

VIRGINIA BOARD OF NURSING

BY LAWS

Adopted: May 23, 1988
Revised to Incorporate Changes in *Code of Virginia*: April 1989
Last amended: November 13, 2012

Guidance Document: 90-57

BYLAWS
OF THE
VIRGINIA BOARD OF NURSING

Article I – Name.

This body shall be known as the Virginia Board of Nursing as set forth in § 54.1-3002 of the *Code of Virginia* and hereinafter referred to as the Board.

Article II – Powers and Duties.

The general powers and duties of the Board shall be those set forth in § 54.1-2400 of the *Code of Virginia* and the specific powers and duties shall be those set forth in § 54.1-3005 of the *Code of Virginia*.

Article III - Mission Statement.

To assure safe and competent practice of nursing to protect the health, safety and welfare of the citizens of the Commonwealth.

Article IV – Membership.

A. The Board shall be comprised of thirteen members. Seven members shall be registered nurses, one of whom shall be a licensed nurse practitioner, three members shall be licensed practical nurses and three members shall be citizen members.

B. All members shall be appointed by the Governor for terms of four years. No member shall be eligible to serve more than two successive terms in addition to the portion of any unexpired term for which he may have been appointed.

C. Each member shall participate in all matters before the Board.

D. Members shall attend all regular and special meetings of the Board unless prevented by illness or similar unavoidable cause.

E. The Governor may remove any Board member for cause, and the Governor shall be sole judge of the sufficiency of the cause for removal pursuant to § 2.2-108.

Article V – Nominations and Elections.

A. The officers of the Board shall be a President, Vice-President and Secretary elected by the members.

B. The Nominating Committee shall:

1. Be comprised of three members of the Board to be elected at the meeting immediately preceding the annual meeting held in January;
2. Elect its chair;
3. Prepare a slate of at least one candidate for each office to be filled;
4. Distribute the slate of candidates to all members in advance of the meeting;
5. Present the slate of nominees to the Board for election at the annual meeting;
and
6. Be governed by *Roberts Rules of Order* (current edition) on nominations by a committee in all cases not provided for in this section.

C. Election

1. The President shall ask for nominations from the floor by office.
2. The election shall be by voice vote with the results recorded in the minutes. In the event of only one nominee for an office, election may be by acclamation.
3. The election shall occur in the following order: President, Vice President, Secretary.
4. The election shall be final when the President announces the official results.

D. Terms of office

1. All terms will commence at the close of the annual meeting.
2. The term of office shall be for the succeeding twelve months or until the successor shall be elected. No officer shall serve more than three consecutive twelve-month terms in the same office unless serving an unexpired term.
3. A vacancy in the office of President shall be filled by the Vice-President. The Board shall fill a vacancy in the office of Vice-President or Secretary by election at the next meeting after which the vacancy occurred.

Article VI – Duties of Officers.

- A. The President shall:

1. Preserve order and conduct all Board proceedings according to these bylaws, parliamentary rules, the Administrative Process Act and other applicable laws and regulations;
2. Call special meetings;
3. Appoint all committees, except the nominating committee;
4. Appoint annually three members to the Committee of the Joint Boards of Nursing and Medicine; and
5. Review and approve non-routine applications for licensure, certification or registration as referred by Board staff.

B. The Vice-President shall:

1. Preside in the absence of the President;
2. Succeed to the office of President for the unexpired term in the event of a vacancy in the office of President; and
3. Assume such functions or responsibilities as may be delegated by the President or the Board.

C. The Secretary shall:

1. Certify minutes of all Board proceedings;
2. Perform all other duties pertaining to this office and not otherwise delegated to staff; and
3. Assume such functions or responsibilities as may be delegated by the President or the Board.

Article VII – Committees.

A. Executive Committee:

The Officers of the Board shall constitute the Executive Committee, who shall represent the interests of the Board in meetings within the Department of Health Professions, with other agencies of the Commonwealth or other organizations as directed by the Board. The Executive Committee may review matters pending before the Board and make recommendations to the Board for action.

B. Standing Committees

1. Members of the standing committees shall be appointed by the President following the election of the officers for a term of twelve months.

2. Standing Committees shall include:

Committee of the Joint Boards of Nursing and Medicine
Discipline Committee
Education Committee

C. Special Conference Committees shall be comprised of at least two members of the Board and shall:

1. Review investigative reports resulting from complaints against licensees.

2. Recommend appropriate proceedings for complaint resolution.

3. Conduct informal hearings pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the *Code of Virginia*.

D. Advisory Committees

1. Advisory Committees shall consist of three or more persons appointed by the Board who are knowledgeable in a particular area of practice or education under consideration by the Board.

2. Such committees shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

E. Ad-Hoc Committees

1. Ad-Hoc Committees comprised of Board members and/or staff may be appointed by the President to assist in fulfilling the powers and duties of the Board.

2. Such committees shall be advisory to the Board and shall make recommendations to the Board for action.

3. A Committee shall be appointed by the Board every three years to review Board of Nursing guidance documents and make recommendations for revisions and/or deletions.

Article VIII – Meetings.

A. The Board shall meet in regular session at least in January of each year for its annual meeting and at such other times as the Board may determine.

B. Special meetings shall be called by the president or by written request to the President from any three members, provided there is at least seven days notice given to all members.

C. A telephone conference call meeting may be held to consider suspension of a license pursuant to § 54.1-2408.1 pending a hearing when the danger to the public health or safety warrants such action and when a good faith effort to convene a regular meeting has failed.

D. An affirmative vote of a majority of those serving on the Board who are qualified to vote or those serving on a panel of the Board convened pursuant to § 54.1-2400 shall be required for any action to suspend or revoke a license, certificate, or registration or to impose a sanction, except an affirmative vote of a majority of a quorum of the Board shall be sufficient for the summary suspension of a license. An affirmative vote of three-fourths of the members of the Board at the hearing shall be required to reinstate an applicant's license or certificate suspended by the Director of the Department of Health Professions pursuant to § 54.1-2409. An affirmative vote of a quorum of the Board shall determine all other matters at any regular or special meeting.

Article IX – Quorum.

A. A quorum for any Board or committee meeting shall consist of a majority of the members.

B. No member shall vote by proxy.

Article X – Parliamentary Authority.

Roberts' Rules of Order (current edition) shall govern the proceedings of the Board in all cases not provided for in these bylaws, the *Code of Virginia* and the Regulations of the Board.

Article XI – Amendment of Bylaws.

These bylaws may be amended at any meeting of the Board by a two-thirds vote of the members present and voting provided copies of the proposed amendments shall have been presented in writing to all members at least 30 days prior to the meeting at which time such amendments are considered.

Article XII – Probable Cause Review and Determination.

A. When the Board of Nursing receives an investigative report from the Enforcement Division, a preliminary review of the case is made to determine whether probable cause exists to proceed with an administrative proceeding on charges that one or more of the Board's statutes or regulations may have been violated. The Board of Nursing staff, who are professional nurses, is delegated the authority to determine if there is probable cause

to initiate proceedings or action on the Board's behalf. If after reviewing the file, the staff determines probable cause does not exist, or that the Board does not have jurisdiction over the matter in question, the staff may review the case with a Special Conference Committee to determine if the case should be closed. Additional delegation to Board of Nursing professional discipline staff is authorized pursuant to Guidance Document #90-12.

B. The initial review by Board staff may also determine if the case constitutes grounds for a possible summary suspension. A summary suspension occurs, pursuant to § 54.1-2408.1, when the Board determines that substantial danger to the public health or safety exists should the respondent retain his license, certificate or registration. If Board staff determines the case should proceed as a possible summary suspension, the case is forwarded to the Administrative Proceedings Division. After preparation of the case for presentation, the Administrative Proceedings Division forwards the information to the Attorney General's Office for assignment and possible prosecution. If it is agreed that the information should be presented to the Board as a possible summary suspension, the Board may meet by telephone conference call, provided a good faith effort to assemble a quorum of the Board has failed. Should the Board decide that an order be entered that summarily suspends a practitioner's license, the order is served personally on or mailed to the respondent, along with a notice of formal hearing.

Article XIII – Nurse Licensure Compact.

A. Pursuant to § 54.1-3037 of the *Code of Virginia* the Executive Director of the Board of Nursing shall be the Administrator of the Compact for Virginia and shall perform the duties of the Administrator according to the requirements of the Nurse Licensure Compact.

B. The Board of Nursing shall comply with the Policies and Procedures of the Nurse Licensure Compact Administrators as outlined in the current manual.