

CONGREGATE CARE ADVISORY COMMITTEE BY LAWS

Article I – Name and Definitions

- “Committee” means the Congregate Care Advisory Committee established under Utah Code §26B-2-124.1.
- “Department” means the Utah Department of Health and Human Services (DHHS).
- “Division” means the Division of Licensing and Background Checks within DHHS.
- “Director” means the Director of the Division.
- “Pending Minutes” means draft minutes subject to later approval by the Committee.
- “Quorum” means a majority of appointed members present at a duly called meeting.

Article II – Legal Authority and Purpose

- Authority: The Committee is created pursuant to Utah Code §26B-2-124.1 and operates in consultation with the Office of Licensing.
- Purpose: The Committee advises the Office on:
 - Defining levels of congregate care (standard vs. intensive).
 - Establishing minimum safety requirements for each level.
 - Reviewing and approving admissions criteria for programs seeking licensure or renewal.
 - Supporting safe, effective, and developmentally appropriate residential treatment for youth statewide.
 - Provide consultation to DHHS and the Division on issues affecting congregate care programs.
- Conduct all duties consistent with state law and ethical standards.

Article III – Membership

- The Committee shall consist of eight members appointed by the Office as follows:
 - One licensed physician.
 - One pediatrician experienced in behavioral health.
 - One licensed psychologist.
 - One licensed marriage and family therapist.

- Two licensed therapists with experience in congregate care.
- One licensed therapist with experience in juvenile justice.
- One community representative with lived or professional congregate care experience.
- Terms
 - Initial Committee: Each seat will serve a term of 2-4 years; staggered for implementation of the committee to ensure continuity in order to prevent 100% turnover at the same time.
 - Each seat will serve a term of 4 years; half of the seats will be appointed every two years.
 - A member may not serve more than two consecutive terms and a total of three terms in one seat.
 - Vacancies: The Office shall appoint replacements to serve the remainder of unexpired terms.
- Resignation and Removal
 - Reasons for Removal of membership may include:
 - Not present for at least 50% of the scheduled meetings in a one-year period
 - 2 or more unexcused absences
 - No longer qualified for the position
 - Change in role or employment that creates a conflict
 - Face disciplinary action under the Department of Professional Licensing
 - Recommended for removal by a majority vote of the committee due to:
 - violation of bylaws
 - failing or refusing to fulfill the responsibilities and duties of the board
 - Misuse of position on the committee for personal gain
 - Inappropriate or unprofessional behavior toward other members or stakeholders

- failure to disclose conflicts of interest in a disclosure statement from DHHS
- Unlawful conduct including:
 - conviction of a felony
 - conviction of a misdemeanor involving a child
 - conviction involving exploitation
 - violation of mandatory reporting laws related to child abuse or neglect
- Procedure for Removal
 - Notify the member in writing (using the email on file), setting forth the removal reasons and evidence to support it, offer an opportunity for the member to respond in writing within 15 days of receiving the notice. Committee will submit in writing, within 15 days of receiving the members response (if any), to the director stating the recommendations of removal and include the members response (if any). Action will be taken by the director.
- Members may resign at any time with a 30 days notice in written form to the Chair. They are encouraged to remain until a suitable replacement has been accepted.

Article IV – Responsibilities

- Assume roles upon appointment
- Promote the health and safety of children placed in congregate care facilities.
- Members will protect the public, respect all parties involved, and conduct themselves in a professional manner during the meetings and any time they represent the committee.
- Members must maintain current knowledge of the issues relating to the committee goals
- Committee members must be present for at least 75% of meetings held. If absence is needed, it must be given prior to the meeting in writing to the committee chair.
- If unable to meet responsibilities, a meeting with the chair will be facilitated.
- Keep all communications open to the public during the meeting and avoid any electronic communications that are not public.
- Committee members need to submit proposed agenda items to the chair or the director no later than 48 hours prior to the scheduled meeting.

- Advocate for trauma-informed, culturally competent, evidenced-based practices in congregate care facilities.
- Review materials in advance and come prepared to contribute to committee proceedings.
- Weigh lived experience of others and professional expertise to inform decisions.
- Help draft recommendations, reports or informative materials for the committee or other stakeholders.
- Members serve without compensation but may receive per diem and travel reimbursement in accordance with state finance rules.

Article V – Officers

- Director shall appoint the chair. Term of chair shall be 2 years, with the option to renew.
- If a vice-chair is to be appointed, it will be by simple majority vote of the committee.
 - Vice chair shall be appointed for two years, with the option renew.
- Chair and vice-chair may be reelected more than once.
- Duties of the chair:
 - Preside over all meetings of the committee
 - Approve and present meeting agendas
 - Observe and enforce the bylaws and purposes of the committee
 - Perform all such other duties as may be given by the office or department
 - Responsible for maintaining control of meetings, respecting each member equally, and ensure inclusive participation
 - Appoint sub-committee chairs as deemed appropriate to carry out committee goals, as needed.
 - Monitor progress on committee goals and ensure timely follow up
 - Address member concerns, conflicts, or performance issues
 - Encourage diverse perspectives and respectful dialogue
- Duties of vice-chair:
 - In the absence of the chair at any meeting in which a quorum is present, duties of the vice-chair will be to preside in the absence of the chair and other duties as assigned by the chair.

- In the event that the chair cannot attend a meeting, the vice-chair will stand in the chair's place
- Oversee the work of sub-committees as assigned by the chair.
- Sub-committee Chairs
 - Sub-committee chairs report their activities to the whole committee.
 - Depending on the sub-committee, the chairs may invite any other individuals to be a part of the subcommittee. However, subcommittees do not have the authority to make any decisions as they are only to report to the committee or to recommend any actions they conclude necessary.
- Administrative Support/Staff
 - Committee will be supported by select DHHS staff as approved by the office.
 - Supports will include:
 - Providing support staff for the advisory board
 - Assist with development of agendas, conducting meetings, including recording and publishing items for the public.
 - Prepare reports, information, or supplemental materials at the request of the committee
 - Scheduling and providing technical support to run committee meetings
 - Provide a representative from the department during committee meetings for the purpose of consultation on department or office procedures
 - Keeping written minutes and audio recordings of the meeting to be made available to the public within 3 business days. Minutes to be made available 3 days after they are approved by the committee. Recordings to be made available to the public 3 days after the meeting is held.
 - Assure compliance with the Utah Open and Public Meetings Act executive procedures.

Article VI – Meetings

- Location & Frequency

- Advisory meetings shall meet as often as necessary but at least monthly to accomplish the duties assigned as outlined in 26B-2-124.1 section 7a. Once those duties have been carried out, the committee shall meet at least once per quarter.
- Meetings will be held hybrid by in person at the location designated by the committee chair and DHHS staff and virtually for the public or members that may not be able to attend in person.
- Special meetings may be held upon the request of the chair or majority vote of the members.
- Agenda & Public Notification
 - Notice of meeting schedule will be provided at the first meeting of the calendar year.
 - Agenda is created by Committee Chair. Items can be added by submitting them to the committee chair at least 48 hours in advance of the meeting.
 - Public notice will provide agenda, date, time, and place of meeting.
 - The agenda will provide reasonably specific information to notify the public of the topics to be considered at the meeting
 - Agenda will provide contact information in case someone needs more information or special accommodations.
 - Items raised during the meeting not included on the agenda can be discussed during the meeting at the discretion of the chair. However, no final action or vote will be taken on the topic not on the agenda.
- Conducting the meeting
 - Committee meetings will be in compliance with the Open and Public Meetings Act and open to the public except as otherwise permitted by law.
 - Start each meeting by stating the name of the committee, date and time of the meeting, and recognizing those present.
 - Follow the agenda considering only one matter at a time. Any matter considered cannot be brought up again in the same meeting except by a motion to reconsider.
 - Follow parliamentary procedures based on Roberts Rules of Order.
 - Meetings may be canceled by the chair in consultations with DHHS, the chair will determine if the meeting is not needed or when there will not be a quorum

present. Meetings may also be canceled by the chair due to inclement weather or an emergency situation.

- Board members may discuss board business outside of meetings, but must never include a quorum.
- Public Involvement
 - Each meeting will include a time set aside on the agenda for public comments
 - Any member of the public participating in the meeting must state their name and limit their participation to two minutes on a topic.
 - Disruptive behavior will not be tolerated. Any individual disturbing the meeting will be required to leave.
 - Members of the public seeking to comment for more than two minutes may request additional time from the chair.
- Minutes
 - Meeting minutes are not a verbatim of the meeting. However, they must include accurate, clear, and complete statements of every decision made during the meeting whether against or in favor about the items listed on the meeting agenda.
 - Meeting minutes must be approved by committee majority vote.
 - Meeting minutes can be approved by electronic means.
 - Approved committee minutes must be made available to the public within three business days after approval by the committee.

Article VII – Quorum and Voting

- A majority of the members of the committee constitutes a quorum.
- Voting
 - Vote of the majority of the members present constitutes an action of the committee
 - No proxy or absentee voting shall be allowed
 - Each committee member, including the chair, has one vote.
 - Members shall disclose conflicts of interest and abstain from voting when required.

- Matters requiring a committee vote must:
 - Be clearly explained (all committees members have the right to understand the meaning and the effect a decision will have and supporting documents will be provided to the committee members with sufficient time to consider the material prior to requiring a vote)
 - Have a motion made by a committee member
 - Have that motion seconded by another committee member
 - Have time to discuss the motion
 - Follow all other parliamentary procedures based on Roberts Rules of Order
- Appeals: Any final action taken in violation of the responsibilities of the committee, rule, or statute can be appealed within 30 days of the decision and must be submitted to the department.

Article VIII – Subcommittees & Working Groups

- Subcommittees and working groups have advisory capacity only and may not make any binding decisions.
- Sub-committee chairs report their activities to the whole committee.
- Depending on the sub-committee, the chairs may invite any other individuals to be a part of the subcommittee. However, subcommittees do not have the authority to make any decisions as they are only to report to the committee or to recommend any actions they conclude necessary.
- Each group must have a clearly defined purpose, scope of work, and timeline.
- Membership of the group shall represent diversity of expertise and lived experience relevant to the topic.
- Groups shall meet as needed to fulfill their purpose, with meeting frequency determined by the chair.
- Meeting notes or summaries shall be documented and provided to the full committee
- Virtual or hybrid formats are permitted.
- The chair has full authority to dissolve a group if its purpose is fulfilled or if it fails to meet expectations.
- The Committee may establish subcommittees or workgroups as necessary.

Article IX – Conflict of Interest & Ethics

- No member of the committee may vote on any matter which would provide direct individual financial benefit to that member, without declaring that interest for the record.
- Each member must sign a disclosure statement as required by the state of Utah.
- Members shall not be compensated but shall be reimbursed for travel expenses and per diem incurred in their participation. Members may decline reimbursement.
- Members may not accept gifts, compensation, or favors from entities that may be affected committee recommendations.

Article X – Amendments

- These bylaws may be amended by a simple majority vote of the Committee at a regular or special meeting.
- Amendment must be submitted to members of the committee for review prior to the meeting at which such amendment is to be voted on by the board and be placed on the agenda for a vote.
- No amendment may conflict with state law.