

BYLAWS

State Board of Behavioral Health and Developmental Services

Article I. Organization

Section 1. Name and Authority

The name of this body shall be the State Board of Behavioral Health and Developmental Services, hereinafter referred to as the Board. Section 37.2-200 of the Code of Virginia establishes the Board as a policy board, within the meaning of § 2.2-2100, in the executive branch of government.

Section 2. Powers and Duties

The Board shall exercise the powers and duties set forth in § 37.2-203 of the Code of Virginia; and appoint members of the State Human Rights Committee in accordance with § 37.2-204.

Article II. Membership

Section 1. Composition

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

Section 2. Orientation

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

Section 3. Officers

The officers of the Board shall be the Chair and the Vice Chair. The Chair shall preside over all Board meetings, perform other duties as may be prescribed by the Board, and submit to the Governor and the General Assembly an annual executive summary of the Board’s activity and work in accordance with § 37.2-200 of the Code of Virginia. In the absence of the Chair at any meeting, or in the event of a vacancy in that office, the duties of the Chair shall be vested in the Vice Chair. Officers shall serve for a period of one year and are eligible for re-election.

Section 4. Elections

In April of each year, the Chair shall appoint an ad hoc Nominating Committee of three members. In July of each year, the Nominating Committee will offer its slate of candidates, and the Board shall elect a Chair and Vice Chair from among its membership. Before the election, additional nominations from the floor shall be permitted.

Section 5. Conduct

Each member shall be responsible for attending Board meetings and complying with all other expectations of the Code of Conduct for Commonwealth Appointees. Members shall notify the Chair or his designee if extenuating circumstances prevent their physical attendance and, if seeking remote participation, do so in accordance with the policy set forth in Article III, Section 7. 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 Board meeting, the Chair shall notify the member of his non-compliance with this provision of the bylaws. With the Board’s concurrence, the Chair may notify the Secretary of the Commonwealth and request the Governor remove that member pursuant to § 2.2-108 of the Code of Virginia.

Article III. Meetings

Section 1. Regular and Special 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. In July of each year, the Board shall adopt its meeting schedule for the next fiscal year (July 1 – June 30). Ordinarily, the Board's regular meetings shall be held on the third Wednesday in the months of April, July, September, and December; however, the Board reserves the right to alter the schedule as needed. The Chair, or any three members, may call a special or emergency meeting of the Board at the dates, times, and places specified in the call for such meetings. Meetings may be held at state facilities or at the DBHDS Central Office.

Section 2. Quorum

Five members shall constitute a quorum, pursuant to § 37.2-200 of the Code of Virginia. In the absence of a quorum, minutes shall be recorded and members in attendance may receive information; however, the Board shall not conduct business.

Section 3. Notices

Notice of the date, time, and location of all meetings shall be posted on the Virginia Regulatory Town Hall as required by § 2.2-3707 of the Code of Virginia, and conveyed to each member electronically, at least three days in advance. Notices of public hearings on regulatory actions shall be posted in accordance with the requirements of the Board's Public Participation Guidelines (12VAC35-12-100).

Section 4. Minutes

Minutes shall be recorded at all meetings in accordance with § 2.2-3707 of the Code of Virginia. Draft meeting minutes shall be posted electronically on the Virginia Regulatory Town Hall within 10 working days after the conclusion of the meeting, and final meetings posted within three working days of approval.

Section 5. Public Comment

The agenda for each Board meeting shall indicate that public comment will be received at the beginning of the meeting. Each person giving public comment will be subject to a three-minute time limitation unless an exception is deemed appropriate by the Chair. Written public comment shall also be accepted.

Section 6. Parliamentary Procedure

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 7. Remote Participation

A 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 by following the Electronic Meetings Policy (Appendix A). At least once annually, the Board shall adopt a policy on remote participation in accordance with § 2.2-3708.3 D of the Code of Virginia.

Section 8. All-Virtual Meetings

The Board may hold all-virtual public meetings by following the Electronic Meetings Policy (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). At least once annually, the Board shall adopt a policy on all-virtual meetings in accordance with § 2.2-3708.3 D of the Code of Virginia.

Article IV. Committees

Section 1. Standing Committees

The Board uses a standing committee system to reflect its statutory duties enumerated in § 37.2-203 of the Code of Virginia. The Chair shall appoint standing committee membership. For purposes of continuity, the Board Chair may serve as chair of one standing committee. A quorum for the conduct of standing committee business shall be two members. Standing committee chairs shall summarize activity from committees, if any, at each regular Board meeting. All actions proposed by standing committees are subject to approval by the Board. DBHDS shall provide staff support to standing committees as needed.

1.1. Policy Development and Evaluation

The Policy Development and Evaluation 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. The Committee maintains a Review Schedule of all existing policies on behalf of the Board and, at the scheduled review time, circulates to members, community services boards, state facilities and central office, advocacy groups, and other stakeholders for comment. Final policies will be maintained in a publicly accessible compilation on the DBHDS web site in the standard format for Board policies.

1.2. Planning and Budget

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 DBHDS to obtain, review, and respond to public comments on draft plans; and monitor DBHDS progress in implementing long-range programs and plans. In accordance with the procedures established in Policy 2010 (ADM ST BD) 10-1: Policy Development and Evaluation, the Committee shall collaborate with DBHDS to ensure the agency's budget submission packages reflect Board priorities and will review and comment on major funding issues affecting the behavioral health and developmental services system.

Section 2. Grant Review Ad Hoc Committee

The Chair shall appoint a Grant Review Ad Hoc Committee consisting of two members to enable DBHDS to respond to federal grant solicitations expeditiously. The Ad Hoc Committee shall act on behalf of the full Board to fulfill the statutory duty to review and comment on all applications for federal funds.

Section 3. Special Committees

Special committees may be established at any time by the Chair or the full Board. When a special committee is established, its charge and the time within which it shall complete its work shall be specified. The Board Chair shall appoint members of special committees as well as a chair and may appoint non-members to serve in an advisory capacity, including individuals receiving services, family members, subject matter experts, or stakeholders. Selection of participants may be made with the advice of DBHDS.

Article V. Board Engagement and Liaison Activities

Consistent with its responsibilities under § 37.2-203 of the Code of Virginia, the Board shall ensure that DBHDS initiates programs to educate Virginians about and elicit public support for the activities of DBHDS, state facilities, community services boards, and behavioral health authorities. The Board fulfills this role through a combination of DBHDS-led public education efforts, Board visibility and accessibility, and engagement by Board members with stakeholders and communities, which may include the following activities.

Section 1. DBHDS Updates

The Board shall receive periodic updates from DBHDS regarding public education and outreach efforts and may provide feedback as appropriate. Updates may include information on statewide initiatives, communications strategies, and stakeholder perspectives. DBHDS may also share relevant materials to support Board awareness of system activities.

Section 2. Liaison Engagement

To enhance its understanding of the system and inform its oversight role, the Board may facilitate opportunities for members to engage with state facilities, CSBs, and other stakeholders across the Commonwealth. The Chair, in consultation with DBHDS staff, may identify geographic or programmatic areas for member engagement and may invite members to serve in a liaison capacity on a voluntary basis. Liaison engagement is flexible and informal. It may include introductory or periodic outreach to assigned state facilities or CSBs; attending meetings or events when feasible; participating in phone or virtual check-ins with leadership of assigned state facilities or CSBs; and other opportunities to learn about services and system operations.

Section 3. Community Interaction

Members, by virtue of their role, may be approached by individuals, families, and others in the community seeking information or assistance related to the behavioral health system. Members may, as appropriate, help connect individuals to available resources or DBHDS staff and share general information about the system, while recognizing they do not serve in an operational or case management role.

Section 4. Sharing Information with the Board

Members are encouraged to share observations, themes, and insights from their engagement activities with the full Board and with DBHDS staff, as appropriate. The Chair may make time available periodically for voluntary updates and discussions on Board meeting agendas.

Section 5. Board Visibility and Accessibility

To promote awareness and support under § 37.2-203 of the Code of Virginia, the Board shall provide public comment opportunities at its meetings and may take additional steps to encourage public participation. The Board may enhance its visibility through holding regular meetings in locations across the Commonwealth when feasible.

ARTICLE VI. Review and Amendment

The Board shall review and amend the bylaws as necessary. At a minimum, the Board shall review its bylaws every four years in the fall of the first year of the Governor's term. The bylaws may be amended at any regular meeting by an affirmative vote of a majority of members, provided that the proposed amendment was included in the notice of the meeting.

These bylaws are effective on **SEPTEMBER 23, 2026**, and until subsequently amended.

APPENDIX A. Electronic Meetings Policy

I. Authority and Scope

This policy shall apply to the entire membership of the Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. This policy shall not restrict any individual member who is using remote participation or who is participating in an all-virtual meeting from voting on matters before the Board. This policy applies to all Board committees and subcommittees.

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.

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 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 is a caregiver who must provide care for a person with a disability at the time the meeting is being held, thereby preventing the member's physical attendance; or
 - 4. The Board member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - 5. 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, 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 in attendance 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 member making the request is the Chair) through the DBHDS staff liaison.
 - 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, family member, or person for whom the member is a caregiver that prevents attending in person.
 - 3. Individual participation from a remote location shall be approved for reasons A1 through A3, and may be approved for reasons A4 through A5, unless approval violates this policy or provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).
 - 4. 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.
 - 5. 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.
 - 1. All-virtual public meetings are limited by law to two meetings per calendar year or 50 percent of the meetings held per calendar year, whichever is greater.
 - 2. 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 Board committee or subcommittee may be all-virtual whenever the applicable chair deems an all-virtual meeting necessary or convenient.
- C. **Special Requirements for All-Virtual Meetings**
 - 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. When audio-visual technology is available, it must also allow the public to see the Board members.
 - 3. A phone number or other live contact information monitored by DBHDS 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 all-virtual Board 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 method by which the meeting was held.

IV. Annual Review and Approval

The Board shall, at least once annually, review and adopt this policy as required by subsection D of § 2.2-3712 of the Code of Virginia.

This Board policy was reviewed and approved on **SEPTEMBER 23, 2026**.