

## **VIRGINIA BOARD OF PSYCHOLOGY**

### **BYLAWS**

#### **ARTICLE I: AUTHORIZATION**

##### **A. Statutory Authority**

The Virginia Board of Psychology ("Board") is established and operates pursuant to Sections 54.1-2400 and 54.1-3600 et seq., of the Code of Virginia. Regulations promulgated by the Board of Psychology may be found in 18 VAC 125-20-10 et seq., "Regulations Governing the Practice of Psychology" and 18 VAC 125-30-10 et seq., "Regulations Governing the Certification of Sex Offender Treatment Providers."

##### **B. Duties**

The Virginia Board of Psychology is charged with promulgating and enforcing regulations governing the licensure and practice of clinical, applied, and school psychology and the certification and practice of sex offender treatment 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.

##### **C. Mission**

To ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

#### **ARTICLE II: THE BOARD**

##### **A. Membership**

1. The Board shall consist of nine (9) members, appointed by the Governor as follows:
  - a. Five (5) persons who are licensed as clinical psychologists;
  - b. One (1) person licensed as a school psychologist
  - c. One (1) person licensed in any category of psychology; and,
  - d. Two (2) citizen members.
2. At least one of the seven psychologist members of the Board shall be a member of the faculty at an accredited college or university in the Commonwealth and shall be actively engaged in teaching psychology.
3. The terms of the members of the Board shall be four (4) years.
4. Members of the Board shall not hold a voting office in any related professional association within the Commonwealth of Virginia or one that takes a policy position on the regulations of the Board. Members of the Board holding a voting office in a national professional association shall abstain from voting on issues where there may be a conflict of interest present. This section shall not apply to members who hold a committee membership or an office with the Association of State and Provincial Psychology Boards.

## **B. Officers of the Board**

1. The Chair 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 Chair shall appoint all committees, and shall sign as Chair to the certificates authorized to be signed by the Chair.
2. The Vice-Chair shall act as Chair in the absence of the Chair and assume the duties of Chair in the event of an unexpired term.
3. In the absence of the Chair and Vice-Chair, the Chair shall appoint another board member to preside at the meeting and/or formal administrative hearing.
4. The Chair of the Board may function as an ex-officio voting member of any committee.

## **C. Duties of Members**

1. Each member shall participate in all matters before the Board.
2. Members shall attend all regular and special meetings of the Board unless prevented by illness or similar unavoidable cause. In the event of two (2) consecutive unexcused absences at any meeting of the Board or its committees, the Chair shall make a recommendation to the Director of the Department of Health Professions who may notify the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. 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.

## **D. Election of Officers**

1. All officers shall be elected for a term of two (2) years and may serve no more than two (2) consecutive terms.
2. 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.
  - a. Officers shall be elected at a meeting of the Board with a quorum present.
  - b. The Chair shall ask for nominations from the floor by office.
  - c. The election shall occur in the following order: Chair, Vice-Chair
  - d. Voting shall be by voice unless otherwise decided by a vote of the members present. The results shall be recorded in the minutes.
  - e. A simple majority shall prevail with the Current Chair casting a vote only to break a tie.

- f. 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.

## **E. Meetings**

1. The Board shall meet quarterly, unless a meeting is not required to conduct Board business.
2. Order of Business at Meetings
  - a. Adoption of Agenda
  - b. Period of Public Comment
  - c. Approval of Minutes of preceding regular Board meeting and any called meeting since the last regular meeting of the Board
  - d. Reports of Officers and staff
  - e. Reports of Committees
  - f. Election of Officers (as needed)
  - g. Unfinished Business
  - h. New Business
3. The order of business may be changed at any meeting by a majority vote.

## **ARTICLE III: COMMITTEES**

### **A. Duties and Frequency of Meetings**

1. Members appointed to a committee shall faithfully perform the duties assigned to the committee.
2. All standing committees shall meet as necessary to conduct the business of the Board.

### **B. Standing Committees**

Standing committees of the Board shall consist of the following:

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

1. Regulatory/Legislative Committee
  - a. The Chair of the Committee shall be appointed by the Chair of the Board.
  - b. The Regulatory/Legislative Committee shall consist of at least three (3) Board members appointed by the Chair of the Board.

- c. The Committee shall consider all questions bearing upon State legislation and regulation governing the professions regulated by the Board.
- d. The Committee shall recommend to the Board changes in law and regulations as it may deem advisable and, at the discretion of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation.
- e. The Chair of the Committee shall submit proposed changes in applicable law and regulations in writing to the Board prior to any scheduled meeting.

## 2. Special Conference Committee

- a. The Special Conference Committee shall:
  - i. consist of two (2) Board members;
  - ii. conduct informal conferences pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the *Code of Virginia* as necessary to adjudicate cases in a timely manner in accordance with the agency standards for case resolution.
  - iii. Hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.
- b. The Chair of the Board shall designate another board member as an alternate on this committee in the event one of the standing committee members is unable to attend a scheduled conference date or has a conflict of interest.
- c. Should the caseload increase to the level that additional special conference committees are needed, the Chair of the Board may appoint additional committees.

## **ARTICLE IV: GENERAL DELEGATION OF AUTHORITY**

The Board delegates the following functions:

- 1. The Executive Director shall be the custodian of all Board records. He/she shall preserve a correct list of all applicants and licensees, shall manage the correspondence of the Board, and shall perform all such other duties as naturally pertain to this position.
- 2. The Board delegates to Board staff the authority to issue and renew licenses, certificates, and registrations, and to approve supervision applications that meet regulatory and statutory qualifications. If there is basis upon which the Board could refuse to issue or renew the license, certification, or registration, or to deny the supervision application, the Executive Director may only issue a license, certificate, or registration upon consultation with a member of the Board, or in accordance with delegated authority provided in a guidance document of the Board.

3. The Board delegates to the Executive Director the authority to develop and approve any and all forms used in the daily operations of Board business, to include, but not limited to, licensure, certification, and registration applications, renewal forms, and documents used in the disciplinary process.
4. 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.
5. The Board delegates to the Executive Director authority to grant an extension for good cause of up to one (1) year for the completion of continuing education requirements upon written request from the licensee or certificate holder prior to the renewal date.
6. 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.
7. 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 for the Board to refuse to reinstate.
8. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without a review by a Board member.
9. The Board delegates authority to the Executive Director, who may consult with a member of the Board, 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.
10. The Board delegates authority to the Executive Director to review information regarding alleged violations of law or regulations and, in consultation with a member of the Board, make a determination as to whether probable cause exists to proceed with possible disciplinary action.
11. The Board delegates authority to the Executive Director to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(F), when it is determined that a probable cause review indicates a disciplinary proceeding will not be instituted.
12. The Board delegates authority to the Executive Director to assign the determination of probable cause to a board member to proceed with possible disciplinary action.
13. The Board delegates the authority to the Executive Director to assign the determination of probable cause to the Board's professional disciplinary review coordinator who may offer a confidential consent agreement or a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case after consultation with Board staff.

14. In accordance with established Board guidance documents, the Board delegates to the Executive Director the determination of probable cause, to offer a confidential consent agreement, a pre-hearing consent order, or schedule an informal conference.
15. The Board delegates to the Executive Director the convening of a quorum of the Board by telephone conference call, to consider the summary suspension of a license or to consider settlement proposals.
16. 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.
17. The Board delegates to the Executive Director the authority to sign as entered a Pre-Hearing Consent Order for Indefinite Suspension or revocation of a license, certificate, or registration.
18. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
19. The Board delegates to the Chair the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
20. The Board authorizes the Executive Director to delegate tasks to the Deputy Executive Director.

## **ARTICLE V: 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.

Revised: May 7, 2013, November 5, 2013, August 15, 2017, April 16, 2020