

**BYLAWS  
SOUTH DAKOTA**

**BEHAVIORAL HEALTH ADVISORY COUNCIL**

**(AS AMENDED AND APPROVED ON August 9<sup>th</sup>, 2023)**

**ARTICLE I: NAME**

The name of this organization shall be the Behavioral Health Advisory Council (BHAC), hereinafter also referred to as the "Advisory Council".

**ARTICLE II: AUTHORITY**

Section 1914 of the Public Health Service Act (42 U.S.C. 300x-3)

**ARTICLE III: PURPOSE**

The purpose of the Advisory Council is to review the state's comprehensive behavioral health services plan and provide recommendations to the Department of Social Services; to serve as an advocate on behalf of persons served; and to monitor and evaluate the adequacy of behavioral health services in the state.

**ARTICLE IV: ACTIVITIES**

The Advisory Council shall meet at least two times per year (one virtually and one in-person) unless otherwise determined by the Council. Activities shall include, but are not limited to, the following:

Section 1. Advising. The Advisory Council shall review and provide recommendations to the Department of Social Services on all aspects related to the development, implementation and modification of necessary state or federal comprehensive behavioral health services plans including funding, coordination of services, quality and policy related matters.

Section 2. Monitoring and Evaluating. The Advisory Council shall, on a continuing basis, review, monitor and evaluate the implementation of the state comprehensive behavioral health services plan and the behavioral health service system while providing suggested methods to evaluate the quality of that service network.

Section 3. Reporting. The Advisory Council shall record and keep minutes of each Advisory Council meeting. The minutes shall include the date of the meeting, a notation of members attending, the topics discussed, the actions taken, and a summary of reports made to the Advisory Council. The unapproved draft minutes shall be distributed to the Advisory Council within nine business days after the meeting, which does not include Saturdays, Sundays, or legal holidays.

The Department of Social Services will provide, at a minimum, two updates each year from the South Dakota Human Services Center and the Division of Behavioral Health.

Section 4. Coordinating. The Advisory Council shall guide the Department of Social Services in achieving a greater coordination of planning and service delivery efforts among various agencies involved within the behavioral health service delivery system. The Advisory Council shall continually work towards needed system expansion and quality of services.

Section 5. Advocacy. The Advisory Council shall advocate on behalf of persons served within the state to ensure their highest attainable degree of independence, productivity, community integration and quality of services.

## **ARTICLE V: MEMBERSHIP**

Section 1. Appointment. Members of the Advisory Council shall be appointed by and serve at the pleasure of the Governor.

Advisory Council members representing participants other than state agencies and providers, shall be residents of the state. Advisory Council members representing South Dakota's state agencies and providers may be non-residents but the agency they represent must deliver services in South Dakota to meet the residency expectation. The Advisory Council will attempt reasonable geographic representation from the entire state. Recommendations for filling vacancies shall be made from the Advisory Council.

Section 2. Composition and terms. Appointed Advisory Council members shall serve for a three year term. Members may serve no more than two consecutive three year terms. If an individual is appointed to fill a vacancy mid-term, then they are still eligible for two consecutive, full terms. Representatives who are adults with a serious mental illness and/or recovering from substances, family members or caregivers of adults with a serious mental illness and/or substance use disorder, and family members or caregivers of children/youth with a serious emotional disturbance and/or substance use disorder shall have staggered terms.

The Advisory Council shall consist of the following who are appointed by and serve at the pleasure of the Governor:

- State Social Services Agency
- State Mental Health Agency
- State Medicaid Agency
- State Education Agency
- State Criminal Justice Agency
- State Vocational Rehabilitation Agency
- State Housing Agency
- Community Mental Health Center
- Contracted substance use disorder treatment provider
- Contracted prevention provider
- Six (6) adults with a serious mental illness or in recovery from a substance use disorder or both
- Three (3) family members or caregivers of an adult with a serious mental illness or in recovery from a substance use disorder or both
- Three (3) family members or caregivers of a child with a serious emotional disturbance or substance use disorder or both
- Healthcare provider
- Advocacy Organization
- Representatives of a federally recognized Tribe
- Contracted provider who provides recovery support, peer support or crisis care services

At least 50 percent of the Advisory Council must be made up of people with lived experience (either service recipients or as family members of individuals receiving services from the

publicly funded service system).

As determined by the Advisory Council, representation shall be made to include individuals who are Native American, Veterans, and individuals with lived experience across the lifespan.

Section 3. Attendance. Advisory Council members, with the exception of those specifically mentioned in the Bylaws, may not designate persons to attend meetings or vote on their behalf.

Members who are allowed to designate others and who choose to do so shall designate in writing a representative who will attend in the appointed member's absence. The name of the designated appointment shall be conveyed to the Department of Social Services. The designee shall be considered an Advisory Council member in all respects until a change in status is communicated to the Department of Social Services in writing by the person who designated the appointment or his/her successor.

Advisory Council members and designees shall notify the Division of Behavioral Health when they are unable to attend a meeting. If a Council member has more than two absences per Council year, the Governor's Office shall be notified and asked to contact the appointee concerning that appointee's willingness to continue to serve on the Advisory Council. If a designee has more than two consecutive absences, the person who appointed the designee, shall be notified.

Section 4. Resignation. Any member desiring to resign from the Advisory Council shall submit his resignation to the Governor's Office and send a copy of the letter to the Department of Social Services and the Council Chairperson. This individual will remain a member of the Council until such time as the Governor's Office is able to fill the vacancy.

Section 5. Financial Compensation. Advisory Council members shall serve without compensation, except that Council members, designees and subcommittee members shall be reimbursed for travel expenses as set forth in Article 5 of the Administrative Rules of South Dakota. Reimbursement for travel expenses shall be provided for a person attending with Council members who require such assistance to participate. Reimbursement for other expenses, e.g., attendant care services, interpretive services, telephone, postage, etc., necessary to allow for participation and fulfillment of Council responsibilities by Council members shall be coordinated with and approved by the Department of Social Services.

## **ARTICLE VI: OFFICERS**

Section 1. Positions. The officers of the Advisory Council shall include a Chairperson and Vice-Chairperson. At no time may the positions of Chairperson and Vice-Chairperson be simultaneously held by persons who provide behavioral health services, represent an organization that provides behavioral health services, or represent an organization whose members provide behavioral health services.

Section 2. Duties.

(a) Chairperson. The Chairperson shall preside at all meetings of the Advisory Council. The Chairperson, in cooperation with the Council, the Division of Behavioral Health and the Department of Social Services shall schedule all meetings of the Council and perform all such duties relative to the office. The Chairperson in furthering the purpose and activities of the

Council may represent the Council in dealings with other organizations and at public meetings and conferences, or may designate a Council member as the Chairperson's representative.

(b) Vice-Chairperson. The Vice-Chairperson shall act in the absence of the Chairperson. In the event of the resignation, incapacity, or death of the Chairperson, the Vice-Chairperson shall serve until the Advisory Council elects a new Chairperson. The Vice-Chairperson shall perform other duties as assigned by the Chairperson.

Section 3. Nominations. Nominations for Advisory Council officers shall be made from the floor.

Section 4. Elections. Officers shall be elected by Advisory Council members.

Section 5. Terms. The term of office for the Chairperson and the Vice Chairperson shall be two years. Members may hold the same office for more than one term provided there is an interval of two years between terms.

Section 6. Vacancies. Vacancies in elected offices shall be filled by a majority vote of the members in attendance at the next Council meeting after the vacancy occurs. Officers so elected shall serve for the remainder of the vacated term and shall be eligible for election to that office for the next full term.

## **ARTICLE VII: MEETINGS**

Section 1. Schedule.

(a) Regular. The Advisory Council shall meet at least two times per year.

(b) Special. Special meetings of the Advisory Council may be called by the Chairperson or by the Vice-Chairperson at the request of 10 council members.

Notice of special meetings shall be made to all Council members not less than 10 days prior to the meeting stating the time, date, location and purpose of the meeting. No other business shall be transacted at a special meeting.

Section 2. Quorum. A quorum for an Advisory Council meeting shall be fifty percent (50%) of the appointed membership.

Section 3. Agenda and Supporting Materials. The agenda and supporting materials for a regularly scheduled meeting shall be distributed to the Advisory Council at least three business days (72 hours) before the meeting is scheduled to start according to the agenda. Three business days may include the day the agenda is posted.

The Chairperson shall coordinate agenda development and distribution with Council staff. Agenda items may be added at any meeting with the approval of a majority of the members attending.

Section 4. Open Meetings Law. All meetings shall be open to the public in accordance with the state open meetings law, set out at South Dakota Codified Laws 1-25-1.

Section 5. Voting. Voting shall be by Advisory Council members present. Voting by proxy shall not be permitted. A person designated as provided for in Article V is not a proxy.

Section 6. Public Notice. As set forth in SDCL 1-25-1.1, public notice of all meetings shall be given by posting the agenda to [boardsandcommissions.sd.gov](http://boardsandcommissions.sd.gov) at least three business days (72 hours) before the meeting is scheduled to start according to the agenda. Three business days may include the day the agenda is posted.

#### **ARTICLE VIII: COMMITTEES**

The Advisory Council shall utilize committees on an as needed basis to adequately conduct the affairs of the Council. These ad-hoc committees may include individuals that are not members of the Advisory Council. Committees to be created under this Article shall be approved by a majority of the Council membership at any regular or special meeting.

Committees shall represent the Advisory Council when authorized to do so by the Council or Chairperson. Committee members shall be appointed from the Council membership by the Chairperson taking into consideration requests by the Council membership to participate in specific committees. The Chairperson may also appoint ad-hoc committee members who are not Council members provided, however, that non Council members shall not participate in Council voting.

#### **ARTICLE IX: PARLIAMENTARY AUTHORITY**

Advisory Council meetings shall be conducted in accordance with the rules contained in the current edition of *Roberts Rules of Order Newly Revised* in all cases in which they are applicable and in which they are not inconsistent with these bylaws and any special rules the Council may adopt.

#### **ARTICLE X: AMENDMENT OF BYLAWS**

These Advisory Council bylaws may be amended at any meeting of the Council by a majority vote of the appointed Council membership in attendance, provided the amendment has been distributed to all Council members at least 10 days prior to the date of the meeting.

#### **ARTICLE XI: CONFLICT OF INTEREST**

It shall not be considered a conflict of interest for any individual or employee, officer, or director of any firm, corporation, department, facility or agency to serve as a member of the Council, provided such member shall abstain from action and voting by the Council in matters where the member may receive a direct personal financial benefit from a contract or grant awarded by the Council.

#### **ARTICLE XII: DESIGNATED STATE AGENCY**

The Advisory Council shall be assigned to the Department of Social Services, Division of Behavioral Health.

#### **ARTICLE XIII: COUNCIL STAFF**

Technical assistance and staff support shall be provided to the Advisory Council by the Department of Social Services.