

State Board of Behavioral Health and Developmental Services

Bylaws

Article 1 - Name

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

Article 2 - 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 3 - Members

- a. **Composition of the Board, Qualifications, Appointment, and Term of Office of Members** - The composition of the Board and qualifications, appointment, and term of office of Board members shall be as provided in § 37.2-200 of the Code of Virginia.
- b. **Orientation of New Members** - All new members appointed to the Board shall receive an orientation that includes information about the roles and responsibilities of the Board; the committee structure and bylaws of the Board; the roles and responsibilities of 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, and 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 4 - Officers and Staff Support Provided to the Board

- a. **Officers of the Board** - 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.
- b. **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.
- c. **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.

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.

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.

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.

- d. 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 or her by the Board or the Chair.
- e. 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. 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 Chapter 29 (§2.2-2905 et seq.) of Title 2.2 of the Code of Virginia. The Secretary shall perform the duties required by the Board and the Commissioner or his designee.

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.

- f. Department Liaison to the Board** - 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 5 - Meetings

- a. **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.
- b. **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.
- c. **Biennial Planning Meeting** - The Board shall hold a biennial planning meeting in the summer of the year in which the biennial budget is developed.
- d. **Notice of Meetings and Public Hearings on Proposed Regulations**
 - (1) Notice of the date, time, and place 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.
 - (2) Any notices of Board meetings shall state that public comments will be received at the beginning of the meeting.
 - (3) A notice of the date, time, and place 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) 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.
- e. **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.
- f. **Attendance** - Each member shall be responsible for attending all Board meetings. Members shall notify the Chair or his designee of any anticipated absence. 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.
- g. **Conduct of Business** - 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.

- h. **Public Comment** - The agenda for each meeting of the Board shall indicate that public comment will be received at the beginning of the meeting. Public comment will be subject to the time limitations deemed appropriate by the Chair.
- i. **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.
- j. **Electronic Meetings** – Members may participate through electronic communication means from a remote location that is not open to the public in the event of an emergency or personal matter, or temporary or permanent disability or other medical condition, or when a member is more than 60 miles from the primary meeting location. The electronic communication must be properly noticed and meet FOIA requirements, including that a quorum must be physically assembled at the primary or central meeting location and that the public body make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. In accordance with § 2.2-3708.2 A.3, certain requirements shall not apply if a meeting is called when the Governor has declared a state of emergency.

Article 6 - Powers and Duties of the Board

Statutory Powers and Duties - The Board shall have the following powers and duties, as authorized by § 37.2-203 of the Code of Virginia:

- (1) To develop and establish programmatic and fiscal policies governing the operation of state hospitals, training centers, community services boards, and behavioral health authorities;
- (2) To ensure the development of long-range programs and plans for mental health, developmental, and substance abuse services provided by the Department, community services boards, and behavioral health authorities;
- (3) To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds;
- (4) To monitor the activities of the Department and its effectiveness in implementing the policies of the Board;
- (5) To advise the Governor, Commissioner, and General Assembly on matters relating to mental health, developmental, and substance abuse services;
- (6) To adopt regulations that may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Commissioner or the Department;

- (7) To ensure the development of programs to educate citizens about and elicit public support for the activities of the Department, community services boards, and behavioral health authorities;
- (8) To ensure that the Department assumes the responsibility for providing for education and training of school-age individuals receiving services in state facilities, pursuant to § [37.2-312](#); and
- (9) To change the names of state facilities.

Prior to the adoption, amendment, or repeal of any regulation regarding substance abuse services, the Board shall, in addition to the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), present the proposed regulation to the Substance Abuse Services Council, established pursuant to § 2.2-2696 of the Code of Virginia, at least 30 days prior to the Board's action for the Council's review and comment.

- a. **Appointments by the Board** -The Board shall appoint members of the State Human Rights Committee, pursuant to § 37.2-204 of the Code of Virginia, and the Prevention Promotion Advisory Council according to their respective bylaws. The Board may appoint other committees as it deems necessary or appropriate.

Article 7 - Committees

- a. **Standing Committees** - The committee structure of the Board reflects the statutory duties of the Board. The standing committees of the Board shall be the:
 - Policy Development and Evaluation Committee,
 - Planning and Budget Committee, and
 - Grant Review Committee.

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) Policy Development and Evaluation Committee

- a. **Composition** - The Policy Development and Evaluation Committee shall consist of the Vice Chair and at least two other Board members appointed by the Board Chair. The Board Vice Chair shall chair the Policy Development and Evaluation Committee.
- b. **Powers and Duties** - The Committee shall draft and coordinate field reviews of draft revised or proposed new policies, compile and present summaries of comments received during field reviews, and report its recommendations and revised or proposed new policies to the Board, which shall take action thereon as it deems appropriate. The Committee shall maintain a Review Schedule of all existing policies on behalf of the Board. At the scheduled review time, any such policy will be circulated to State Board members, CSBs, Department facilities and central office, advocacy groups and stakeholders for comment.

The Committee shall report its findings to the Board regarding its assessment of the

effects of Board policies and the status of the Department, state facilities, community services boards, and behavioral health authorities in adhering to those policies Board action, may include making recommendations to the Department or the Secretary of Health and Human Resources.

- c. **Staff Support** - 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.

(2) Planning and Budget Committee

- a. **Composition** - The Planning and Budget Committee shall consist of the Board Chair and at least two other Board members appointed by the Chair. The Board Chair shall chair the Planning and Budget Committee.
- b. **Powers and Duties** - The Planning and Budget 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 also shall provide updates on its planning activities to the full Board.

The Planning and Budget committee also shall work with the Department to assure that the agency's budget priorities and submission packages reflect State Board policies and shall, through the Board's biennial planning retreat, 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.

- c. **Staff Support** - The Department shall designate and provide staff to support the activities of the Planning and Budget Committee.

(3) Grant Review Committee

- a. **Composition** – The Grant Review Committee shall consist of two members appointed by the Chair.
- b. **Powers and Duties** – The Grant Review 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.
- c. **Staff Support** – The Department shall designate and provide staff to support the activities of the Grant Review Committee.

- b. **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 special committee chairs. The Chair shall appoint members of 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 8 - Liaison Assignments

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 pursuant to § 37.2-203 of the Code of Virginia.

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 state and to develop and maintain connections with various entities involved 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, including state facilities, the Virginia Association of Community Services Boards, regional community services board associations, the State Human Rights Committee, and the Prevention Promotion Advisory Council, with which the Board wishes to liaise.

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 liaison responsibilities in different ways. A Board member liaison shall serve as a channel for information between the Board and the agency or organization and enhance the Board's knowledge about and understanding of the agency or organization and the entire services system. 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 9 - Board Evaluation, Bylaws Amendments and Reviews, and Procedural Irregularities

- a. Board Evaluation** - The Board shall conduct an evaluation of its performance during the Board's biennial planning meeting with the process and outcomes noted in the minutes of that meeting and included as part of the Board's Annual Executive Summary for that year.
- b. 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.
- c. 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.
- d. Procedural Irregularities** - Failure to observe procedural provisions of the bylaws does not affect the validity of Board actions.

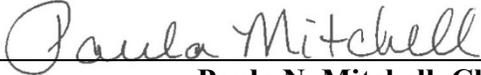
Article 10 - Conflicts

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 11 - Effective Date

These bylaws are effective on the 22 day of April, 2015 and until subsequently revised.

State Board of Behavioral Health and Developmental Services



Paula N. Mitchell, Chair



Liaison to the Board

Date: December 11, 2019