



COMMONWEALTH of VIRGINIA  
STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**DRAFT MEETING AGENDA**

Wednesday, December 6, 2023

DBHDS Central Office, Jefferson Building\*  
1220 Bank Street, Richmond, VA

**CONCURRENT COMMITTEE MEETINGS**

8:30 a.m. – 9:25 a.m.

*\*Meetings will be in person with a physical quorum present, with electronic or phone connection available.*

8:30	<ul style="list-style-type: none"> <li>• <b><u>Policy and Evaluation Committee</u></b> <b><i>12th Floor Meeting Room</i></b></li> <li>*OR Microsoft Teams meeting Join on your computer, mobile app or room device <a href="#">Click here to join the meeting</a> Meeting ID: 241 494 941 464 Passcode: MYRkGk</li> <li><b>Or call in (audio only)</b> <a href="#">+1 434-230-0065,,395175742#</a> United States, Lynchburg Phone Conference ID: 395 175 742# <a href="#">Find a local number</a></li> </ul> <hr/> <ul style="list-style-type: none"> <li>• <b><u>Planning and Budget Committee</u></b> <b><i>13th Floor Conference Room</i></b> OR see main meeting log in info below (next page.)</li> </ul>	<p style="text-align: right;">Josie Mace <i>Director of Legislative Affairs</i></p> <hr/> <p style="text-align: right;">Ruth Anne Walker <i>Board Liaison</i></p>
9:25	<b>Adjourn</b>	

***CONTINUED -***

**STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

**REGULAR MEETING**

**Wednesday, December 6, 2023**

9:30 a.m. – 3:00 p.m.

DBHDS Central Office, Jefferson Building\*

1220 Bank Street, Richmond, VA

**\*This meeting will be in person with a physical quorum present, but electronic or phone connection is available:**

Microsoft Teams meeting

**Join on your computer, mobile app or room device**

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Meeting ID: 280 194 789 64

Passcode: Nw3bya

**Or call in (audio only)**

[+1 434-230-0065,733412369#](tel:+14342300065733412369) United States, Lynchburg

Phone Conference ID: 733 412 369#

[Find a local number](#)

<b>1.</b>	9:30	<p><b>Call to Order and Introductions</b></p> <p><b>Approval of December 6, 2023, Agenda</b>  <span style="margin-left: 20px;">➤ <i>Action Required</i></span></p> <p><b>Approval of Draft Minutes</b>  <b>Dinner Meeting, September 26, 2023</b>  <b>Regular Meeting, September 27, 2023</b>  <span style="margin-left: 20px;">➤ <i>Action Required</i></span></p>	<p>Elizabeth Hilscher  <i>Chair</i></p>	<b>5 6</b>
<b>2.</b>	9:45	<p><b>Public Comment</b> (3 minute limit per speaker)  <i>No comment will be accepted on petitions for rulemaking or regulatory actions for which the comment period has closed. It is preferred but not required that persons wishing to give comment at this meeting submit an email indicating that they wish to provide comment to ruthanne.walker@dbhds.virginia.gov no later than 5:00 p.m. on December 5, 2023. Three minutes of comment may be offered, within the overall time allowed for comments. Written public comment may be sent by email to ruthanne.walker@dbhds.virginia.gov no later than 10:00 a.m. on December 6, 2023.</i></p>		
<b>3.</b>	10:00	<p><b>Commissioner’s Report</b></p>	<p>Nelson Smith  <i>Commissioner</i></p>	
<b>4.</b>	10:45	<p><b>Regulatory Actions</b>  <b>A. Regulatory Activity Status Update</b></p>	<p>Ruth Anne Walker  <i>Director of Regulatory Affairs  and Board Liaison</i></p>	<b>17</b>
<b>5.</b>	11:15	<p><b>Presentation: Board Priority 3</b>  <i>Short-term community-based crisis beds in smaller settings serving individuals across the life span.</i></p>	<p>J. Curt Gleason  <i>Assistant Commissioner, Crisis Services</i></p>	

6.	11:35	<b>Presentation: Board Priority 2</b> <i>Eliminating the Priority 1 DD Waiver waiting list, RHRN, and other strategic initiatives.</i>	Heather Norton <i>Assistant Commissioner, Developmental Services</i>	
7.	12:00	<b>Lunch Break</b>		
8.	12:30	<b>Pre-GA Session Legislative and Budget</b> <b>A. Budget</b> <b>B. Legislative</b>	Nathan Miles <i>Chief Financial Officer</i>  Josie Mace <i>Director of Legislative Affairs</i>	
9.	12:50	<b>Committee Reports:</b> <b>A. Policy and Evaluation</b> <b>B. Planning and Budget</b>	Josie Mace Ruth Anne Walker	<b>13</b> <b>15</b>
10.	1:00	<b>Update: Virginia Association of Community Services Boards</b>	Jennifer Faison <i>VACSB Executive Director</i>	
11.	1:30	<b>Conflict of Interest Act</b>	Stewart Petoe <i>Executive Director, Virginia Ethics Council</i>	
12.	1:50	<b>Freedom of Information Act</b>	Alan Gernhardt <i>Executive Director, FOIA Council</i>	
13.	2:10	<b>Semiannual Federal Grant Report</b> (per State Board Policy 2010 (ADM ST BD) 10-1)	Eric Billings <i>Deputy Director</i> <i>Office of Fiscal and Grants Management</i>  Ben Wakefield <i>Federal Grants Manager</i>	
14.	2:25	<b>Miscellaneous</b> <b>A. Liaison Updates</b> <b>B. Other Business</b> a. Bylaws Revisions b. Annual Executive Summary <b>C. Next Meeting: April 3, 2024, Catawba.</b>	Elizabeth Hilscher	<b>20</b>
15.	2:45	<b>Adjournment</b>		

*(Note: Times may run slightly ahead of or behind schedule.  
If you are on the agenda, please plan to be at least 10 minutes early.)*

## MEETING SCHEDULE

DATE*	Location
<b>2024</b>	
April 3 (Wed)	Catawba Salem

<b>July 17 (Wed)</b>	Eastern State Hospital <b>Williamsburg</b>
<b>September 25 (Wed)</b>	SVMHI <b>Danville</b>
<b>December 11 (Wed)</b>	Central Office <b>Richmond</b>
<b>2025</b>	
<b>April 2 (Wed)</b>	<i>TBD but not Richmond</i>
<b>July 9 (Wed)</b>	Central Office <b>Richmond</b>

# STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

## BOARD DINNER MEETING

### DRAFT MINUTES

(per [Bylaws](#), Article 5.c.)

**Tuesday, September 26, 2023**

6:00 p.m. – 7:30 p.m.

Holiday Inn Express Meeting Room  
404 Sunchase Blvd, Farmville, VA 23901

	<p><b>Members Present:</b> Elizabeth Hilscher, Chair; Kendall Lee, Vice Chair; Blake Andis; Varun Choudhary; Rebecca Graser; Cindy Lamb; Christopher Olivo.</p> <p><b>Members Absent:</b> Moira Mazzi; Sandra Price-Stroble.</p> <p><b>Staff Present:</b> Meghan McGuire; Ruth Anne Walker.</p> <p><b>Invited Guests:</b> Melissa Lucy, Chief Executive Officer/Executive Director</p>
6:00	<p><b>Welcome and Introductions</b> At 6:00 p.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed everyone present. Meghan McGuire introduced Melissa Lucy, CEO/Executive Director, Horizon Behavioral Health.</p>
6:10	<p><b>Dinner</b></p>
6:30	<p><b>Presentation – Horizons Behavioral Health</b> Melissa Lucy provided an overview of the portfolio of services provided by Horizon, including evidenced-based practices. Ms. Lucy provided an in depth look at clinical services and related outcomes. School and drug court initiatives were highlighted. Upcoming efforts include a license for mental health skill building, enhancement and expansion of recovery services, and the development of a behavioral health court docket.</p>
7:10	<p><b>Comments/Discussion</b> Members asked a few clarifying comments of Ms. Lucy regarding information presented.</p>
7:25	<p><b>Closing Remarks</b> Ms. Hilscher thanked Ms. Lucy for her presentation to the members.</p>
7:30	<p><b>Adjournment</b> Ms. Hilscher adjourned the dinner meeting at 7:30 p.m.</p>

# STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

## Regular Meeting DRAFT MINUTES

**Wednesday, September 27, 2023**

DBHDS Piedmont Geriatric Hospital, Auditorium  
5001 East Patrick Henry Hwy, Burkeville, VA 23922

*This meeting was held in person with a physical quorum present,  
with electronic or phone connection available. A recording of the meeting is available.*

<b>Members Present</b>	Elizabeth Hilscher, Chair; Kendall Lee, Vice Chair; R. Blake Andis; Varun Choudhary; Rebecca Graser; Moira Mazzi (electronic); and Christopher Olivo.
<b>Members Absent</b>	Sandra Price-Stroble.
<b>Staff Present</b>	<ul style="list-style-type: none"> <li>• Royace Baugh, VCBR Director of Residential Services.</li> <li>• Jae Benz, Licensing Director.</li> <li>• Jesus Garcia, Regulatory Research Specialist.</li> <li>• Taneika Goldman, State Human Rights Director.</li> <li>• Emma Lowry, PGH Director.</li> <li>• Madelyn Lent, Policy Manager.</li> <li>• Josie Mace, Legislative Affairs Director.</li> <li>• Meghan McGuire, Deputy Commissioner, Policy and Public Affairs.</li> <li>• Sarah Moore, Early Intervention Monitoring Consultant (South Central and Southwest).</li> <li>• Nathan Miles, Chief Financial Officer.</li> <li>• Dev Nair, Assistant Commissioner, Provider Management.</li> <li>• Heather Norton, Assistant Commissioner, Developmental Services.</li> <li>• Kelly Parker-Covington, VCBR Clinical Director.</li> <li>• Susan Puglisi, Regulatory Research Specialist.</li> <li>• Nelson Smith, Commissioner.</li> <li>• Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison.</li> <li>• Jeremiah Washington, Legislative Manager.</li> <li>• Jason Wilson, VCBR Facility Director.</li> </ul>
<b>Invited Guests:</b>	<ul style="list-style-type: none"> <li>• Jennifer Faison, Executive Director, Virginia Association of Community Services Boards.</li> </ul>
<b>Other Guests:</b>	Virtual: <ul style="list-style-type: none"> <li>• Lisa Robertson, DARS.</li> <li>• Meghan Cox, DARS</li> <li>• Stephanie Showalter.</li> <li>• LeVar Bowers.</li> <li>• Martin Mash.</li> </ul>
<b>Call to Order and Introductions</b>	At 9:33 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed those present. A quorum of seven members was physically present, with another member participating remotely. Ms. Hilscher welcomed new DBHDS employees Jesus Garcia and Jeremiah Washington.

<b>Approval of Agenda</b>	<i>At 9:35 a.m. the State Board voted to adopt the September 27, 2023, agenda. On a motion by Varun Choudhary and a second by Cindy Lamb, the agenda was approved.</i>
<b>Approval of Draft Minutes</b>	<i>At 9:37 a.m., on a motion by Christopher Olivo and a second by Kendall Lee, the July 11, 2023, biennial planning meeting, nominating committee meeting, and the July 12, 2023, regular meeting minutes were approved as final en bloc.</i>
<b>Commissioner's Report</b>	<p>At 10:07 a.m., Commissioner Nelson Smith gave his report, updating the State Board on:</p> <ul style="list-style-type: none"> <li>• Agency rebranding.</li> <li>• 988 Marketing Launch.</li> <li>• DBHDS Workforce Summit.</li> <li>• Right Help, Right Now Plan.</li> <li>• DOJ Settlement Agreement updates.</li> <li>• DD Medicaid Waiver slots.</li> </ul> <p>Commissioner Smith spoke about the new logo for DBHDS, the 988 Hotline marketing phase, and updates on the Right Help Right Now initiative, the Governor's statewide plan for behavioral health.</p>
<b>Facility Tours</b>	At 10:25 a.m., Ruth Anne Walker announced that the meeting would suspend while board members toured portions of both the Virginia Center for Behavioral Rehabilitation (VCBR), with Jason Wilson, Facility Director, and Piedmont Geriatric Hospital (PGH), with PGH Director Dr. Emma Lowry. The meeting would resume at approximately 12:30 p.m. following the tours and a brief break for lunch.
<b>Lunch: Break and Collect Lunch</b>	<i>A brief lunch break was held from 12:13 p.m. to 12:22 p.m.</i>
<b>Facility Presentation: PGH</b>	<p>At 12:22 p.m., Emma Lowry, Director of PGH, reported that PGH first opened as a tuberculosis facility running from 1918 to 1965. DBHDS purchased the facility in 1967 and opened PGH. PGH is a 123-bed geropsychiatric hospital, exclusively treating older adults (65+ years). Dr. Lowry also reported on the catchment area of patients. A change in recent years is that most patients are involuntarily admitted under a temporary detention order (TDO).</p> <p>Dr. Lowry reviewed the various clinical services for individuals receiving hospital services. Inpatient services include:</p> <ul style="list-style-type: none"> <li>• Psychiatry, psychology, and social work.</li> <li>• Internal medicine and nursing.</li> <li>• Speech and language therapy, occupational therapy, and physical therapy.</li> </ul> <p>Dr. Lowry reviewed the PGH mission and vision. She highlighted the changes that came about due to the 2014 "bed of last resort" legislation. There was an increase in the admission rate, with 37% of new admissions being forensic patients. Megan McGuire asked about patients characteristics and needs before the "bed of last resort" legislation. Dr. Lowry responded that admissions came from non-emergency rooms, but they needed long-term care. Therefore, they were sent to PGH or another state hospital because of behavioral issues.</p>

	<p>Dr. Lowry highlighted the average length of stay. PGH is working on obtaining certification from the Centers for Medicare and Medicaid (CMS). The staffing challenges faced by PGH are staffing, in part due to the more rural location, unqualified applicants, and difficulties with staff turnover and retention. As PGH is a building with some age, major improvements coming forward include a new HVAC system, parking and road investments, and exploring new vending options for employees due to the more remote location.</p>
<p><b>Facility Presentation: VCBR</b></p>	<p>At 12:52 p.m., Jason Wilson, Facility Director, and Kelly Parker, Clinical Director, reported that the program first opened in 2003 in Petersburg, and then moved to Burkesville in 2008. VCBR is a unique facility as it is the only one of its kind in Virginia. VCBR houses persons deemed sexually violent predators (SVP) who are civilly committed to the facility. Persons in the program come directly from the Virginia Department of Corrections (VADOC), which brings challenges of contraband, criminal acts, and that residents' focus may be on being released rather than being truthful about progressive change through rehabilitation efforts.</p> <p>Mr. Wilson reported that there are 375 male residents at VCBR, and the first 2 female residents who are currently housed at Central State Hospital. Due to statutory changes in 2006, there was a clear increase of those deemed SVP and thus an increase in facility census. The new second campus facility is nearing completion.</p> <p>Primary services provided are treatment and rehabilitation, security, medical services, and vocational and education services. VCBR offers its treatment programs in three phases. Kelly Parker spoke about the treatment program and the specifics for those three phases. Mr. Wilson talked about the review of commitment and conditional release for persons receiving rehabilitation services.</p> <p>Mr. Wilson highlighted the expansion of VCBR. VCBR is estimating to employ 1,098 at full capacity after expansion. Currently, there are 37 vacancies. The challenges in employment is with direct care staff positions, the more remote location, and finding staff to cover new areas in the new facility. VCBR received the U.S. Green Building Council – Leadership in Energy and Environmental Design (LEED) Silver Rating. LEED building certification is for healthy, highly efficient, and cost-saving green buildings, which offer environmental, social, and governance benefits.</p> <p>Cindy Lamb asked about the CARF accreditation. Mr. Wilson explained that CARF provides oversight on the quality of services provided, giving an external look into the performance management and performance improvement to VCBR. Blake Andis asked about sexual reoffending. Mr. Wilson responded that sexual reoffending is at 2.6%, with about 40% of returns coming from substance abuse rather than sexual reoffending. Other reasons for returns to VCBR are housing issues, and violations accrue. Kendall Lee asked if VCBR partners with community partners or other agencies when residents leave. Mr. Wilson stated VCBR works with outside agencies to provide mental health support and case management duties. VCBR hopes to partner with more community stakeholders to better serve the population.</p>



<p><b>Update: Virginia Association of Community Services Boards</b></p>	<p>At 1:24 p.m., Jennifer Faison, Executive Director, VACSB, reported on the association’s activities. With the budget that was just signed for 2023, CSBs received \$18 million for support and compensation. There is an increase in DD Medicaid Waiver slots. Along with those waiver slots, group homes (REACH homes) are getting a 12.5% rate increase. Ms. Faison reported that the final three steps of STEP-VA were funded. Ms. Faison reported that there was a \$30 million investment on permanent housing slots. This will help hospital and crisis avoidance.</p> <p>The CSBs will begin planning their budget priorities for the biennium budget at the CSB Fall conference in Roanoke the following week. The CSB executive directors will be conducting outreach to the General Assembly due to a large amount of turnover in the legislature. Local CSBs have been reaching out to all candidates for office, especially with those new to state government.</p> <p>Rebecca Graser asked about funding STEP-VA and inflation regarding that funding. Ms. Faison replied that while all parts of STEP-VA have been funded, the first parts of STEP-VA have not seen increases in funding. The funding needed will help continue those services.</p>
<p><b>2023 Post-Session/2024 Pre-Session Updates</b></p>	<p><b>A. Budget</b></p> <p>At 1:40 p.m., Nathan Miles, Chief Financial Officer, reported there is a passed budget. Mr. Miles reviewed the process of the biennial budget. Mr. Miles reported that there is a \$86.7 million funding for the Crisis System Transformation. There is a \$64.3 million funding for Community Services. There is \$4.5 million funding for Facilities and Diversion Services. Mr. Miles mentioned other notable items regarding cross-agencies funding for DMAS, DMAS, DCJS, VHD, and the General Government. Lastly, Mr. Miles updated the Board on upcoming important dates regarding the budget for fiscal year 2023-2024.</p> <p><b>B. Legislative</b></p> <p>At 10:05 a.m., Ms. Josie Mace, Legislative Affairs Director, reported that since the last meeting, all legislative proposals were sent to the Secretary of Health and Human Resources for consideration. They are still under review.</p> <p>Ms. Mace also reported that the Legislative Affairs Office is currently planning an outreach project for November, as one third of the General Assembly will be new to state government.</p>
<p><b>Committee Reports</b></p>	<p><b>C. Policy and Evaluation</b></p> <p>At 1:52 p.m., Ms. Hilscher segued to Dr. Lee to report on the Policy and Evaluation Committee. Dr. Lee reported that the committee first reviewed the committee’s charge, and then the following policies:</p> <ul style="list-style-type: none"> <li>• 1004(SYS083-7 Prevention Services.</li> <li>• 1015(SYS)86-22 Services for Individuals with Co-Occurring Disorders.</li> <li>• 1036(SYS)05-3 Vision Statement.</li> <li>• 4010(CSB)83-6 Local Match Requirements for Community Services Boards.</li> </ul>

	<p>There were some recommended changes to those policies, to be proposed in the next meeting. Mr. Lee mentioned that there will be potential actions needed from the Board at the next meeting.</p> <p><b>D. Planning and Budget</b>  At 1:48 p.m., Ruth Anne Walker reported that the Code-required updates to the Bylaws of the Board were reviewed by the committee. The Board will receive a draft for consideration in the December meeting. The draft will be sent with the required 30-day review prior to the meeting. The committee reviewed the planned topics for future meetings using the Board’s new biennium priorities approved at the July meeting.</p>
<p><b>Regulatory Actions</b></p>	<p>At 9:38 a.m., Ms. Walker asked for approval of the following regulatory actions:</p> <p><b>I. Final: FFPSA [Regulations for Children’s Residential Facilities, 12VAC35-46]</b>  <i>On a motion from Cindy Lamb and a second by Mr. Olivo, the final stage was approved.</i></p> <p><b>II. Revised Proposed Language IFSP [Operation of the Individual and Family Support Program, 12VAC35-230]</b>  Ms. Walker provided background on the revised language. The DOJ Settlement Agreement with Virginia requires this process must be vetted annually. This language is included in the Appropriation Act authorizing the regulatory action. However, it is impossible as currently worded to produce a Document Incorporated by Reference (DIBR) in one year and still have the opportunity for stakeholder input in its development. Therefore, these amendments allowed a path for the annual development process but removed the need for a DIBR. Heather Norton, Assistant Commissioner, Development Services, was available for any questions.   <i>On a motion by Varun Choudhary and a second by Mr. Olivo, the action was approved.</i></p> <p><b>III. Initiate periodic review: Part C [Requirements for Virginia Early Intervention System, 12VAC35-225]</b>  Ms. Walker provided a summary explanation on the periodic review process. Sarah Moore was available for any questions.   <i>On a motion by Mr. Lee and a second by Mr. Choudhary, the action was approved.</i></p> <p><b>IV. Regulatory Activity Status Update.</b>  Ms. Walker directed members to the status matrix of all current actions and drafts in progress.</p>
<p><b>Update: Clinical Operations</b></p>	<p>At 2.00 p.m., Dr. Alexis Aplasca, Chief Clinical Officer and Senior Clinical Advisor for the Governor’s Right Help, Right Now Behavioral Health Transformation Plan, reported on the Division of the Chief Clinical Officer. The division started in 2018 and since then expanded its role to provide clinical subject matter expertise across</p>

	<p>the disability program areas and established a broader vision for the quality management for the agency. There are four main clinical areas: Clinical Quality Management, Office of Quality Assurance and Healthcare Compliance, Mortality Review, and COVID-19 Mitigation.</p> <p>Dr. Aplasca gave a detailed overview of the programs and operations of each team within the division.</p> <ul style="list-style-type: none"> <li>• Due to a reorganization from Commissioner Smith, the Office of Quality Assurance and Healthcare Compliance was established. The office establishes the department's compliance with its own regulation, policies, and procedures.</li> <li>• Another change due to the reorganization, the Office of COVID-19 Mitigation Team was established. Funded through 2025 through federal funding and other funding, the team is made up of infection preventionists, epidemiologist, and community educators. This team's goal is to increase access to behavioral health services by enhancing infection control.</li> <li>• Last, the Medical Director of Developmental Disability Services was also created. This role is focusing on the quality of care and capacity for community providers to service those individuals. This role will expand the telehealth system into state facilities to increase timely access.</li> </ul> <p>Dr. Aplasca went over the Right Help, Right Now Plan with the Board, describing the work done to date, the structure and organization, and key achievements of RHRN. <i>Presentation available upon request.</i></p>
<p><b>State Human Rights Committee</b></p>	<p>At 2:29 p.m., Taneika Goldman, State Human Rights Director, presented, with the SHRC Chair, David Boehm. Mr. Boehm addressed the Board. Ms. Goldman reported that the SHRC met nine times in 2022 and outlined the SHRC work plan. Ms. Goldman presented how the Office of Human Rights has stayed proactive and provided protective actions, like issuing citations and violation letters, and conducting 23 statewide training seminars.</p> <p>Ms. Goldman talked about the impact of COVID-19. Working as volunteers, before the pandemic there were 26 LHRCs with 150 LHRC volunteers. Post pandemic, as of January 2022, there were 16 LHRCs, with 85 volunteer LHRC members. Committees were concentrated in the community due to DBHDS-facilities inability to host meetings.</p> <p>Ms. Goldman highlighted OHR programs. Some of the highlights were the:</p> <ul style="list-style-type: none"> <li>• LHRC Training Initiative.</li> <li>• Facility Operations Team.</li> <li>• DBHDS-Operated Facility Violation Letter Process.</li> <li>• Substantiated Abuse or Neglect Response.</li> <li>• Coordination with Protective Services.</li> <li>• System-wide Provider Training Initiatives..</li> </ul> <p>Ms. Goldman reported the amount of abuse and complaint reports that were filed in FY23.</p>

<b>Public Comment</b>	At 2:59 p.m., Ms. Hilscher stated a period for public comment was included on the draft agenda, but there were no citizens signed up to speak, nor any present.
<b>Miscellaneous</b>	<b>Liaison Updates: Confirmation of New Assigned Area.</b> At 9:51 a.m., Ruth Anne Walker explained the Board Liaison role as one of serving as linkages between the Board, state facilities, and CSBs around their home regions. Board members confirmed their assignments and areas they cover.
<b>Other Business</b>	<b>Planned Board Topics</b> Ms. Walker shared the planned board topics chart as reviewed by the Planning and Budget Committee.  <b>Next Meeting:</b> December 6, 2023.
<b>Adjournment</b>	There being no other business, Ms. Hilscher adjourned the meeting at 2:59 p.m.

### MEETING SCHEDULE

DATE	Location
<b>2023</b>	
<b>December 6 (Wed)</b>	Central Office, <b>Richmond</b>
<b>2024</b>	
<b>April 3 (Wed)</b>	Catawba Hospital, <b>Catawba</b>
<b>July 17 (Wed)</b>	Eastern State Hospital <b>Williamsburg</b>
<b>September 25 (Wed)</b>	Southern Virginia Mental Health Institute, <b>Danville</b>
<b>December 11 (Wed)</b>	Central Office, <b>Richmond</b>
<b>2025</b>	
<b>April 2 (Wed)</b>	<b><i>TBD but not Richmond</i></b>
<b>July 9 (Wed)</b>	Central Office, <b>Richmond</b>

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Planning and Budget Committee**

***DRAFT MINUTES***

SEPTEMBER 27, 2023

8:30-9:25 AM

DBHDS PIEDMONT GERIATRIC HOSPITAL, AUDITORIUM  
5001 EAST PATRICK HENRY HWY, BURKEVILLE, VA 23922

*This meeting was held in person with a physical quorum present,  
with electronic or phone connection available. A recording of the meeting is available.*

**Members Present:** Elizabeth Hilscher, Board and Committee Chair; R. Blake Andis; Cindy Lamb; Christopher Olivo.

**Members Absent:** (none).

**Staff Present:** Jesus Garcia; Ruth Anne Walker.

**I. Call to Order**

At 8:44 a.m., Elizabeth Hilscher called the meeting to order and announced a was quorum present.

**II. Welcome and Introductions**

At 8:45 a.m., Ms. Hilscher welcomed all present.

**III. Adoption of Minutes, March 29, 2023**

*At 8:47 a.m., on a motion from Christopher Olivo and a second from Blake Andis the meeting minutes from July 12, 2023, were adopted unanimously.*

**IV. Adoption of Agenda, September 27, 2023**

*At 8:48 a.m., on a motion from Christopher Olivo and a second from Cindy Lamb the agenda was adopted unanimously.*

- V. Standing Item:** *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. Ensure 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.*

**A. Review from the July 11, 2023, Biennial Planning Meeting: Draft priorities for the biennium and draft topic areas for board meeting updates September 2023 - July 2025.**

At 8:50 a.m. Ms. Hilscher explained that it is typical for the committee to review the draft language from the biennial planning meeting before it goes to the full board to have an opportunity to look for any needed corrections or edits.

Members reviewed the list of draft priorities developed at the biennial planning meeting and made recommended edits for changes, including an edit regarding compensation and consideration of incorporation of best practices into Virginia's temporary detention order law through comparison of other states laws.

**VI. Other Business**

**A. Discuss 2023 expected changes to the Bylaws.**

At 8:56 a.m., Ms. Walker presented draft changes to the Bylaws relating to changes in state law regarding electronic meetings. A revised draft of revisions members gave at the July meeting were reflected. Ms. Walker shared several samples of an electronic meeting policy from other state agencies and walked members through certain variations for their preference. Such a policy is required to conform to changes in state law under the Freedom of Information Act. The committee would receive final draft amendments by email following this meeting for comment, the chair would confirm a final draft with staff, it would be sent to the Office of the Attorney General, and the full board would receive the final draft at least 30 days before a vote on December 6, 2023.

*On a motion by Cindy Lamb and a second by Blake Andis, the committee approved those next steps to proceed.*

**B. State Board Budget Quarterly Report. Handout**

At 9:22 a.m., the board's quarterly budget report was discussed but a copy would be sent after the meeting.

**VII. Next Steps:**

**A. Standing Item: Report Out**

Updates from committee planning activities would be reported out to the Board in the regular meeting.

**B. Next Meeting:**

The next meeting is scheduled for December 6, 2023.

**C. Other Business**

Ms. Walker introduced Jesus Garcia, the new part-time Regulatory Research Specialist.

**VIII. Adjournment**

At 9:25 a.m., Ms. Hilscher adjourned the meeting.

**STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

**Policy and Evaluation Committee**

**DRAFT MINUTES**

SEPTEMBER 27, 2023

8:30-9:25 AM

DBHDS PIEDMONT GERIATRIC HOSPITAL, SMALL MEETING ROOM  
5001 EAST PATRICK HENRY HWY, BURKEVILLE, VA 23922

*This meeting was held in person with a physical quorum present,  
with electronic or phone connection available. A recording of the meeting is available.*

**MEMBERS PRESENT:** Kendall Lee, Committee Chair, Varun Choudhary, Rebecca Graser, Moira Mazzi (electronic).

**DBHDS STAFF PRESENT:** Josie Mace, Committee Staff; Madelyn Lent DBHDS Policy Manager, , Jeremiah Washington, DBHDS Legislative Manager.

**GUESTS PRESENT:** Chris Fleury, Medical Society of Virginia.

**I. Call to Order [Kendall Lee, Committee Chair]**

Dr. Kendall Lee called the meeting to order at 8:33 AM.

**II. Welcome and Introductions [Becky Graser] (5 min)**

Dr. Lee moved to approve the minutes from the July Meeting, Varun Choudhary seconded.

**III. Review of Committee Charge and Policy Review Plan for FY2024. [Kendall Lee and Josie Mace] (40 min)**

Dr. Lee and Ms. Mace reviewed the purpose and charge of the Policy Committee with Members. Ms. Mace presented the policy review schedule through 2025.

**IV. Presentation of Policies for Discussion [Kendall and Josie] (30 min)**

**A. 1004(SYS)83-7 Prevention Services (Revisions)**

There were no revisions for this policy.

**B. 1015(SYS)86-22 Services for Individuals with Co-Occurring Disorders (Revisions)**

Ms. Mace reviewed revisions with committee members; Mr. Lee and Ms. Graser provided additional suggestions for revision, which will be reviewed before the next meeting.

**C. 1036(SYS)05-3 Vision Statement (Background)**

Ms. Mace provided background on the policy.

**D. 4010(CSB)83-6 Local Match Requirements for Community Services Boards (Background)**

Ms. Mace provided background on the policy. Members requested more detailed information, so additional background will be provided at the December meeting.

**V. Next Quarterly Meeting: December 6, 2023**

**VI. Other Business (10 min)**

**VII. Adjournment.**

All current policies of the State Board are here: <https://dbhds.virginia.gov/about-dbhds/Boards-Councils/state-board-of-BHDS/bhds-policies/>.



## REGULATORY ACTIVITY STATUS REPORT: DECEMBER 2023 (REVISED 11/22/23)

Board		STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES		
VAC CITATION	CHAPTER TITLE (FULL TITLE)	REGULATIONS IN PROCESS		
		PURPOSE	STAGE	STATUS
12 VAC 35-46 Certain sections <b>and NEW</b> sections 1150-1250.	<b>Regulations for Children's Residential Facilities</b>	In accordance with Item 318.D. of the 2021 Appropriation Act to align with the requirements of the federal Family First Prevention Service Act to meet the standards as qualified residential treatment programs (QRTPs).	<ul style="list-style-type: none"> <li><b>Emergency: Standard.</b></li> </ul>	<ul style="list-style-type: none"> <li>Effective 01/10/22. <b>Extended emergency expires 1/8/2024.</b></li> <li>Final stage filed 10/17; 30-day public comment through 12/06, effective 12/07/2024.</li> </ul>
12 VAC 35-46 Certain sections <b>and NEW</b> sections.	<i>same</i>	To provide the process and standards for licensing children's residential facilities.	<ul style="list-style-type: none"> <li><b>Draft in progress.</b></li> </ul>	<ul style="list-style-type: none"> <li>Public comment closed 5/16/2022. <i>Amend (overhaul); draft in progress.</i></li> </ul>
12 VAC 35-46 Certain sections	<i>same</i>	'Low hanging fruit' to comply with EO1, removing noncontroversial language.	<ul style="list-style-type: none"> <li><b>Fast Track draft in progress.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft to go out for public comment December. Expect in April.</i></li> </ul>
<u>12 VAC 35-105</u> Certain sections.	<b>Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services</b>	Amendments to incorporate federal Drug Enforcement Administration (DEA) final rule permitting DEA registrants who are authorized to dispense methadone for opioid use disorder to add a "mobile component" to their existing registrations; due to provider interest in supplying these mobile medication assisted treatment (mobile MAT) services.	<ul style="list-style-type: none"> <li><b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li>The exempt final action filed 12/8/2022 was deemed to not be exempt by the OAG; withdrew original action and shifted to fast track and with OAG on 7/17/2023.</li> </ul>
<u>12 VAC 35-105</u> Section 40.	<i>same</i>	In accordance with HB 597 (2020), amendments to incorporate new requirements for initial applications for service providers licensed by the DBHDS requiring a statement of certain information including previous negative actions.	<ul style="list-style-type: none"> <li><b>Final Exempt.</b></li> </ul>	<ul style="list-style-type: none"> <li>Initiated and with OAG on 7/17/2023.</li> </ul>
<u>12 VAC 35-105</u> <i>All sections.</i>	<i>same</i>	<i>Response to 2017 periodic review ('overhaul' to service-specific chapters).</i>	<ul style="list-style-type: none"> <li><b>Draft in progress.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Drafting in progress; five of six chapters had at least one public comment forum. Regulatory advisory panels in 2019 and 2023. Sixth chapter on crisis services for public comment December 2023.</i></li> </ul>

<u>12 VAC 35-105</u> Certain sections.	same	'Low hanging fruit' to comply with EO1, removing noncontroversial language.	<ul style="list-style-type: none"> <li>• <b>Fast Track draft in progress.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Draft to go out for public comment December. Expect in April.</li> </ul>
<u>12 VAC 35-115</u>	<b>Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services</b>	To protect the legal and human rights of all individuals who receive services in programs and facilities operated, funded, or licensed by DBHDS.	<ul style="list-style-type: none"> <li>• <b>Draft in progress.</b></li> </ul>	<ul style="list-style-type: none"> <li>• A public comment forum closed on 01/25/2021. Amend; draft in progress. Informal review by the OAG received; revisions underway.</li> </ul>
<u>12 VAC 35-190</u>	<b>Regulations for Voluntary Admissions to State Training Centers</b>	To detail criteria and procedures for voluntarily admitting persons to a state training center. ↓↓	<ul style="list-style-type: none"> <li>• <b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Action initiated in July and with OAG on 7/25/2023.</li> </ul>
<u>12 VAC 35-200</u>	<b>Regulations for Emergency and Respite Care Admission to State Training Centers</b>	To establish the conditions and procedures ↑↑ through which an individual can access emergency services and respite care in a state training center.	<ul style="list-style-type: none"> <li>• <b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Action initiated in July and with OAG on 7/25/2023.</li> </ul>
<u>12 VAC 35-230</u>	<b>Operation of the Individual and Family Support Program</b>	In accordance with the mandate in <a href="#">Item 313.NN.</a> of the 2022 Special Session 1 Appropriation to facilitate compliance with the U. S. Department of Justice's Settlement Agreement with Virginia by establishing criteria, annual funding priorities, and to ensure annual public input.	<ul style="list-style-type: none"> <li>• <b>Emergency/NOIRA and periodic review.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Proposed stage filed 7/13/2023; revised text filed and with OAG 9/29/2023.</li> </ul>
<u>12 VAC 34-260</u>	<b>Certified Recovery Residences</b>	To implement the changes in the Code of Virginia per <a href="#">HB 277/SB 622</a> (2022) regarding DBHDS certification, minimum square footage, and disclosure of credentialing entity.	<ul style="list-style-type: none"> <li>• <b>Fast track.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Governor review completed 11/17/2023. Public comment forum 12/18/2023 - 01/17/2024. Effective 02/01/2024</li> </ul>

# STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

DBHDS Central Office, Jefferson Building  
1220 Bank Street, Richmond, VA  
Wednesday, December 6, 2023

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## Time:

- **Committees at 8:30 – 9:25 a.m.**
- **Regular Board Meeting at 9:30 a.m.**

## Rooms:

- **Planning and Budget Committee** will meet in the 13<sup>th</sup> Floor Conference Room.
  - **Policy and Evaluation Committee** will meet in the 12<sup>th</sup> Floor Conference Room.
  - **Regular Board Meeting Location:** 13<sup>th</sup> Floor Conference Room.
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This page has **driving directions to the DBHDS Central Office in the Jefferson Building**, 1220 Bank Street. Below are general directions based on your starting point. View a [Capitol Square](#) map.

### ***FROM I-64 EAST AND WEST OF RICHMOND***

- Driving on I-64 towards Richmond, get onto I-95 South and continue into the downtown area on I-95.
- Take Exit 74B, Franklin Street.
- Follow directions below: 'Continue Downtown'

### ***FROM I-95 NORTH OF RICHMOND***

- Continue south on I-95 into the downtown area.
- Take Exit 74B, Franklin Street.
- Follow directions below: 'Continue Downtown'

### ***FROM I-95 SOUTH OF RICHMOND***

- Cross the bridge over the James River.
- Exit to your right on exit 74C– Route 360 (17th Street is one-way) and continue to Broad Street.
- Turn right onto Broad Street
- Turn left onto 14th Street (first light after crossing over I-95)
- Follow directions below: 'Continue Downtown'

### **CONTINUE DOWNTOWN - DIRECTIONS AFTER EXITING I-95**

- Turn right onto Franklin Street at the traffic light at the bottom of the exit.
- Cross through the next light at 14th Street (Franklin Street becomes Bank Street)
- Look for on-street meter parking in the block between 14th and 13th Streets, or on 14<sup>th</sup> or Main streets. If you do not see parking on this block other parking options are available. View the [parking map](#) and parking fee table for the area.

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- **The location for the committee meetings and Regular Board Meeting is in the Jefferson Building** on the south-east corner of [Capitol Square](#), at the intersection of Governor (13<sup>th</sup>) Street and Bank Street.

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If you have any questions about the information in this meeting packet, contact Ruth Anne Walker, [ruthanne.walker@dbhds.virginia.gov](mailto:ruthanne.walker@dbhds.virginia.gov), 804.225-2252.

Future meeting dates are listed below the regular meeting agenda.

# 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~~ [2900](#) 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~~ 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.
  - (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~~ 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) 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, *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.

- 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. Each person giving public comment will be subject to the time limitations shall be limited to three minutes unless an exception is 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. Individual Member Participation in 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.~~ An individual member may participate in a meeting of the Board, or a public meeting of 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 procedures outlined in Appendix A and when required, using the Member Request Form in Appendix B. The meeting must be properly noticed and meet requirements of the Virginia Freedom of Information Act (FOIA) ([§ 2.2-3700 et seq.](#) of the Code of Virginia), 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. Minutes shall reflect electronic participation as required in Subsection B of [§ 2.2-3708.3](#).
- j.k. All-Virtual Meetings** – The Board may hold all-virtual public meetings, provided that it follows the requirements for meetings in subsections C and D of [§ 2.2-3708.3](#) by following the procedures outlined in Appendix A for such meetings; and all other FOIA requirements for public meetings.
- k.l. Electronic Meetings in a State of Emergency** – In accordance with [§ 2.2-3708.2 A.3](#) 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 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;
- (10) *To adopt regulations that establish the qualifications, education, and experience for registration of peer recovery specialists by the Board of Counseling;*
- (11) *To ensure that the Department develops specific goals and objectives for the delivery of services to individuals with mental illness, developmental disabilities, or substance use disorders by community services boards and behavioral health authorities that are consistent with the purposes set forth in §§ [37.2-508](#) and [37.2-608](#) and that would enable the Board to advise the Governor, Commissioner, and General Assembly on matters related to community behavioral health and developmental services; and*
- (12) *To monitor the Department's performance regarding its regular, ongoing monitoring of community services boards' and behavioral health authorities' compliance with the performance contract requirements set forth in §§ [37.2-508](#) and [37.2-608](#) and to make recommendations, as applicable, to the Department regarding improvement of such monitoring activities.*

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~~ *Virginia Addiction Recovery* 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 effectiveness~~ of Board policies in fostering the intended outcomes within and the status of the Department, state facilities, community services boards, and behavioral health authorities in adhering to carrying out those policies. The Board shall take action thereon as it deems appropriate, which 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, [Policy Development and Evaluation](#).

- 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~~ 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

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 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 with which the Board wishes to liaise, including state facilities, the Virginia Association of Community Services Boards, regional community services board associations, and 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 ~~b~~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 conforms 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.
- 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~~ 6 day of April/December, 2015/2023 and until subsequently

revised.

**State Board of Behavioral Health and Developmental Services**

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**Elizabeth C. Hilscher, Chair**

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**~~Liaison to the Board~~ Liaison**

**Date:** December 6, 2023

## Appendix A

### **POLICY: Electronic Meeting Participation in Meetings of the State Board of Behavioral Health and Developmental Services**

#### **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 to allow its members to participate in public meetings through electronic means or hold an all-virtual public meeting as permitted in the Virginia Freedom of Information Act (FOIA) (§ 2.2-3700 et seq. of the Code of Virginia). It in no way limits or impacts the Board’s ability to hold an electronic meeting if permitted in accordance with any other provision of law.

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 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. Procedure**

##### **A. Individual Requests for Remote Participation:**

1. It is the policy of the Board that individual Board members may participate in meetings of the Board by electronic communication means as permitted by § 2.2-3708.3 B of the Code of Virginia for the following reasons:
  - a. A temporary or permanent disability or other medical condition that prevents the member's physical attendance; or
  - b. A family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
  - c. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
  - d. 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.
2. Whenever an individual 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 participant to be heard by all persons at the primary or central meeting location.

3. Requests for Individual Remote Participation--Approval Process:

- a. Requests for remote participation by a member of the Board shall be conveyed to the Chair (or the Vice Chair, if the requesting member is the Chair) of the Board using the Member Request Form in Appendix B of these Bylaws. Such communication may include the Board staff liaison at the Chair's discretion; however, failure to notify the liaison shall not affect the member's ability to participate remotely if the Chair was notified directly.
- b. The requesting member is not obligated to provide independent verification regarding the reasons for not attending physically, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents attending physically at a meeting.
- c. 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 member's participation from a remote location is challenged, then the Board shall vote on whether to allow such participation. The Chair shall promptly notify the requesting member whether the request is approved or disapproved based on conformance with this policy.
- d. The request for remote participation shall be recorded in the minutes of the meeting. If the Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

**B. All-Virtual Public Meetings:**

1. It is the policy of the Board that it may hold all-virtual public meetings pursuant to § 2.2-3708.3 C of the Code of Virginia. 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 may not be held consecutively with another all-virtual public meeting.

2. Statutory Requirements for Conducting an All-Virtual Public Meeting:

- a. An indication of whether the meeting will be an in-person or all-virtual public meeting must be included in the required meeting notice along with a statement notifying the public that the method by which the Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- b. Public access to the all-virtual public meeting must be provided via electronic communication means;
- c. The electronic communication means used must allow the public to hear all members of the Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well;

- d. A phone number or other live contact information must be provided to alert the Board if the audio or video transmission of the meeting provided by the Board fails, staff must monitor such designated means of communication during the meeting, and the Board must recess until public access is restored if the transmission fails for the public.
- e. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting must be made available to the public in electronic format at the same time as such materials are provided to members of the Board;
- f. 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;
- g. 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;
- h. 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;
- i. The Board shall not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.
- j. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 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. If a member's participation from a remote location in an all-virtual meeting is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
- k. 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 for that body of the Board.

**C. Minutes Requirements:**

- A. The Board shall comply with the public meeting minutes requirements in §§ 2.2-3707 I, 2.2-3707.1, and 2.2-3708.3 of the Code of Virginia.
- B. If an individual member remotely participates in a meeting pursuant to §2.2-3708.3 B of the Code of Virginia, a general description of the remote location must be included in the minutes in a similar matter to the following: ["Member" participated from their home in [locality]" or that "[Member] participated from their office in [locality].” The remote location does not need to be open to the public.
- C. If a member remotely participates due to a (i) temporary or permanent disability or other

medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance, that fact must be included in the minutes. While the fact that a disability or medical condition prevents the member's physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.

- D. If a member remotely participates because the member's principal residence is more than 60 miles from the meeting location, the minutes must reflect that fact.
- E. If a member remotely participates due to a personal matter, the minutes must include the specific nature of the personal matter cited by the member.
- F. As stated above, if remote participation by a member is disapproved because it would violate the participation policy adopted by the Board, such disapproval must be recorded in the minutes with specificity.

**Effective Date:**

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

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**Elizabeth C. Hilscher, Chair**

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**Liaison to the Board**



**Appendix B: Electronic Meeting Policy**

**MEMBER REQUEST FOR REMOTE PARTICIPATION**

I, \_\_\_\_\_, hereby notify the Chair of my intent to, and do hereby  
*(Name)*

request to, participate remotely from \_\_\_\_\_ using electronic communication  
*(Remote Location)*

means during the public meeting of \_\_\_\_\_ scheduled on  
*(State Board of BHDS, or name of committee of the Board)*

\_\_\_\_\_ for the following reason:  
*(Date)*

I have a temporary or permanent disability or other medical condition that prevents my physical attendance; or

A medical condition of a member of my family requires me to provide care that prevents my physical attendance; or

My principal residence is more than 60 miles from the meeting location; or

I am unable to attend the meeting due to a personal matter, which is

\_\_\_\_\_.<sup>1</sup>  
*(Identify with specificity the nature of the personal matter)*

This request is (for the Chair to select):

APPROVED \_\_\_\_\_ *(date)*

DENIED \_\_\_\_\_ *(date)*

This form constitutes the record of notice, request, and approval or disapproval required for remote participation pursuant to § 2.2-3708.3 of the Code of Virginia and shall be recorded in the minutes of the corresponding Board meeting, whether a meeting of the full board or a committee of the board.

<sup>1</sup> Remote participation based on a “personal matter” is limited 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. Meetings of the full Board and meetings of each committee will be measured independently.