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Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
Board of Counseling Professionals Licensure
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AUGUSTA, MAINE
04333-0035

Anne L. Head
Commissioner

Board of Counseling Professionals Licensure Remote Participation Policy

POLICY: In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Board of Counseling Professionals Licensure (“the Board”) to allow Board members to participate remotely in Board meetings under certain circumstances and using certain methods of remote participation.

1. Board members are expected to be physically present for Board meetings except when being physically present is not practicable. 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 Administrator, an emergency or urgent issue arises that requires the Board to immediately schedule a meeting to address the emergency or urgent issue, one or more Board members may participate in the meeting from a remote location.
 - ii. If, as determined by the Board chair, an emergency or urgent issue arises that requires the entire Board to meet remotely, the Board chair in consultation with the Board Administrator may authorize the Board to conduct a virtual meeting without a physical location. Board members would participate in such a virtual meeting from remote locations, and the public would be permitted to attend remotely.
 - b. Circumstances in which 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 more than 100 miles driving distance from the location of the in-person Board meeting;
 - v. The Board member's residence is on an island that is not connected to the mainland by a bridge; or
 - vi. 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. Form of remote participation. When one or more Board members will be participating remotely or the Board will be conducting a virtual 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. The Board will provide access to the virtual meeting to Board members and the public.
4. Responsibilities of Board members who participate remotely. Any Board member who participates remotely must:
- a. 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.
 - b. Maintain decorum to the same extent as those Board members physically present. The Board Chair, in consultation with the Board Administrator 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.
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.
- c. 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.

This Policy was adopted by the Board on August 23, 2021 following a public hearing held on August 23, 2021.