

VIRGINIA BOARD OF COUNSELING

BYLAWS

ARTICLE 1: AUTHORIZATION

A. Statutory Authority

The Virginia Board of Counseling is established and operates pursuant to §§ 54.1-2400 and 54.1-3500 through 54.1-3515 of the *Code of Virginia*. Regulations promulgated by the Virginia Board of Counseling may be found in 18VAC115-20-10 et seq., Regulations Governing the Practice of Professional Counseling; 18 VAC 115-30-10, Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants; 18VAC115-40-10 et seq., Regulations Governing the Certification of Rehabilitation Providers; 18VAC115-50-10 et seq., Regulations Governing the Practice of Marriage and Family Therapy; and 18 VAC 115-60-10 et seq., Regulations Governing the Practice of Substance Abuse Treatment Practitioners.

B. Duties

The Virginia Board of Counseling is charged with promulgating and enforcing regulations governing the licensure and practice of professional counselors, marriage and family therapists, and substance abuse treatment practitioners, and the certification and practice of substance abuse counselors and rehabilitation providers in the Commonwealth of Virginia. This includes, but is not limited to: setting fees; creating requirements for and issuing licenses or certificates; setting standards of practice; and implementing a system of disciplinary action.

ARTICLE II: THE BOARD

A. The membership of the Board shall consist of fourteen (14) members, appointed by the Governor and subject to confirmation by the General Assembly in accordance with § 54.1-3503 of the *Code of Virginia*. Twelve shall be professionals licensed in Virginia, who shall represent the various specialties recognized in the profession, and two shall be citizen members. Of the 12 professional members, six shall be professional counselors, three shall be clinical fellows of the American Association for Marriage and Family Therapy, and three shall be licensed substance abuse treatment practitioners. At least two members representing each specialty shall have been in active practice for at least four years.

B. The terms of the members of the Board shall be four years.

C. Members of the Board of Counseling holding a voting office in any related professional association or one that takes a policy position on the regulations of the Board shall abstain from voting on issues where there may be a conflict of interest present.

D. Officers of the Board

1. The Chairperson or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, and the Administrative Process Act. Roberts Rules of Order will guide parliamentary procedure for the meetings. Except where specifically provided otherwise by the law or as otherwise ordered by the Board, the Chairperson shall appoint all committees, and shall sign as Chairperson to the certificates authorized to be signed by the Chairperson.
2. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson and assume the duties of Chairperson in the event of an unexpired term.

ARTICLE III: ELECTION OF OFFICERS

- A. Officers shall be elected at a meeting of the Board with a quorum present. A simple majority shall prevail with the current Chairperson casting a vote only to break a tie. Voting shall be by voice unless otherwise decided by a vote of the members present. Special elections to fill an unexpired term shall be held in the event of a vacancy of an officer at the subsequent Board meeting following the occurrence of an office being vacated.
- B. The election of officers shall occur at the first scheduled Board meeting following July 1 of each odd year, and elected officers shall assume their duties at the end of the meeting. All officers shall be elected for a term of two years and may serve no more than two consecutive terms.

ARTICLE IV: MEETINGS

- A. Frequency of Meetings. The full Board shall meet quarterly, unless a meeting is not required to conduct Board business.
- B. Order of Business at Meetings

Period of Public Comment

Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board.

Reports of Officers and staff

Reports of Committees

Election of Officers (as needed)

Unfinished Business

New Business

The order of business may be changed at any meeting by a majority vote.

ARTICLE V: COMMITTEES

A. General. Members appointed to a committee shall faithfully perform the duties assigned to the committee.

B. The standing committees of the Board shall consist of the following:

- Regulatory/Legislative Committee
- Credentials Committee
- Special Conference Committee
- Any other Standing Committees created by the Board.

C. Frequency of Meetings. All standing committees shall meet as necessary to conduct the business of the Board.

D. Regulatory/Legislative Committee

The Regulatory/Legislative Committee shall consist of at least two Board members appointed by the Chairperson with the Chairperson of the Committee to be appointed by the Chairperson of the Board. The Committee shall consider all questions bearing upon state legislation and regulation governing the professions regulated by the Board. The Regulatory/Legislative Committee shall recommend to the Board changes in law and regulations as it may deem advisable and, at the direction of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation. The Chairperson of the Committee shall submit proposed changes to the regulations of the Board in writing to the Board prior to any scheduled meeting.

E. Credentials Committee

The Credentials Committee shall consist of at least two Board members appointed by the Chairperson of the Board with the Chairperson of the Committee to be appointed by the Chairperson of the Board. The Committee shall review applicants' credentials for licensure or certification if they do not appear to meet the requirements of the Board or if there may be information indicating the Board has grounds for denial. The Committee may conduct an informal fact-finding conference at the request of the applicant in accordance with § 2.2-4019 of the Code of Virginia.

F. Special Conference Committee

The Special Conference Committee shall consist of two board members who shall review information regarding alleged violations of the laws and regulations of the Board and, in consultation with the Executive Director, determine if probable cause exists to proceed with possible disciplinary action. The Special Conference Committees shall meet as necessary to adjudicate cases in a timely manner in accordance with agency standards for case resolution. The Chairperson of the Board shall also designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the Chairperson may appoint additional committees.

ARTICLE VI: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

1. The Board delegates to Board staff the authority to issue and renew licenses or certificates and to approve supervision applications for which regulatory and statutory qualifications have been met. If there is basis upon which the Board could refuse to issue or renew the license or certification or to deny the supervision application, the Executive Director may only issue a license or certificate or grant approval in accordance with delegated authority provided in a guidance document of the Board.
2. The Board delegates to the Executive Director the authority to reinstate a license or certificate when the reinstatement is due to the lapse of the license or certificate rather than a disciplinary action and there is no basis upon which the Board could refuse to reinstate.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of Board business, to include, but not be limited to, licensure and certification applications, renewal forms, and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Consent Order resulting from the disciplinary process or other administrative proceeding.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director the authority to review information regarding alleged violations of law or regulations and, in consultation with a member of a special conference committee, make a determination as to whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Executive Director authority to grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee or certificate holder prior to the renewal date.
8. The Board delegates to the Executive Director authority to grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee or certificate holder, such as temporary disability, mandatory military service, or officially declared disasters.
9. The Board delegates to the Executive Director the authority to grant an accommodation of additional testing time or other requests for accommodation to candidates for Board-required examinations pursuant to the Americans with Disabilities Act, provided the candidate provides documentation that supports such an accommodation.

ARTICLE VII: AMENDMENTS

Proposed amendments to these bylaws shall be presented in writing to all Board members, the Executive Director of the Board, and the Board's legal counsel prior to any scheduled Board meeting. Amendments to the bylaws shall become effective with a favorable vote of at least two-thirds of the members present at that regular meeting.

Adopted: June 3, 2005

Revised: November 15, 2013