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# State Board of Behavioral Health and Developmental Services

## BYLAWS

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### ARTICLE I. Name

The name of this body shall be the State Board of Behavioral Health and Developmental Services, hereinafter referred to as the Board.

### ARTICLE II. Authority

Section 37.2-200 of the Code of Virginia establishes the Board as a policy board, within the meaning of § 2.2-2100 of the Code of Virginia, in the executive branch of government.

### ARTICLE III. Members

**Section 1. Composition.** The composition of the Board and qualifications, appointment, and terms of office of Board members shall be as provided in § 37.2-200 of the Code of Virginia.

**Section 2. Orientation.** All new members appointed to the Board shall receive an orientation that includes information about Board roles and responsibilities; the committee structure and bylaws of the Board; the Department of Behavioral Health and Developmental Services, hereinafter referred to as the Department; state hospitals and training centers operated by the Department, hereinafter referred to as state facilities; community services boards and behavioral health authorities; Title 37.2 of the Code of Virginia, which governs the operations of the Board and Department and the provision of mental health, developmental, and substance abuse services in Virginia; the Virginia Freedom of Information Act; and the State and Local Government Conflict of Interests Act.

### ARTICLE IV. Officers and Staff Support

**Section 1. Officers.** The officers of the Board shall be the Chair and the Vice Chair. Officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Board.

**Section 2. Nominating and Election Procedure.** The Board Chair shall appoint a Nominating Committee of three members at the spring regular meeting each year. Each year the Committee shall offer its slate of candidates at the first regular meeting following the beginning of the state fiscal year. Before the election, additional nominations from the floor shall be permitted. Officers shall be elected by the Board from among its membership at its first regular meeting following the beginning of the state fiscal year and shall serve for a period of one year. Officers shall be eligible for re-election.

**Section 3. Chair.** The Chair shall be the presiding officer at all Board meetings, shall appoint the members of all standing and special committees, and shall be an ex officio member of all

standing committees. In any votes of the Board, the Chair shall vote last. Upon request of the Board, the Chair shall act as its representative.

- 3.1. The Chair shall perform any additional duties imposed on the office by an act of the General Assembly or direction of the Board. The Chair shall work with the Commissioner of the Department or his designee to determine the types of Board meetings, agendas, reports, communications, and involvement that will enable Board members to carry out their powers, duties, and responsibilities.
- 3.2. The Chair may appoint members to serve on various task forces, committees, and other bodies on which representation of the Board is required or would be beneficial; direct the Policy Development and Evaluation Committee to develop drafts of proposed policies and circulate those drafts for field review on behalf of the Board; and assign other duties or responsibilities to standing committees. The Chair shall notify the Board and the Department of these actions, which the Board shall review and, where appropriate, approve at its next regular meeting.
- 3.3. The Chair, pursuant to § 37.2-200 of the Code of Virginia, shall submit to the Governor and the General Assembly an annual executive summary of the activity and work of the Board no later than the first day of each regular session of the General Assembly.

**Section 4. Vice Chair.** In the absence of the Chair at any meeting or in the event of the Chair's disability or of a vacancy in that office, all of the powers and duties of the Chair shall be vested in the Vice Chair. The Vice Chair also shall perform other duties imposed on him by the Board or the Chair.

**Section 5. Secretary.** Section 37.2-200 of the Code of Virginia authorizes the Board to employ a secretary to assist in its administrative duties, including maintenance of minutes and records. The Secretary shall be selected by the full Board in consultation with the Commissioner or his designee, but the Secretary shall not be a member of the Board.

- 5.1. The compensation of the Secretary shall be fixed by the Board within the specific limits of the appropriation made therefore by the General Assembly, and the compensation shall be subject to the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq. of the Code of Virginia). The Secretary shall perform the duties required by the Board and the Commissioner or his designee.
- 5.2. The Secretary shall be a member of the Department's staff and shall report to the Commissioner or his designee; however, the Secretary shall be responsible to the Board. The Secretary shall be supervised in his daily responsibilities by the Commissioner or his designee. The Board and the Commissioner or his designee shall evaluate the performance of the Secretary annually.

**Section 6. Department Liaison.** The Commissioner shall designate a staff member to serve as the Department's liaison to the Board. The liaison shall coordinate the activities of the Board; provide primary administrative, policy, and technical support to the Board; and orient new Board members.

## ARTICLE V. Meetings

**Section 1. Regular Meetings.** In accordance with § 37.2-200 of the Code of Virginia, the Board shall meet quarterly and at such other times as it deems proper. The Board at its first regular meeting following the beginning of the state fiscal year shall adopt an annual meeting schedule. Other regular meetings of the Board shall be held at the call of the Chair or whenever a majority of the members so request; however, when possible, no meetings will be scheduled during January or February.

**Section 2. Special Meetings.** The Chair, the Vice Chair in the event of the Chair's disability or of a vacancy in that office, or any three members of the Board may call special or emergency meetings of the Board at the dates, times, and places specified in the call for these meetings.

**Section 3. Biennial Planning Meeting.** The Board shall hold a biennial planning meeting in the summer of the year in which the biennial budget is developed.

**Section 4. Notices.** Notice of the date, time, location, and remote location, if required, of all regular Board meetings and all committee meetings shall be announced in advance by posting the notice electronically on the Commonwealth Calendar, as required by § 2.2-3707 of the Code of Virginia, and by written notice to Board members at least three days in advance of the date of the meeting.

- 4.1. All notices of Board meetings shall state that public comments will be received at the beginning of the meeting.
- 4.2. A notice of the date, time, location, and remote location, if required, of all special or emergency meetings shall be posted electronically on the Commonwealth Calendar, as required by § 2.2-3707 of the Code of Virginia.
- 4.3. When the Board determines that a public hearing on a proposed regulatory action is appropriate, the notice of the hearing shall be posted in accordance with the requirements of the Board's Public Participation Guidelines [12 VAC-35-12-100].

**Section 5. Quorum.** Five members shall constitute a quorum, as specified in § 37.2-200 of the Code of Virginia. The Board shall not conduct business without a quorum.

**Section 6. Attendance.** Each member shall be responsible for attending all Board meetings. Members shall notify the Chair or his designee of any anticipated absence, and if seeking remote participation, do so in accordance with the policy in Appendix A. If a member fails to notify the Chair or his designee more than twice during a fiscal year that he is unable to attend a meeting, the Chair shall notify the member of his non-compliance with this provision of the bylaws. With the approval of the Board, the Chair may notify the Governor and request that the Governor remove that member and appoint a new member to fill the vacancy, as authorized by § 37.2-200 of the Code of Virginia.

**Section 7. Parliamentary Authority.** All meetings shall be conducted in accordance with the rules contained in the current edition of Robert's Rules of Order Newly Revised, except as otherwise stated in these bylaws.

**Section 8. Public Comment.** The agenda for each meeting of the Board shall indicate that public comment will be received at the beginning of the meeting. Each person giving public comment shall be limited to three minutes unless an exception is deemed appropriate by the Chair.

**Section 9. Minutes.** Minutes shall be recorded at all regular and special or emergency Board meetings, as required by § 2.2-3707 of the Code of Virginia. The draft minutes shall be posted electronically on the Commonwealth Calendar as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

**Section 10. Remote Participation.** An individual Board member may participate in a public meeting of the Board, or any committee or subcommittee established by the Board, through electronic communication from a remote location as permitted by § 2.2-3708.3 of the Code of Virginia by following the policy in Appendix A.

**Section 11. All-Virtual Meetings.** The Board may hold all-virtual public meetings by following the policy in Appendix A and by complying with subsections C and D of § 2.2-3708.3 and all other provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

**Section 12. Electronic Meetings During State of Emergency.** In accordance with § 2.2-3708.2 of the Code of Virginia and Item 4-0.01.g-h of the 2023 Special Session 1 Appropriation Act (Chapter 1), certain requirements shall not apply if a meeting is called when the Governor has declared a state of emergency.

## **ARTICLE VI. Powers and Duties**

**Section 1. Statutory Powers and Duties.** The Board shall exercise the powers and duties authorized by § 37.2-203 of the Code of Virginia.

**Section 2. Appointments by the Board.** Pursuant to § 37.2-204 of the Code of Virginia, the Board shall appoint members of the State Human Rights Committee. The Board may appoint other committees as it deems necessary or appropriate.

## **ARTICLE VII. Committees**

**Section 1. Standing Committees.** The committee structure of the Board reflects its statutory duties enumerated in § 37.2-203 of the Code of Virginia.

Standing committees shall report at each regular meeting of the Board, unless there has been no meeting or no action to report. The Board Chair shall appoint standing committee chairs, unless they are designated otherwise in these bylaws.

**1.1. Policy Development and Evaluation Committee.** Consisting of the Board Vice Chair, who shall chair the Committee, and at least two other Board members appointed by the Board Chair.

- 1.1.1. The Committee shall draft and coordinate field reviews of newly proposed or revised policies; compile and present summaries of comments received during field reviews; and report its recommendations and revised or newly proposed policies to the Board, which shall take action thereon as deemed appropriate.
- 1.1.2. The Committee shall maintain a Review Schedule of all existing policies on behalf of the Board and, at the scheduled review time, circulate to Board members, community services boards (CSBs), Department facilities and central office, advocacy groups, and stakeholders for comment.
- 1.1.3. The Committee shall report its findings to the Board regarding its assessment of the effectiveness of Board policies in fostering the intended outcomes within the Department, state facilities, CSBs and behavioral health authorities in carrying out those policies. The Board shall take action thereon as deemed appropriate, which may include making recommendations to the Department or the Secretary of Health and Human Resources.
- 1.1.4. The Department shall designate and provide staff to support the activities of the Policy Development and Evaluation Committee. Final policies will be maintained in a publicly accessible compilation on the Department's web site in the standard format for Board policies.

**1.2. Planning and Budget Committee.** Consisting of the Board Chair, who shall chair the Committee, and at least two other Board members appointed by the Board Chair.

- 1.2.1. The Committee shall participate in the identification of services and support needs, critical issues, strategic responses, and resource requirements to be included in long-range plans; work with the Department to obtain, review, and respond to public comments on draft plans; and monitor Department progress in implementing long-range programs and plans. The committee shall provide updates on its planning activities to the full Board.
- 1.2.2. The Committee also shall work with the Department to assure that the agency's budget priorities and submission packages reflect Board policies and shall, through the Board's biennial planning meeting, review and comment on major funding issues affecting the behavioral health and developmental services system, in accordance with procedures established in POLICY 2010 (ADM ST BD) 10-1, Policy Development and Evaluation.
- 1.2.3. The Department shall designate and provide staff to support the activities of the Planning and Budget Committee.

**1.3. Grant Review Committee.** Consisting of two Board members appointed by the Board Chair on an as-needed basis.

- 1.3.1. The Committee, acting on behalf of the full Board to fulfill its duty to review and comment on all applications for federal funds and to enable the Department to respond to federal grant solicitations expeditiously, shall review all requests for federal funds before they are submitted to the soliciting federal agency.

- 1.3.2.** The Department shall designate and provide staff to support the activities of the Grant Review Committee.

**Section 2. Special Committees.** Special committees may be established at any time by action of the full Board or the Chair, acting on behalf of the Board. The Board Chair shall appoint a chair and members to any special committees and may appoint individuals who are not Board members to serve on these committees including individuals receiving services, family members, and other individuals as appropriate. When a special committee is established, its mission and the time within which it shall complete the task or accomplish the purpose for which it was created shall be specified.

## **ARTICLE VIII. Liaison Assignments**

Pursuant to § 37.2-203 of the Code of Virginia, the Board shall ensure that programs to educate Virginians about and elicit public support for the activities of the Department, state facilities, community services boards, and behavioral health authorities are initiated by the Department.

The Board seeks to further the integration and coordination of services to individuals receiving services and to support, encourage, and build close working partnerships among community services boards and behavioral health authorities, state facilities, and the Department. The Board also seeks to enhance its knowledge and understanding of the wide diversity of community and state facility services across the Commonwealth and to develop and maintain connections with entities in the public behavioral health and developmental services system.

The Chair, in consultation with Department staff, may develop a list for each Board member of agencies and organizations with which the Board wishes to liaise, including state facilities, the Virginia Association of Community Services Boards, community services boards and behavioral health authorities, and the State Human Rights Committee.

The Chair shall appoint members of the Board to serve as liaisons with these agencies and organizations, recognizing the time constraints of members and that each member may fulfill Board member liaison responsibilities in different ways. Board member liaisons shall report successes, issues, and concerns to the Board at its regular meetings and to appropriate Department staff. Board member liaisons shall confer or meet regularly with groups to which they are assigned and report to the full Board as necessary.

## **ARTICLE IX. Evaluation, Amendment, and Review**

**Section 1. Evaluation.** The Board shall conduct an evaluation of its performance during the Board's biennial planning meeting with the process and outcomes included as part of the Board's Annual Executive Summary for that year.

**Section 2. Amendments.** These bylaws may be amended at any regular or special meeting of the Board by an affirmative vote of at least five members of the Board, provided members were given the amendments in a special notice at least 30 days prior to the action. While the bylaws and any attached policy strictly conform to the minimum requirements set out in the Code of

Virginia, the Board has the liberty within its discretion to make changes to the bylaws as long as those changes do not exceed the limits set out in the Code of Virginia.

**Section 3. Bylaws Review.** The Board shall review its bylaws every four years in the fall of the first year of the new Governor's term and amend them as necessary. Bylaws shall be signed and dated to indicate the last amendment date.

**Section 4. Procedural Irregularities.** Failure to observe procedural provisions of these bylaws does not affect the validity of Board actions.

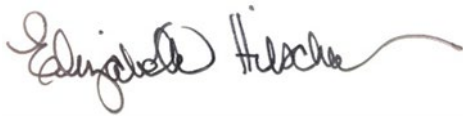
## **ARTICLE X. Conflicts**

These bylaws shall not diminish or circumscribe the Board's statutory authority, duties, or powers, and any conflict between provisions in these bylaws and the Code of Virginia shall be resolved in favor of the statute.

## **ARTICLE XI. Effective Date**

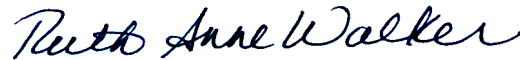
These bylaws are effective on the 6th day of December 2023, and until subsequently revised.

## **ADOPTED BY THE BOARD**



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Board Chair



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Department Liaison

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## State Board of Behavioral Health and Developmental Services

### ELECTRONIC MEETINGS POLICY

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#### I. Authority and Scope

This policy of the State Board of Behavioral Health and Developmental Services (“Board”) is adopted to comply with the requirements of § 2.2-3708.3 D of the Code of Virginia.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means during a state of emergency declared by the Governor shall be governed by the provisions of § 2.2-3708.2 of the Code of Virginia.

This policy shall apply to the entire membership and without regard to the identity of the Board member requesting remote participation or the matters that will be considered or voted on at the meeting.

This policy applies to all committees and subcommittees of the Board.

#### II. Remote Participation by Individual Board Members

- A. Pursuant to § 2.2-3708.3 B of the Code of Virginia, it is the policy of the Board that individual Board members may use remote participation instead of attending a public meeting in person for the following reasons:
1. A temporary or permanent disability or other medical condition that prevents the Board member's physical attendance; or
  2. A family member's medical condition that requires the Board member to provide care for such family member, thereby preventing the Board member's physical attendance; or
  3. The Board member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
  4. A personal matter, which must be identified with specificity. When remote participation is due to a personal matter, such participation is limited by law to two meetings each calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- B. Whenever an individual Board member wishes to participate from a remote location, a quorum of the Board must be physically assembled at the primary or central meeting location. In addition, there must be arrangements for the voice of the remotely participating Board member to be heard by all persons at the primary or central meeting location. The remote location does not need to be open to the public.



### **C. Process for Making, Approving, and Recording Requests**

1. Requests for remote participation by a Board member shall be conveyed to the Board Chair (or the Vice Chair, if the requesting member is the Chair) through the staff liaison using the Member Request Form. Failure to use the form or notify the staff liaison shall not affect the member's ability to participate remotely if the Chair was notified directly.
2. The requesting Board member is not obligated to provide independent verification regarding the reason for remote participation, including the disability or other medical condition of the member or family member that prevents attending in person.
3. Individual participation from a remote location shall be approved unless such participation would violate this policy or provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). If a Board member's remote participation is challenged, then the Board shall vote on whether to allow such participation. The Chair shall promptly notify the requesting Board member whether the request is approved or disapproved based on conformance with this policy.
4. The request for remote participation, the reason the member is unable to attend in person, and a general description of the remote location from which the member participates shall be recorded in the minutes. If the Board votes to disapprove of the member's remote participation because it would violate this policy, such disapproval shall be recorded in the minutes with specificity.

## **III. All-Virtual Public Meetings**

- A. Pursuant to § 2.2- 3708.3 C of the Code of Virginia, it is the policy of the Board that it may hold all-virtual public meetings. Such all-virtual public meetings are limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting shall not be held consecutively with another all-virtual public meeting.
- B. Subject to the limitations set forth in this policy, a public meeting of any committee or subcommittee of the Board may be all-virtual whenever the applicable chair deems an all-virtual meeting necessary or convenient.

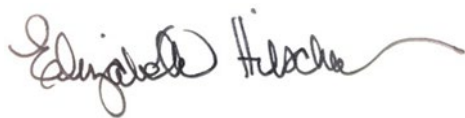
### **C. Meeting Requirements**

1. The meeting notice shall include a statement notifying the public that the all-virtual meeting method will not be changed unless the Board provides a new notice in accordance with the provisions of § 2.2-3707 of the Code of Virginia.
2. Public access to the all-virtual public meeting must be provided via electronic communication means, and such means must allow the public to hear all participating Board members. Additionally, when audio-visual technology is available, it must allow the public to see the Board members as well.
3. A phone number or other live contact information monitored by staff during the meeting must be provided to alert the Board if the electronic transmission of the meeting fails, and the Board must recess until access is restored if the transmission fails for the public.

4. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received.
5. No more than two members of the Board are together in any one remote location unless that remote location is open to the public to physically access it.
6. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public must resume before the Board votes to certify the closed meeting as required by subsection D of § 2.2-3712 of the Code of Virginia.
7. Minutes shall be taken as required by § 2.2-3707 of the Code of Virginia and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

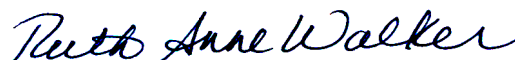
## REVIEW AND APPROVAL

This Board policy was reviewed and approved on December 6, 2023.



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Board Chair



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Department Liaison