

Dear Ms. Strout,

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on August 11, 2021 and after consultation with you, I am directing that the November 2022 meeting of the Board be conducted virtually through exclusively remote participation pursuant to Section 2.A. of that policy. In support of this directive, I have determined that, based on the following circumstances, there exists an emergency or urgent issue which, pursuant to the policy, requires the Board to meet by entirely remote methods on November 10, 2022:

1. The Secretary of the U.S. Department of Health and Human Services first proclaimed on January 31, 2020, and most recently renewed on October 13, 2022, the nationwide public health emergency (PHE) due to the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic. (<https://aspr.hhs.gov/legal/PHE/Pages/COVID19-12Apr2022.aspx>)
2. The Commissioner of the Maine Department of Health and Human Services declared on July 1, 2021 a health emergency due to the continued consequences of the COVID-19 pandemic, which shall remain in effect through the duration of the PHE declared by the Secretary of the U.S. Department of Health and Human Services. (<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Public%20Health%20Emergency%20Declaration%206-30-21.pdf>)
3. The acting Secretary of the U.S. Department of Health and Human Services wrote a letter to all Governors on January 22, 2021 stating, “To assure you of our commitment to the ongoing response, we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days' notice prior to its termination.” (<https://ccf.georgetown.edu/wp-content/uploads/2021/01/Public-Health-Emergency-Message-to-Governors.pdf>)
4. Efforts to combat the pandemic continue in Maine where, as of November 1, 2022, 297,580 residents have been infected (213,776 confirmed and 83,804 probable), 6,155 residents have been hospitalized with the virus, and 2,653 people have died from the virus since January 2020. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
5. As of November 1, 2022, the number of new COVID-19 infections in the State of Maine as confirmed by testing brings the seven-day average of new cases in the State to 265; the number of new cases (confirmed & probable) statewide is 1,858; the number of current hospitalizations is 159 (w/27 in critical care); the number of validated vaccine breakthrough cases is 117,728; the total number of deaths is 2,653. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
6. Viruses like SARS-CoV-2 continuously evolve. The Omicron variant of SARS-CoV-2 (including B.1.1.529, BA.1, BA.1.1, BA.2, BA.3, BA.4 and BA.5 lineages) is currently classified as a Variant of Concern. As of November 1, 2022, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.
7. As of November 1, 2022, 4 of Maine's counties are in the “low”, 11 counties are in the “medium,” and 1 county is in the “high” transmission category as defined by the U.S. Centers for Disease Control and Prevention. ([https://covid.cdc.gov/covid-data-tracker/#county-view?list\\_select\\_state=Maine&data-type=CommunityLevels](https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Maine&data-type=CommunityLevels))

8. An in-person meeting of the Board is foreseeably likely to result in an increased risk of exposure to the COVID-19 virus, which has an incubation period of 2-14 days before the onset of symptoms, for members of the Board, its staff, licensees, and members of the public.
9. Conducting an in-person Board meeting on November 10 is not practicable due to the widespread rise in COVID-19 infections and the potential exposure to the COVID-19 virus to Board members and to members of the public. Therefore, after consultation with you, I have determined that there is an emergency such that the November 10 Board meeting shall be held entirely remotely as the best way to protect the safety and wellbeing of the members of the Board, its staff, licensees, and members of the public.

There will be no physical location where members of the public may attend this meeting. The Board will continue to provide members of the public a meaningful opportunity to attend the meeting remotely via Zoom as it has successfully done since April of 2020. Please post this determination to the Board website and update the agenda to include the Zoom information as soon as possible.

Signed:  Date: 11/7/2022