least sixty percent of the membership shall be comprised of individuals who have received or are receiving mental health services or who are family members of such individuals.
- c) At least one family member serving on the Council shall be a primary caregiver for an individual who is currently a minor child or youth who is receiving or has received mental health services.
- d) Membership shall reflect the racial and ethnic composition of the state. Continuing efforts shall be made to include members of racial and ethnic minority groups on the advisory Council.
- e) The Chair of the Council shall be an individual who has received or is receiving mental health services or who is a family member of such an individual.
- f) Council members must have a commitment to promoting the legal and civil rights of persons with mental illness and advocating for their personal choices.

IV. Nominations and Appointments to the Council

- a) Nominations of individuals to serve on the Council may be solicited from Council members, and from established mental health-focused organizations that provide family support, self advocacy or consumer support, advocacy or consumer support in Indiana, but shall not be limited to these groups.
- b) Council members must have a commitment to promote the legal, civil, and human rights and remedies of persons with mental illness and to advocate for their right to self-direction and individual choice. Members must possess specialized expertise or experience that will contribute to the work of the Council.
- c) A simple majority of current Council members' vote during a public meeting is needed to appoint new members. Once appointed, the new members shall be seated immediately.
- d) New members shall receive training and orientation.
- e) The maximum number of individuals sitting on the Council at one time shall be no more than ten (10).
 - 1) The terms of Council members shall be staggered.
 - 2) Members of the Council serve one (1) four-year (4) term.
 - 3) Members completing a four-year (4) term must vacate the seat for a minimum of two (2) years before seeking re-appointment.

V. Resignation and Removal from the Council

A. A Council member may resign at any time by giving a written or verbal notice to the Council and the IPAS Commission Chair. Unless otherwise specified in the notice, the resignation shall take effect upon receipt of the notice, and acceptance of the resignation shall not be necessary to make it effective.

B. Upon notice to the member, the Council may recommend a member for involuntary dismissal from the Council to the IPAS Commission for the following reasons:

- 1) failing to effectively support the Council in its mission;
- 2) failing to attend three (3) consecutive meetings either in person or by electronic participation as described in VIII(a)(2) of these by-laws during any twelve (12) month period without prior notification or for non-medical reasons (self or family);
- 3) When a conflict of interest renders an individual unqualified to serve on the Council (for example, when a member becomes a paid employee of IDR):
or
- 4) when the member is no longer a resident of the state.

VI. Election of Officers

The officers of the Council shall consist of the following:

- 1) a Chairperson, and
2. a Vice Chairperson.

All officers shall be elected at the Council's organizational meeting by a majority of a quorum of members of the Council and the term of office shall be for two (2) years. When the Vice Chairperson no longer serves on the Council, or resigns his or her Office, the Chairperson may appoint a Vice Chairperson to serve out the remainder of the Vice Chairperson's term. In the event the Chairperson no longer serves on the Council, or resigns his or her Office, the Vice Chairperson will assume the Chairperson's Office to serve out the remainder of the term.

VII. Responsibilities of Officers

The Chairperson (or, in his or her absence, the Vice Chairperson) shall:

1. chair Council meetings,
2. assist IDR staff in establishing the time and agenda for Council meetings,
3. communicate to the IPAS Commission the Council's recommendations, input and activities.

VIII. Meetings

- a. A minimum of three (3) regular meetings shall be held each fiscal year, which begins on October 1.
 1. All meetings will be held in locations that are accessible to people with mental, physical and sensory disabilities.
 2. All meeting notices, agenda items and support data shall be distributed to the Council members at least seven (7) calendar days prior to each of these meetings and shall be provided in accessible formats upon request.
 3. Interpreter services shall be provided upon the request of any Council member or guest of the meeting, if a request is made at least seven (7) calendar days prior to the meeting date.
- b. The Council shall hold its organizational meeting annually at the first meeting after the federal fiscal year begins, which is October 1.
- c. Special meetings may be called by the Chairperson or upon the written request of five (5) of the Council members.
- d. **Electronic Participation.** Council members with a disability may request remote electronic participation at a public meeting as a reasonable accommodation, in accordance with Indiana Code § 5-14-1.5-3.6. It is intended that the concepts of disability and accommodation be liberally construed under this section when responding to a member with a disability who request electronic participation as an accommodation. A member's failure to fully meet the relevant standards of the Americans with Disabilities Act will not necessarily result in a denial of their request. The Council's adoption and allowance of electronic participation is done pursuant and intended to comply with all provisions of Indiana Code § 5-14-1.5-3.6. For purposes of this section, remote participation includes: land-line telephone, computer or video conferencing. Electronic mail cannot be a means of electronic participation.
 1. Council members requesting as an accommodation to attend Council meetings, Executive Sessions or other meetings through electronic participation shall:
 - a. Provide written or verbal notification to the IDR Executive Director of the requested accommodation no less than 15 days prior to the meeting.
 - b. The Executive Director shall then deliver to the Chairperson all requests for electronic participation not later than 13 days prior to the scheduled meeting.
 - c. The Executive Director shall then take all steps necessary to facilitate electronic participation for all who have requested it as an accommodation.
 - d. The Chairperson shall have complete authority over the use of electronic participation in meetings, and make all decisions regarding such participation consistent with the best interests of the agency; compliance with Indiana law and Council operating procedures; and as necessary to conduct and further the business of the agency.

2. All votes taken at meetings of the Council, where one or more members is participating and voting electronically, shall be taken by roll call vote as required by Indiana Code § 5-14-1.5-3.6(c)(2).
 3. Any Council member who participates in an Executive Session of the Council by electronic participation must assure that the entire communication in which they participate is conducted in strict privacy and confidentiality such that the business of the agency is not subject to any form of public disclosure.
 4. In the event that any member of the Council requesting to participate electronically as a reasonable accommodation anticipates that they will incur an expense to do so, the member should communicate those concerns to the IDR Executive Director in advance of the meeting or expenditure of any funds. The Executive Director shall then make all determinations about the provision of the accommodation and any reimbursements requested.
- e. A quorum shall be constituted by the attendance (either in person or by electronic means pursuant to (d) above) of a simple majority of all Council members. Vacant positions on the Council shall not be counted in establishing a quorum. Council members who participate and vote electronically shall count toward a quorum. All meetings in which one or more members participates and votes electronically must be physically attended by at least 33% of the Council. Lack of a quorum shall prevent the Council from taking official action, in accordance with the Open Door Law.
- f. The standard business practices shall guide the meetings of the Council to the extent applicable.
- g. The minutes of the Council's meetings shall be the official record of the Council. The minutes shall be distributed to all members of the Council within seven (7) calendar days prior to the next meeting.
- h. All meetings are open to the public unless an executive session is permitted under the Open Door Law. Notice of all meetings and executive sessions will be posted in accordance with the Open Door Law.
- i. The Chair of the Council shall be given the opportunity to raise issues of concern to the Council at each regularly scheduled meeting of the IPAS Commission.
- j. As required pursuant to Indiana Code § 5-14-1.5-3.6(d), each member of the Council must physically attend at least one (1) Council meeting annually.
- k. The Council may use a prepared paper ballot when members vote on renewing members to the Council and other matters. Members' votes, however, shall be recorded in the meeting's minutes, and the prepared ballot shall not be used as a secret ballot, in compliance with Indiana Open Door laws.

IX. Committees

- a) The Council may establish committees to investigate areas of interest to the Council and report back to the Council. If committees require resources to operate, the Council will need to obtain approval as set forth by the federal and state fiscal procedures.
- b) Any Committee appointed directly by the Council or its Chair are a governing body subject to the Open Door Law. Hence, Committee minutes shall be recorded in writing. Notwithstanding this, findings may be presented verbally to the Council and made part of the minutes of the general Council meeting.
- c) The Council Chairperson shall select the committee members, taking into consideration members' willingness and interest in serving, expertise, commitment of time and their representation of the various constituencies. Together all of the committee members shall elect a Chairperson of the respective committees.
- d) A list of all committees and committee members shall be distributed to all Council members.
- e) Committees shall serve at the pleasure of the Council and shall be disbanded upon completion of their mission, or by a majority vote of the Council.

X. Confidentiality

Council members are not entitled to confidential client information. It is the obligation of the IDR staff to maintain confidentiality of its client records.

XI. Agency Responsibilities

The IDR will pay all necessary costs to enable the fullest possible participation of members in Council activities consistent with state fiscal policy and procedures and taking into account applicable restrictions on use of grant funds, including the PAIMI regulations at 42 C.F.R. § 51.31(e) and § 51.6(e). Reimbursement will be made consistent with federal and state cost principles.

Depending on the amount of available resources and consistent with state cost principles, IDR may reimburse Council members for transportation costs, parking, meals, hotel costs, and per diem expenses.

IPAS shall provide the Council with copies of the minutes, agenda reports, materials and fiscal data and all other materials to the members of the Council to enable review of existing program policies and priorities and performance outcomes. Such submissions shall be made at least annually and shall report expenditures for the past two fiscal years, as well as the projected expenses for the next fiscal year, identified by budget categories (e.g., salaries and wages, contracts for services and administrative expenses) including the amount allotted for training of each of the advisory Council, and governing commission.

XII Conflict of Interest

- a) Pecuniary interest in Contract or Purchase by Member of Council. When any member of the Council has a pecuniary interest in a contract or purchase connected with an action by the Council, the member must make a disclosure in accordance with Indiana Code § 35-44-1-3(d) . The disclosure must be in writing, describe the contract or purchase to be made by the Council, describe the pecuniary interest that the member has in the contract or purchase, be affirmed under penalty of perjury, be submitted to the Council and accepted by the Council in a public meeting prior to final action on the contract or purchase, be filed within fifteen days after final action on the contract or purchase with the State Board of Accounts, and contain the written approval of the Governor. The member of the Council shall leave the room during discussion of the contract or purchase and is disqualified from voting on the contract or purchase.
- b) Financial interest of Council Members. Any person appointed to serve on any standing or other committee who has a conflict of financial interest, shall disclose the conflict of interest and be required to leave the room during discussion of the matter and may not participate in a vote on the matter.
- c) Non-Financial Conflict of Interest. Any member of the Council, standing committee or other committee, who has a relationship or involvement in any project, proposal, or other issue which is not a financial interest but is before the Council or committee, shall disclose the fact and is required to leave the room during discussion, unless specifically invited to participate after the fact of such relationship or involvement has been fully disclosed. Any member of the Council thereof so convened may challenge any other member(s), and the Council or committee, by roll call vote properly recorded, shall determine the status of the challenged member prior to further consideration of the proposal, project, or issue at hand.
- d) Members of the Council Who Represent State Agencies. Members of the Council who represent state agencies shall be subject to the Indiana Code § 4-2-6 and 40 I.A.C. 2 which pertain to the ethical conduct of state officers and employees. State agency representatives shall disclose in writing any actions, transactions, or involvements which have the potential to become a conflict of interest, i.e., (1) the awarding of a grant to an agency which would result in the representative supervising the grant and its expenditures; or (2) the representative of an agency whose agency has an interest in applying for and receiving a grant.

XIII. Amendments

These operating procedures may be amended by a two-thirds vote of the Council at any regular or special meeting of the Council. An amendment shall be submitted in writing to all Council members not less than seven (7) calendar days prior to the meeting.

November 14, 1998 — Adoption of original By-laws.

May 8, 2006 — Council amended By-Laws regarding proxy vote.

July 13, 2009—Council amended By-laws to disallow members participating by telephone to be counted toward quorum, and to state that lack of quorum does not constitute a meeting.

December 7, 2009—Council amended by-laws to change the terms of members to three year terms, not to exceed more than five consecutive terms; to eliminate the office of Secretary; to provide for succession of the Vice Chairperson to Chair in the event the Chair becomes vacant; to provide for the Chair to appoint a Vice Chairperson in the event the Vice Chair becomes vacant; to provide that the organization meeting will be the first meeting after the start of the federal fiscal year; to remove the power of a Council member to assign his or her proxy vote; to amend the procedure for amending the by-laws to provide for a two-thirds vote of the Council; and for other conforming and technical amendments.

February 7, 2011--Council amended by-laws to delete the provision specifying 10 council members, and to provide for members to be appointed or removed by the IPAS Commission instead of the Governor, and other conforming and technical amendments.

May 6, 2013—Council amended By-laws to allow members to request remote electronic participation at a public meeting as a reasonable accommodation in accordance with Indiana Code § 5-14-1.5-3.6.

August 3, 2015 —Council amended By-laws section IV setting the maximum number of seats on the Council. Section VIII, amended regarding the voting procedure.

October 31, 2016 – Council amended By-laws section IV to add a commitment clause; experience or expertise clause; and phasing out membership over a four year time period, to end by June 30, 2017. Adopted by the IPAS Commission on November 5, 2016.

August 13, 2018 – Council voted unanimously to amend by-laws section IV to comport with changes in the IPAS Commission bylaws outlining the relationship between the MIAC and the Commission. Section changed and distributed on Sept. 25, 2018.

May 12, 2020 – Council voted unanimously to change organization name Mental Illness Advisory Council to Mental Health Advisory Council.

May 18, 2021 - Council voted unanimously to amend by-laws to ensure compliance and consistency with federal regulations.