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**PAIMI ADVISORY COUNCIL  
OPERATING PROCEDURES**

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## 1. BACKGROUND, AUTHORITY AND DUTIES

### A. Summary of Federal Authority and Duties

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, 42 USC Section 10801 *et seq.* requires that each protection and advocacy system establish an Advisory Council to advise the system on policies and priorities to be carried out in protecting and advocating for the rights of individuals with mental illness (The term “individuals with mental illness” is directly from federal law). 42 USC Section 10805(a)(6). The responsibility of the PAIMI Advisory Council is further detailed in federal regulations implementing the PAIMI Act. 41 CFR Part 52.

#### Duties

The regulations implementing the PAIMI Act require that the PAIMI Advisory Council must carry-out the following responsibilities:

- Provide independent advice and recommendations to the system;
- Work jointly with the governing authority in the development of policies and annual priorities;
- Submit a section of the annual program performance report, the annual report completed by the Protection and Advocacy agency detailing achievement of annual performance targets;
- Receive and review at least annually reports describing the grievances received by individuals served under the PAIMI program and processed and their resolution;
- Receive, at least annually, reports, materials and fiscal data to enable review of existing program policies, priorities and performance outcomes. This shall include expenditures for the past two fiscal years, as well as projected expenses for the next fiscal year, identified by budget category including the amount allotted for training for the PAIMI Advisory Council, governing board and staff.

**Commented [JG1]:** Under federal law, this should be “Jointly develop” which means the governing authority and the PAIMI Council both have to agree. 42 U.S.C.A. § 10805(c)(2)(B), 42 C.F.R. § 51.22(a), 42 C.F.R. § 51.23(a)(2)

See 42 CFR Section 51.23(a) and (c) and Section 51.25(b)(2).

### B. Board Adopted PAIMI Advisory Council Job Description

The PAIMI Advisory Council is a federally required Council, responsible for providing oversight to the services Disability Rights California provides under the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act.

Membership in the PAIMI Advisory Council is established by federal law and is comprised of 10 members, 60% of whom must be mental health consumers or family members of mental health consumers.

The Board of Directors is responsible for appointing PAIMI Advisory Council members. At least 50% of the PAIMI Advisory Council serves on the Board. The PAIMI Advisory Council is responsible for ensuring that it meets the membership requirements of federal law and for making recommendations to the Board for appointments to the PAIMI Advisory Council.

The Chair of the PAIMI Advisory Council is an individual who has received or is receiving mental health services or a family member and is elected by the Board of Directors. The Chair of the PAIMI Advisory Council must also be a member of the governing Board and serves on the Board Executive Committee. 42 CFR Section 51.22(b)(3). Annually, the PAIMI Advisory Council elects a Chair from among the members.

Specifically, the PAIMI Advisory Council:

- Provides oversight and makes recommendations to staff, the full Board and/or Board Committees regarding services provided to individuals eligible for PAIMI services;
- Makes recommendations regarding PAIMI priorities and policies;
- Submits an annual PAIMI Advisory Council Section of the PAIMI Program Performance Report;
- Reviews PAIMI expenditures, and annual budget;
- Reviews, at least annually, grievances received from PAIMI eligible clients and the resolution of those grievances;
- Coordinates training for PAIMI Advisory Council members and makes recommendations regarding training for Board members on issues affecting individuals with psychiatric disabilities.

The PAIMI Advisory Council meets at least three times per year, either in conjunction with calendared Board meetings or outside of those meetings either in person or by teleconference.

The PAIMI Advisory Council is staffed by the Executive Director and the PAIMI Program Coordinator.

**Commented [JG2]:** It does not appear 50% of the Advisory Council is on the Board. See, <https://www.disabilityrightsca.org/who-we-are/paimi-advisory-council-pac> and <https://www.disabilityrightsca.org/about-us/board-of-directors/board-of-directors-roster>

**Commented [JG3]:** This is a violation of federal law because the Board cannot appoint Advisory Council members.

**Commented [JG4]:** This is in violation of federal law because the Advisory Council is required to give independent advice. However two sentences later it provides the Chair is elected by the Advisory Council.

**Commented [JG5]:** Contradictory with the first sentence of the paragraph.

**Commented [JG6]:** This is not in compliance with federal law. The Advisory Council and the Board are to jointly develop the priorities and policies, which means both have to agree. 42 U.S.C.A. § 10805(c)(2)(B), 42 C.F.R. § 51.22(a), 42 C.F.R. § 51.23(a)(2)

## C. Development of Annual Priorities and Objectives

### Background

The PAIMI Grant and other federal grants require each protection and advocacy agency to develop Annual Priorities and Objectives. The PAIMI Advisory Council is responsible for providing advice and recommendations about these priorities and objectives that pertain to Disability Rights California's federally funded mental health program advocacy.

**Commented [JG7]:** This is not in compliance with federal law unless it means jointly develop with the Board.

Disability Rights California develops a multi-year Advocacy Plan which details general organizational goals and priority areas. In each priority area, we have adopted substantive goals and measurable objectives. These annual priorities and objectives guide our work under the PAIMI Act and each of our other federal and State Bar grants during the fiscal year.

Each PAIMI funded priority area will contain the following information:

1. Specific Objectives (The specific activities to be carried out)
2. Projected Numeric Targets
3. Target Population
4. Indicator of Success (How we will know that we met our target)
5. Expected Outcome (What will change for the client/consumer if we accomplish our objective)
6. Collaboration with other groups to achieve the objective, if applicable.

To accomplish specific priorities and objectives, we utilize the following intervention strategies:

1. Direct Representation (including in appropriate cases, technical assistance, brief service, negotiation, administrative hearings, mediation, alternative dispute resolution, litigation or amicus curiae representation),
2. Systems Advocacy (non-litigation or direct representation advocacy benefiting a group of individuals),
3. Publications,
4. Outreach and Training to individuals with disabilities, their family members, advocates, service providers, and/or other relevant groups of people,
5. Counsel and Advice,
6. Program Monitoring, and
7. Abuse or Neglect Investigation.

## PAIMI Council Role in Developing Priorities and Objectives

1. In developing our Annual Priorities and Objectives, we are required to allow 45 days for public comment generally beginning around April 1 through May 15 of each year. Individuals with disabilities, family members, advocates and the public are invited to comment on our current priorities and objectives and suggest new priorities and objectives so the comments can be considered as the Annual Priorities and Objectives are developed or revised.
2. Annually, the PAIMI Advisory Council members are provided with a copy of the current priorities and objectives and asked to provide input both regarding the current priorities and objectives and ideas for new priorities and objectives. Members are asked to identify individuals and groups where comments should be solicited and provided with survey forms so that we can solicit their public comments. In addition, staff posts the survey and a request for public comment on our webpage, sends information about our public comment period to interested individuals, constituents and advocacy organizations and obtains comments at each training and outreach event. These surveys are translated into eleven threshold languages and individuals are invited to call Disability Rights California if their need assistance in completing the survey.
3. At the end of the Public Comment period, the comments are consolidated by topic areas and provided to Impact Teams who are responsible for developing draft work plans to achieve the Annual Priorities and Objectives. A copy of the Public Comments by topic area are provided to PAIMI Advisory Council members prior to the joint meeting of the PAIMI Advisory Council and Board Program and Planning Committee. Each Impact Team will involve engaging a consultant from the disability community in the development and revision of their work plans. Interested PAIMI Council members may participate with workgroups in the development of the draft Annual Priorities and Objectives.
4. The PAIMI Advisory Council and Board Program and Planning Committee holds a joint meeting in advance of or at the September Board meeting to: consider the public comments, review and revise the draft Priorities and Objectives and make a recommendation to the Board of Directors. The Board holds a public comment session at its September meeting, and after the opportunity for public comment, the Board approves the Annual Priorities and Objectives.

**Commented [JG8]:** This is not in compliance with federal law unless it means jointly develop. If it does it should say that instead. 42 U.S.C.A. § 10805(c)(2)(B), 42 C.F.R. § 51.22(a), 42 C.F.R. § 51.23(a)(2)

**Commented [JG9]:** While ultimately, the Board adopts the Annual Priorities and Objectives, it can only properly do so if the Advisory Council agrees.

#### **D. Annual PAIMI Advisory Council Report.**

The PAIMI Advisory Council is required to prepare an annual PAIMI Advisory Council Section of the PAIMI Program Performance Report. This is a separate report to SAMHSA which describes the work of the PAIMI Advisory Council in the past fiscal year, including their review and oversight of our mental health work.

To develop this report, PAIMI Advisory Council Members do the following:

##### **A. Report on activities undertaken by PAIMI Advisory Council Members on behalf of the PAIMI program.**

Each member is asked to provide us with information about activities that they participated in during the past year that are related to mental health advocacy. These include in-state trainings; out of state trainings; training or education presentations to constituency groups or the general public; legislative advocacy activities and other special projects (e.g. institutional monitoring).

##### **B. Review the annual PAIMI Program Performance Report.**

The PAIMI Advisory Council is required to review our annual PAIMI-funded mental health work, described in our annual Program Performance Report submitted to the federal government. To facilitate a discussion of their review, we ask that Council Members identify a substantive area of interest to review from the draft PAIMI PPR and to present a summary of the area they review at the December PAIMI Advisory Council meeting, including case highlights.

To facilitate review of the section of the draft PPR assigned to a PAIMI Advisory Council member, DRC staff will prepare a brief summary of advocacy highlights for each substantive area, including identifying any areas where we were unable to meet our objectives or numeric targets. Staff will also send the draft of the full Program Performance Report.

##### **C. Participate in a December PAIMI Advisory Council Meeting.**

In December, the PAIMI Advisory Council will meet to discuss and approve the PAIMI Advisory Council Report. The PAIMI Advisory Council Chair will sign the PAIMI Advisory Council Report.

## 2. PAIMI ADVISORY COUNCIL MEMBERSHIP

### A. Summary of Membership Requirements

The PAIMI Advisory Council shall be comprised of 10 members and other members as required by the Board of Directors.

**Commented [JG10]:** It says 9 later.

**Commented [JG11]:** This is not in compliance with federal law that requires the Advisory Council to provide independent advice.

Federal law requires that the PAIMI Advisory Council be comprised of:

- attorneys;
- mental health professionals;
- individuals knowledgeable about mental illness, advocacy needs of persons with mental illness, and who have a demonstrated, substantial commitment to improving mental health services;
- a provider of mental health services;
- individuals who have received or are receiving mental health services; and
- family members of such individuals including at least one family member who is a primary care giver for an individual who is a minor child or youth who is receiving or has received mental health services. See 42 USD Section 10805(a)(6)(B); See also 42 CFR Section 51.23(b).

At least 60 percent of the members of the PAIMI Advisory Council shall be comprised of individuals who have received or are receiving mental health services or family members of such individuals.

The PAIMI Advisory Council Chair shall be an individual who has received or is receiving mental health services or a family member.

Continuing efforts must be made to include members of racial and ethnic minority groups.

In addition, Disability Rights California's Bylaws require at least a majority of those individuals who comprise the PAIMI Advisory Council shall be members of the Board.

**Commented [JG12]:** It does not appear at least a majority of Advisory Council members are on the board.

### B. Selection of Members

The PAIMI Advisory Council Chair shall, as needed, appoint a nominating committee. The Nominating Committee shall recruit, screen and interview potential PAIMI Advisory Council members and make recommendations to the full PAIMI Advisory Council. The PAIMI Advisory Council shall review the recommendations and recommend appointments to the Board of Directors. The Board is responsible for appointing all PAIMI Advisory Council members.

**Commented [JG13]:** This is not in compliance with federal law requiring the Advisory Council to provide independent advice.



### C. Terms

The membership terms shall be three years. Membership terms shall be staggered. No public member shall be appointed for more than one term, provided, however, if a replacement member has not been appointed upon the expiration of the member's term, the member may continue to serve for sixty days. Board members can serve consistent with their Board terms. A member's term begins when the member is elected to the PAIMI Advisory Council by the Board.

**Commented [JG14]:** Who are "public members"? Is this applicable to the PAIMI Advisory Council

### D. Vacancies

Vacancies shall exist (1) on the death, resignation, or removal of any members; (2) whenever the number of members is increased by the Board of Directors; (3) when a member fails to attend two consecutive meetings and the Council votes to remove that member by a two-thirds vote and the Board upholds that recommendation.

**Commented [JG15]:** This is not in compliance with federal law

**Commented [JG16]:** This is not in compliance with federal law.

## 3. PAIMI ADVISORY COUNCIL MEETINGS

### A. Number and Content of Meetings

The PAIMI Advisory Council shall meet at least three times annually. See 42 CFR Section 51.23 See 42 CFR Section 51.23(b)(3).

Staff shall work with the PAIMI Advisory Committee chair to develop the agenda for each meeting.

At the last meeting in each fiscal year, the PAIMI Advisory Council shall review a report of grievances filed by individuals served under the PAIMI grant and the PAIMI budget, including project expenses in the next fiscal year, and expenditures for the past two fiscal years. See 42 CFR Section 51.23(c).

Annually, the PAIMI Advisory Council shall meet in conjunction with the Program and Planning Committee to review the annual Priorities and Objectives and to make recommendations regarding the Priorities and Objectives to the Board of Directors.

**Commented [JG17]:** To comply with federal law, this should be "work jointly with the governing authority in the development of policies and priorities." 42 C.F.R. § 51.23

Annually, the PAIMI Advisory Council shall review and approve the PAIMI Advisory Council Section of the PAIMI Program Performance Report.

In addition to the above annual required tasks, time permitting, a portion of each PAIMI Advisory Council meeting is dedicated to a training topic related to issues of concern to individuals with mental health disabilities and their families and/or

to enhance the training of PAIMI Advisory Council members on DRC's mental health advocacy.

The PAIMI Advisory Council also encourages members to attend the annual Patients' Rights Advocacy Training conference. This conference addresses a number of topics regarding mental health advocacy and relevant to county patients' rights advocates. Where possible, the quarterly PAIMI Advisory Council meeting occurring in the same quarter as the conference is held in conjunction with the conference and at the conference location to facilitate Council member attendance.

## B. Conduct of Meetings

All meetings shall be governed by the current edition of Robert's Rules of Order insofar as such rules are not inconsistent with or in conflict with these Operating Procedures or federal or state law. Meetings shall be presided over by the PAIMI Advisory Council Chair, or in his or her absence by a Temporary Chair chosen by a majority of the members present and voting.

### Quorum and Majority Action as Council Action

A quorum shall consist of a majority of the current members.

Every act or decision made or done by a majority of members at a duly-called meeting shall be the act of the PAIMI Advisory Council, unless these Operating Procedures requires a number greater than a majority to effectuate such act or decision. The PAIMI Advisory Council may also take action outside of a meeting through a unanimous written consent process.

A member shall not take any action, or issue any correspondence on behalf of the PAIMI Advisory Council, unless the action or correspondence has been reviewed and approved by the PAIMI Advisory Council, the PAIMI Advisory Council Chair or the Board of Directors.

### Participation in Meetings

Members may participate in meetings by attending the meeting or through teleconference call or video conferencing communication, or any means allowed by law.

Travel to Meetings shall be consistent with Board approved Travel Policies. (See Other Policies)

**Commented [JG18]:** County?

**Commented [JG19]:** I have only seen an organization actually abide by Robert's Rules of Order. The Modern Rules of Order are recommended instead. Also there may be multiple current versions of Robert's Rules of Order at this point.

**Commented [JG20]:** What does this mean in practice? Does this mean if there are 7 members at a meeting, but only 3 vote, the chair can be elected by 2 of the 7 members present?

**Commented [JG21]:** What does this mean?

## **C. Chair**

### **Selection**

Annually, or upon the resignation or removal of the Chair, the PAIMI Advisory Council shall elect a Chair from among the members who are either an individual who is or has received mental health services or a family member. The Chair shall be a member of the Board of Directors and shall also serve on the Board Executive Committee.

### **Duties**

The Chair shall:

- Preside at meetings of the PAIMI Advisory Council;
- Appoint members to subcommittees, as needed;
- Develop, in conjunction with the PAIMI Program Coordinator, an agenda for each meeting;
- Serve as a member of the Board of Directors and provide a report of the PAIMI Advisory Council at each Board meeting.

**Commented [JG22]:** What does "in conjunction with" mean? Does the PAIMI Program Coordinator have veto power?

## **D. Reports to Board of Directors**

The PAIMI Advisory Council Chair shall report to the Board about Advisory Council activities and recommendations at each Board meeting which follows the Advisory Council meeting.

## **E. Minutes**

Staff shall take minutes at each PAIMI Advisory Council meeting. The minutes shall be approved by the PAIMI Advisory Council at its next meeting.

## **4. OTHER POLICIES**

PAIMI Advisory Council members are obligated to comply with the following Board adopted policies; copies of the policies are included in the Appendix.

### **A. Confidentiality**

### **B. Conflict of Interest Policy and Disclosure Forms**

### **C. Disability Related Reasonable Accommodation Policy**

### **D. Representation in Cases by Disability Rights California Staff**

### **E. Travel Policies**

### **F. Dependent Care Reimbursement**

### **G. Participation in Conferences, Trainings or Seminars**

## **5. EFFECTIVE DATE AND AMENDMENTS**

These Operating Procedures shall become effective immediately upon their adoption unless the Advisory Council adopting them designates a later date for them to become effective.

Amendments to the Operating Procedures shall be adopted by a two-thirds (2/3) vote of the current members.

## **6. APPENDIX**

- A. Confidentiality**
- B. Conflict of Interest Policy and Disclosure Forms**
- C. Disability Related Reasonable Accommodation Policy**
- D. Representation in Cases by Disability Rights California Staff**
- E. Travel Policies**
- F. Dependent Care Reimbursement**
- G. Participation in Conferences, Trainings or Seminars**
- H. Roster of Current Members**