



## **MEMORANDUM OF UNDERSTANDING**

### **Interagency Behavioral Health Purchasing Collaborative**

WHEREAS, HB271 (hereinafter, “the law”) was introduced and passed the Legislature during the second session of the 42nd legislature in 2004 and was signed into law by Governor Bill Richardson on March 3, 2004; and

WHEREAS, the law takes effect on May 19, 2004; and

WHEREAS, the law creates the Interagency Behavioral Health Purchasing Collaborative (hereinafter “the Collaborative”) consisting of the secretaries or directors of the following state departments and agencies:

- Aging and Long-Term Services Department (ALTSD)
- Administrative Office of the Courts (AOC)
- Children, Youth and Families Department (CYFD)
- Corrections Department (NMCD)
- Department of Finance and Administration (DFA)
- Department of Health (DOH)
- Department of Labor (DOL)
- Department of Transportation (DOT)
- Developmental Disabilities Planning Council (DDPC)
- Division of Vocational Rehabilitation (DVR)
- Governor’s Commission on Disability (GCD)
- Governor’s Health Policy Coordinator (GHPC)
- Health Policy Commission (HPC)
- Human Services Department (HSD)
- Indian Affairs Department (IAD)
- Mortgage Finance Authority (MFA)
- Public Education Department (PED); and

WHEREAS, the State Public Defender’s Office has been an active part of the development of the Collaborative and has significant interest in the development of a single effective statewide behavioral health delivery system, and is considered to be part of the Collaborative for purposes of this Memorandum of Understanding; and

WHEREAS, the Collaborative is co-chaired by the Secretary of the Human Services Department and the respective Secretaries of the Department of Health and the Children, Youth and Families Department alternating annually as co-chairs; and

WHEREAS, the Collaborative is charged with meeting regularly and at the call of either co-chair; and

WHEREAS, the law states that “the purpose of creating a single interagency behavioral health purchasing collaborative is to develop a statewide system of behavioral health care that promotes the behavioral health and well-being of children, individuals and families; encourages a seamless system of care that is accessible and continuously available; and emphasizes prevention and early intervention, resiliency, recovery and rehabilitation”; and

WHEREAS, the Collaborative is charged by law to identify behavioral health needs statewide; give special attention to regional differences, including cultural, rural, frontier, urban and border issues; inventory all expenditures for mental health and substance abuse services; plan, design and direct a statewide behavioral health system; contract for operation of one or more behavioral health entities to ensure availability of services throughout the state; develop a comprehensive statewide behavioral health plan; and seek and consider suggestions of Native Americans; and

WHEREAS, the vision of the Collaborative is a single behavioral health delivery system in New Mexico in which available funds are managed effectively and efficiently; the support of recovery and development of resiliency is expected; mental health is promoted; the adverse effects of substance abuse and mental illness are prevented or reduced; and behavioral health customers are assisted in participating fully in the life of their communities; and

WHEREAS, the Collaborative will be making decisions affecting each department’s or agency’s funding, staff and activities; and

WHEREAS, each agency and department will continue to have responsibility for the funds, staff and activities assigned by law or by the Governor’s Office; and

WHEREAS, the Collaborative will need methods for making staff assignments, managing work processes, producing work products, and making policy and financial decisions that are directed toward achieving the purpose, responsibilities and vision of the law; and

WHEREAS, the Collaborative will need methods for resolving any conflicts that may arise in the process of implementing its purpose, duties and vision; and

WHEREAS, contentious decision-making will not serve to further the purpose or the vision of the Collaborative.

NOW, THEREFORE, the secretaries and directors of the Collaborative agencies agree as follows:

1. The term “Collaborative” shall refer to the group of secretaries and directors (including the Governor’s Health Policy Coordinator) of the departments and agencies included in the law, including their respective designees authorized to vote on behalf of the secretary or director who has designated an individual to represent

him/her. Each secretary or director, or their respective designee who has written authorization to vote on the behalf of the secretary or director, shall be referred to as a Collaborative “member.”

2. The term “Behavioral Health Design Work Group” (hereinafter BHDWG) shall refer to the working group composed of such staff from each department and agency as each secretary or director shall determine is necessary to attend meetings and conduct work assigned to the BHDWG.
3. The Secretary of the Department of Health shall co-chair the Collaborative with the Secretary of the Human Services Department from the effective date of the law through June 30, 2005. The Secretary of the Children, Youth and Families Department shall co-chair the Collaborative with the Secretary of the Human Services Department beginning July 1, 2005.
4. The Secretary of the Human Services Department shall chair, or shall appoint, in consultation with the Director of Behavioral Health of the Children, Youth and Families Department and the Director of the Behavioral Health Services Division of the Department of Health, a Behavioral Health Manager to serve as the chair of the BHDWG.
5. The Collaborative shall meet at least four times each year on dates and at times set by the co-chairs after consultation with the Collaborative. The public shall be given notice of the dates and times of such meetings pursuant to the New Mexico Open Meetings Act requirements. Notice of regular meeting times shall be given seven business days in advance of the meetings; notice of special meetings shall be given three business days in advance of the meetings; and notice of emergency meetings shall be given twenty-four hours in advance of the meetings.
6. The BHDWG and any designated subgroups of the BHDWG shall meet as necessary to complete the tasks assigned to them.
7. The BHDWG shall work by consensus.
8. The co-chairs shall set the agendas for meetings of the Collaborative, and any Collaborative member may request an item be placed on the agenda, so long as the request is received at least four business days before the scheduled meeting, except in an emergency.
9. Agendas for any meeting of the Collaborative shall be sent via e-mail and facsimile to each member of the Collaborative at least three business days prior to the date of the meeting, except in an emergency. Each agenda shall indicate items that are probable decision items upon which a consensus may be reached or a vote taken. Items on the agenda not designated as decision items may result in a decision by the Collaborative after discussion at the meeting. Meeting agendas, except in the

case of emergency, shall be available to the public by posting on the HSD website at least 24 hours prior to the meeting.

10. Minutes of the meetings of the Collaborative shall be maintained by the Human Services Department in accordance with the New Mexico Open Meetings Act. The co-chairs may appoint counsel to the collaborative for legal advice.
11. A majority of members of the Collaborative present at any regular or special meeting shall constitute a quorum. Once a quorum is established, the Collaborative may conduct business and make decisions as if a quorum still exists for that meeting. The Collaborative shall attempt to make decisions by consensus. In the absence of consensus, a majority vote of the members present and voting (not counting the State Public Defender and AOC) shall constitute a final decision. A voice vote shall be taken for all decisions, and any member in attendance may request that a roll call vote be taken to confirm a voice vote. A vote of the State Public Defender shall be considered advisory. AOC shall be considered a non-voting ex-officio member.
12. Each member of the Collaborative shall have one vote on any decision item.
13. Any member of the Collaborative may attend a meeting via telephone and may vote on any decision item by voice vote when attending by telephone.
14. If a member voting in the negative on any decision item or any member not in attendance and not represented believes that the decision of the Collaborative is contrary to law, regulation, or a legislated budget directive, or is otherwise inconsistent with the legal or authorized duties of the member or his/her department or agency, the member shall so state and request an opportunity to explain why he/she so believes. Such request shall be made at the meeting in which the decision occurred or via e-mail or facsimile to the co-chairs no later than the close of the third business day following the meeting in which the decision occurred. The co-chairs shall place the matter on the next regular, special or emergency meeting of the Collaborative. Pending further action of the Collaborative, the decision shall not be implemented.
15. If a member requesting reconsideration still believes that the final decision is contrary to law, regulation or a legislated budget directive, or is otherwise inconsistent with the legal or authorized duties of the member or his/her department or agency, the member shall request a meeting with the co-chairs to determine whether there is any way to remedy the disagreement. Legal counsel for the Collaborative may be consulted as necessary. If the three members cannot reach resolution, the co-chairs and the member shall take the concern to the Governor's Office for resolution. If the Governor or the Governor's Chief of Staff on behalf of the Governor makes a decision contrary to the decision of the Collaborative, the co-chairs shall so inform the Collaborative and shall instruct the implementation of the decision made by the Governor's Office. The minutes of Collaborative meetings and the public record shall reflect any final decision of the Governor's Office.

16. No decision of the Collaborative or of the Governor's Office shall be binding on the Administrative Office of the Courts.

17. This Memorandum of Understanding shall be in effect from the date of the last signature of the Collaborative members affixed hereto and shall remain in effect until amended in writing by signature of all Collaborative members. All successor secretaries and directors and their agencies and departments shall be bound by this Memorandum of Understanding until such time as it is amended by written signature of all currently sitting Collaborative members.

IN WITNESS HERETO, we have affixed our names and signatures:

\_\_\_\_\_  
Michelle Lujan Grisham, Secretary  
Aging and Long-Term Services Department

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Date

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Mary-Dale Bolson, Secretary  
Children, Youth and Families Department

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Date

\_\_\_\_\_  
Joseph R. Williams, Secretary  
Corrections Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
James Jimenez, Secretary  
Department of Finance and Administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patricia T. Montoya, Secretary  
Department of Health

\_\_\_\_\_  
Date

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Conroy Chino, Secretary  
Department of Labor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rhonda Faught, Secretary  
Department of Transportation

\_\_\_\_\_  
Date

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Patrick Putnam, Executive Director  
Developmental Disabilities Planning Council

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Date

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Catherine Cross Maple, Assistant Secretary  
Division of Vocational Rehabilitation

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Date

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Mary Keener Beresford, Executive Director  
Governor's Commission on Disability

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Date

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Jessica Sutin, J.D.  
Governor's Health Policy Coordinator

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Date

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Patricio C. Larragoite, Executive Director  
Health Policy Commission

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Date

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Pamela S. Hyde, Secretary  
Human Services Department

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Date

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Benny Shendo, Jr., Secretary-Designee  
Indian Affairs Department

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Date

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Katherine Miller, Executive Director  
Mortgage Finance Authority

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Date

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Veronica Garcia, Secretary  
Public Education Department

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Date

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John Bigelow  
Chief Public Defender

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Date