

DRAFT Board Member Remote Participation Policy (September 26, 2022)

POLICY: In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Board of Dental Practice to allow Board members to participate remotely in Board meetings under certain circumstances and using certain methods of remote participation. **This Policy also applies to any committee that is within the jurisdiction of the Board, unless the committee adopts its own policy pursuant to 1 M.R.S. § 403-B.**

1. **Board member expectations.** Board members are expected to be physically present for Board meetings except when **circumstances and conditions under which remote participation is permissible.** Except as permitted by this Policy, only those Board members who are physically present at the physical location of a Board meeting may participate in the meeting.
2. **Circumstances and conditions under which remote participation is permissible.**
 - a. Existence of an emergency or urgent issue.
 - i. If, as determined by the Board Chair following consultation with the Board's Executive Director, **an emergency or urgent issue arises then meetings of the Board may be fully remote.**
 - ii. **"Fully remote" means that there will be no physical location of the meeting and that the meeting is only by remote methods.**
 - iii. An "emergency" or "urgent issue" includes but is not limited to:
 1. **A declaration of emergency issued by the Governor of the State of Maine, the President of the United States, or a state or federal agency;**
 2. **Circumstances that require an immediate meeting such as an imminent risk of harm to person or property; or**
 3. **Conduct or condition of a licensee or any other person that places the health or physical safety of the Board or any other person in immediate jeopardy.**
 - b. Physical presence of Board member is not practicable. A Board member may participate in a Board meeting from a remote location under the following circumstances:
 - i. The Board member has an illness or other physical or mental condition that causes the member to face significant difficulties traveling to and attending the Board meeting or that is contagious and would pose a substantial health risk to others if the Board member attended in person;

- ii. There is a reasonable chance that the Board member's health or safety will be compromised by attending the Board meeting in person;
 - iii. The Board member will be absent from the State at the time of a meeting and face significant difficulties traveling to and attending the Board meeting in person;
 - iv. The Board member's residence is on an island that is not connected to the mainland by a bridge; or
 - v. When events or occurrences out of the control of the Board member or the effects of such events or occurrences make travel by the Board member to the physical location not practicable.
3. Responsibilities of Board members who participate remotely. Any Board member who participates remotely must:
- a. Any Board member who cannot attend a Board meeting in person must notify the Board Chair and the Board's Executive Director in writing not later than five (5) business days before the meeting, where possible.
 - b. Have the technology, including internet access, in their remote location sufficient to be seen and heard during the meeting and participate in the same capacity as those members physically present and be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
 - c. In the event that technical difficulties preclude any member of the Board from participating remotely in a meaningful way, then the Board Chair shall determine whether the member may continue to participate remotely.
 - d. Maintain decorum to the same extent as those Board members physically present. The Board Chair, in consultation with the Board's Executive Director and after an oral or written warning, may deny a Board member the option to participate remotely pursuant to this Policy if the member has failed to comply with this subsection on more than one occasion.
4. Form of remote participation. When one or more Board members will be participating remotely or when the Board will be conducting a fully remote meeting, the Board will schedule a meeting using an internet-based virtual meeting platform (e.g., Zoom) that provides simultaneous audio and video reception for all participants.
5. Procedures applicable when Board members participate remotely.
- a. A member of the Board who participates from a remote location in accordance with this Policy is present for purposes of a quorum and voting.

- b. If any Board member is participating in a Board meeting from a remote location, all votes taken by the Board during the meeting must be taken by roll call vote that can be seen and heard by the other members of the Board and the public.

6. Public Access to Meetings.

- a. The Board shall identify and provide members of the public a meaningful opportunity to attend meetings remotely when the Board meets either fully remote due to an emergency or urgent issue pursuant to paragraph 2(a) of this Policy or whenever any member of the Board participates by remote methods.
 - b. The Board shall identify and provide a physical location for members of the public to attend in person except when the existence of an emergency or urgent issue is determined pursuant to paragraph 2(a) of this Policy.
 - c. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. Any member of the public needing and requesting accommodation to access a public Board meeting should contact Board staff by phone (207)287-3333; email dental.board@maine.gov or TTY: 711.
 - d. If any Board member is participating from a remote location, the Board shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during the meeting available to the public who attend by remote means to the same extent customarily available to members of the public who attend Board meetings in person, so long as no additional costs are incurred by the Board.
7. Amendments to this Policy. Nothing in this Policy is intended to be a rule subject to the provisions of 5 M.R.S. §§ 8051-8073, and this policy may be amended by simple majority vote of those present and voting once quorum is achieved.

EFFECTIVE DATE: October xx, 2022