

BY-LAWS

**New Mexico Department of Health
Developmental Disabilities Support Division**

ADVISORY COUNCIL ON QUALITY SUPPORTS FOR INDIVIDUALS WITH DEVELOPMENTAL
DISABILITIES AND THEIR FAMILIES

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Amended: 9/10/09

Approved: 9/10/09

I. ORGANIZATION

The Developmental Disabilities Support Division (the Division) of the New Mexico Department of Health (the Department) established The Advisory Council on Quality Supports for Individuals with Developmental Disabilities and their Families, hereafter referred to as the "Advisory Council."

II. MISSION, VISION AND VALUES

Mission: The Advisory Council advises the New Mexico Department of Health on the provision of good quality services and supports that assist individuals with developmental disabilities of all ages and their families to be fully included in New Mexico communities.

Vision: Individuals with developmental disabilities of all ages and their families live successfully in New Mexico communities with the provision of good quality support and services.

Values:

Community Inclusion: Individuals with developmental disabilities of all ages are fully included in community life, are able to secure and maintain naturally occurring support, and are able to rely upon services and supports that enhance life choices in relationships, school, work, where to live and how to participate in community.

Everyone is Valued: Each and every person with a developmental disability and their family members have gifts and strengths and are valued members of New Mexico communities.

Self-Determination: Individuals with developmental disabilities and families have the freedom to make life choices, are able to self-directed supports and services and are accountable and responsible for their choices and decisions. Those providing supports and services honor the choices and the self-direction of individuals with developmental disabilities and their families.

Respect: The diversity, culture, differences, history and privacy of individuals with developmental disabilities and families are respected. Providers of supports and services are respected for the good work they do.

Quality of Life: Quality of life is individually determined by persons with disabilities and their families.

Quality of Services: Good quality services and supports are readily available, adequate and appropriate, ethical, based on individual need, considerate and supportive of individuals and family desires, individual and family friendly, and holistic.

Dignity of Risk: Individuals with developmental disabilities and families can determine how they want to balance safety with the opportunities they wish to pursue. Regulation and monitoring should not be intrusive and should not deter individuals and families from determining how they will balance safety and opportunity.

III. AUTHORIZATION

The Advisory Council is authorized in accordance with the New Mexico Developmental Disabilities Act of 1993 (Section 28-16A-13 NMSA 1978).

BY-LAWS**IV. PURPOSE**

The purpose of the Advisory Council is to provide advisory counsel to the Department with regard to the needs of individuals with developmental disabilities and their families.

V. DUTIES

The duties and responsibilities of the Advisory Council shall include, but are not limited to, the following:

- Conduct bi-monthly meetings
- Advise and assist the Department in the development and monitoring of a quality assurance system (including quality indicators) for individuals with developmental disabilities and their families
- Provide information and feedback about service availability and current needs with regard to individuals with developmental disabilities and their families
- Receive, interpret and react to statewide needs assessment data
- Evaluate the statewide needs assessment processes and recommend modifications and improvements for future surveys
- Recommend priorities for the development, modification and expansion of services to meet needs of individuals with developmental disabilities and their families
- Advise and assist the Division staff developing periodic State Plans for services to individuals with developmental disabilities and their families
- Provide written endorsement of the Long Term Services State Plan
- Assist in the dissemination of the State Plan to public and private entities
- Promote collaboration efforts among state agencies and community based programs serving individuals with developmental disabilities and their families
- Recommend legislative activities for development, improvement and expansion of services
- Advocate for system change to stimulate state-of-the-art, cost effective services which address the specialized and individual needs of individuals with developmental disabilities and their families
- Advise the Division on policy development.

VI. MEMBERSHIP

The Advisory Council shall consist of a minimum of fifteen (15) voting members with a maximum of twenty seven (27) voting members. These members shall be United States citizens and current residents of the State of New Mexico. The membership of the Advisory Council shall be representative of the following constituents:

Voting members:

- Nine (9) - Individuals with Developmental Disabilities and/or Their Families
- Three (3) - Direct care staff
- Seven (7) – Providers
- Two (2) – Self Advocacy Organizations
- Four (4) – Advocacy Organizations
- Two (2) – Other Organizations
 - Center for Developmental Disability
 - Interagency Coordinating Council of the Family Infant Toddler Program

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- State Agencies
 - Human Services Department - Medical Assistance Division
 - Department of Health - Division of Health Improvement
 - Department of Health - Developmental Disabilities Support Division
 - Public Education Department - Special Education Bureau
 - Aging and Long Term Services Division - Mi Via
 - Children, Youth and Families Department
 - Division of Vocational Rehabilitation
 - Developmental Disabilities Planning Council

Members of the Advisory Council shall be appointed for terms of three years or the remaining duration of designated terms. Advisory Council members will serve staggered terms with one third coming due each year. At least annually, and more frequently as vacancies may occur, the Membership Committee, comprised of Advisory Council members in good standing, will screen and nominate candidates for Advisory Council membership. During a scheduled Advisory Council meeting the Advisory Council membership will vote on the presented candidates. Floor nominations may be made at any Advisory Council meeting where the agenda permits such action as per parliamentary procedures. Thereafter, the list of Task Force's accepted nominations for Advisory Council membership shall be forwarded to the DOH Secretary for appointment consideration.

VII. TERM DURATION

A member can resign from membership at any time. Such resignation shall be presented in writing to the Division staff. Resigning members are recommended to find a replacement for their vacated position on the Advisory Council. A maximum of three (3) consecutive full terms are permissible for Advisory Council members based upon recommendations from the Advisory Council and willingness on behalf of the members to continue participation. Vacancies shall be filled for the non-expired term in the same manner as original recruitment with regard to representation composition. (See section V. MEMBERSHIP.)

VIII. OFFICERS

The Advisory Council shall elect annually from its membership co-chairs. This election shall be held the last scheduled meeting of each calendar year. These officers are elected for a two (2) year term and can serve a maximum of two (2) consecutive terms. The individual may be re-elected for the same office after a one (1) year hiatus for two (2) additional consecutive terms. In the event a co-chairperson resigns the office, the Advisory Council will hold an election for the new co-chair to serve the remainder of the term. In the event the Advisory Council would desire removal of one or both of the co-chairperson, such action shall be achieved by a 2/3 vote of removal by the Advisory Council membership at a regular meeting.

IX. ATTENDANCE

The members shall notify a co-chair or the Division staff when unable to attend a scheduled Advisory Council meeting prior to the meeting time, in order to be excused from the meeting. Any member who misses three, consecutive, regularly scheduled meetings will be automatically dropped from membership. Designee attendance (see X, DESIGNEES) is not counted as a member's attendance. The Director of the Division, and as appropriate, other representatives from the key

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organizational units within the Department will be routinely invited to Advisory Council meetings.

X. DESIGNEES

When unable to attend an Advisory Council meeting, a member may assign a designee to attend the meeting and represent the member. Notice of designee assignment shall be presented to the chairperson prior to the meeting. The Advisory Council shall recognize the designee as authorized to speak, including the right to vote, on behalf of the Advisory Council member. The assignment of a designee is regarded as a substitution, not attendance of a member.

XL CONFLICT OF INTEREST

No member or authorized designee of the Advisory Council shall cast a vote on any matter, which could provide financial benefit to that member/designee or could otherwise give the appearance of a conflict of interest. Such conflict of interest shall be disclosed by the member/designee to the Advisory Council membership prior to general discussion of the topic to allow the Advisory Council to determine whether a conflict does exist.

XII. LEADERSHIP

The chairperson shall formally conduct meetings of the Advisory Council in accordance with generally accepted rules of parliamentary procedure. In the absence of both co-chairpersons, the membership shall select a chair for that meeting.

XIII. QUORUM

Simple majority (51%) of its current appointed membership shall constitute a quorum of the Advisory Council.

XIV. ADVISORY COUNCIL MEETINGS

The Advisory Council shall meet bi-monthly and at other times as deemed necessary by the Division Director and/or the Advisory Council co-chairs. All meetings will be held in accordance with the New Mexico Open Meetings Act and an open meetings resolution will be adopted annually. Compliance with the provisions of the Open Meetings Act is the responsibility of the Developmental Disabilities Services Division.

XV. COMMITTEES

There shall be five (5) standing committees designated: the Executive Committee/Membership, the Policy and Quality Committee, Children's Services Committee, Adult Services Committee and the By-Laws Committee. The Executive Committee shall be responsible for developing the agenda for the quarterly meetings and shall be composed of the Co-Chairs, the Division Director, and two (2) members from the Advisory Council at-large. Executive Committee members must all be Advisory Council members and shall meet at the call of the co-chairs. This Committee will meet with the Division Director at least 30 days prior to regularly scheduled bi-monthly meetings. The Policy and Quality Committee shall function as the policy developing and information review agent for the full Advisory Council. Sub-committees or workgroups shall be created at the discretion of the Division Director or the Advisory Council Chairperson. Each sub-committee will have a chair appointed by the Advisory Council Chairperson. The committee chair shall be an Advisory Council member or DOH staff person; however membership may include non-Advisory Council members. These subcommittees and study groups shall report to the Advisory Council as a whole.

XVI. COMPENSATION

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Members of the Advisory Council who fulfill Section V. Membership representative criteria for: individuals with developmental disabilities and their families shall be eligible for compensation for per diem rates for all scheduled meetings of the Advisory Council. This compensation is commensurate with established Department of Finance and Administration (DFA) rates. Request for such compensation must be presented in writing to the Division staff within ten (10) days following the Advisory Council meeting for which the compensation applies. Designees who have developmental disabilities and their families or are parents of an adult or child with a developmental disability shall be eligible for compensation when acting as an authorized designee for these membership positions as designated in Section X. DESIGNEEES.

XVII. MEETING RECORDS

The following records shall be established and maintained for the Advisory Council by the Division staff:

- Summaries of all Advisory Council meetings shall be recorded and mailed to all members at least (10) days prior to scheduled meetings.
- Attendance records for all Advisory Council meetings.
- Agenda for scheduled meetings and other pertinent information shall be mailed to all Advisory Council members at least ten (10) days prior to the meeting date.
- Summaries and recommendations of all Advisory Council meeting shall be maintained by Division staff and on file at the Division premise.

XVIII. ORIENTATION OF NEW MEMBERS

It is the responsibility of the Division staff to provide orientation to new members of the Advisory Council. Staff members will provide and explain information about the Advisory Council and membership expectations. Staff members will be available to answer questions of the new members. New members will receive an Advisory Council notebook including, but not limited to, the following information:

- Records of past Advisory Council meetings for at least the prior year
- Member list including contact and term information
- Per diem rates (including forms and instructions for the forms)
- Advisory Council By-laws
- Copy of the Developmental Disabilities Act
- Orientation to the Division (program descriptions, organization chart, Strategic Plan)
- Telephone numbers (LTSD Regional Offices, providers)
- General information pertaining to developmental disabilities.

XIX. REVISIONS AND MODIFICATIONS OF BY-LAWS

Proposed Advisory Council By-laws changes will be disseminated at least ten (10) days in advance of a scheduled meeting of the Advisory Council. By-Laws changes require a vote by a quorum of the membership. The Advisory Council By-laws shall be reviewed by the By-Laws Committee as needed and at least biannually. The By-Laws Committee shall also be responsible for meeting biannually to review compliance with by-laws.