

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 60.—Licensing of Community Mental Health Centers

30-60-25. Governing or advisory board; powers; bylaws.

(a) Each center shall have a governing board empowered to perform the following:

(1) Adopt bylaws and establish policies and procedures for the center;

(2) set goals and adopt necessary plans and a budget for the center; and

(3) exercise general supervisory authority over the center, including having the authority to hire, evaluate, and fire the executive director of the center, appointed in compliance with K.A.R. 30-60-40.

(b) If, pursuant to K.S.A. 19-4002a or 19-4002b, and amendments thereto, the board of county commissioners acts as the governing board for their center, then the advisory board, pursuant to K.S.A. 19-4002a or 19-4002b, and amendments thereto, shall be empowered to make recommendations to the board of county commissioners concerning the same matters as those listed in subsection (a).

(c) The membership of the governing or advisory board shall meet the following criteria:

(1) Consist of no fewer than seven members;

(2) include among them at least one member who is currently being treated for or who has in the past experienced a severe and persistent mental illness. In addition, a second member shall be included who is a member of a family that has a child or adolescent who is currently being treated for or who has in the past experienced a severe emotional disability or disorder;

(3) to the extent possible, and over time and in rotation, both be representative of the various communities within the center's service area, and include representatives from the following groups within the community:

(A) Public health agencies;

(B) medical professionals;

(C) legal professionals and district court judges;

- (D) public assistance agencies;
- (E) hospitals and clinics, including any psychiatric treatment facilities;
- (F) mental health organizations;
- (G) educational agencies;
- (H) rehabilitation services agencies;
- (I) labor and business organizations;
- (J) civic groups and organizations;
- (K) consumer-run organizations and advocacy groups; and
- (L) the general public.

(d) The governing or advisory board shall meet at least quarterly, and comprehensive minutes of all meetings of the board shall be kept.

(e) Each center's bylaws and its other policies and procedures shall meet the following criteria:

(1) Provide for the governance of the board, the terms of office of its members, and the election of their successors;

(2) clearly set out and differentiate the responsibilities, authorities, and roles of the following:

- (A) The governing or advisory board;
 - (B) the executive director; and
 - (C) other staff of the center; and
- (3) establish how the center shall operate.

(f) If a center is operated as a governmental agency or is operated as a department of a hospital, the bylaws shall include provisions establishing and delineating the lines of authority between the superior governmental authority or the hospital's ownership and the governing or advisory board of the center.

(g) If the center is organized as a private, nonprofit corporation, it shall meet the following criteria:

- (1) Be incorporated pursuant to Kansas statutes;
- (2) be duly registered with the secretary of state and the register of deeds for the county in which the principal office of the center is located;

(3) pursuant to K.S.A. 19-4007 and amendments thereto, file its written contract for providing mental health services to the residents of that county or counties with the board or boards of county commissioners of the county or counties it serves; and

(4) adopt bylaws, which shall include the following:

(A) A delineation of the powers and duties retained by the corporation's board, its officers, and any committees;

(B) a delineation of the authority and responsibilities delegated to the corporation's employed staff;

(C) the criteria for membership in the corporation, the types of membership that there are, the manner in which the members are elected or appointed, the length of term of membership, and the method of filling vacancies in the membership;

(D) the frequency of corporation meetings and quorum requirements;

(E) the objectives of the corporation; and

(F) other items that may be appropriate or necessary to demonstrate how the corporation is organized, operates, and selects its officers.

(Authorized by K.S.A. 75-3307b; implementing K.S.A. 39-1603, 39-1604(d), 39-1608(a) and (c), 65-4434(f), and 75-3304a; effective Oct. 28, 1991; amended July 7, 2003.)

***** Authenticated Kansas Administrative Regulation *****