

§ 51.22

- (iii) The methods to be used;
- (iv) A timetable for performance;
- (v) A budget;
- (vi) Assurances that the contractor will meet all applicable terms and conditions of the grant;
- (vii) Assurances that the contractor has adequate management and fiscal systems in place, including insurance coverage, if appropriate;
- (viii) Assurances that the contractor's staff is trained to provide advocacy services to and conduct full investigations on behalf of individuals with mental illness; and
- (ix) Assurances that the contractor staff is trained to work with family members of clients served by the P&A system where the clients are:
 - (A) Minors;
 - (B) Legally competent and choose to involve the family member; or,
 - (C) Legally incompetent and the legal guardians, conservators or other legal representatives are family members.

§ 51.22 Governing authority.

- (a) Each P&A system shall have a governing authority responsible for its planning, designing, implementing and functioning. It shall, jointly with the advisory council, annually establish program priorities and policies.
- (b) If the P&A system is organized with a multi-member governing board:
 - (1) Each P&A system shall establish policies and procedures for the selection of its governing board members and for the board evaluation of the P&A system director. The terms of board members shall be staggered and for 4 years except that any member appointed to fill a vacancy for an unexpired term shall serve for the remainder of such term. A member who has been appointed for a term of 4 years may not be reappointed to the governing board during the 2-year period beginning on the date on which such 4-year term expired.
 - (2) The board shall be composed of members who broadly represent or are knowledgeable about the needs of the clients served by the P&A system and shall include a significant representation of individuals with mental illness who are, or have been eligible for services, or have received or are receiving

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mental health services, and family members, guardians, advocates, or authorized representatives of such individuals.

(3) If the governing authority is organized as a private nonprofit entity, the chairperson of the advisory council shall be a member of the governing board.

(c) Continuing efforts shall be made to include members of racial and ethnic minority groups as board members.

(d) Any member of the advisory council may also serve on the governing board.

§ 51.23 Advisory council.

- (a) Each P&A system shall establish an advisory council to:
 - (1) Provide independent advice and recommendations to the system.
 - (2) Work jointly with the governing authority in the development of policies and priorities.
 - (3) Submit a section of the system's annual report as required under § 51.8.
- (b) Members of the council shall include attorneys, mental health professionals, individuals from the public who are knowledgeable about mental illness, the advocacy needs of persons with mental illness and have demonstrated a 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. Continuing efforts shall be made to include members of racial and ethnic minority groups on the advisory council.
 - (1) At least 60 percent of the membership of the advisory council shall be comprised of individuals who have received or are receiving mental health services or who are family members of such individuals. At least one family member shall be a primary care giver for an individual who is currently a minor child or youth who is receiving or has received mental health services;
 - (2) The council shall be chaired by an individual who has received or is receiving mental health services or who is a family member of such an individual;
 - (3) The advisory council shall meet no less than three times annually. The terms of council members shall be