

# MAINE BOARD OF PHARMACY

## Board Member Remote Participation Policy

**POLICY:** In accordance with 1 M.R.S. § 403-B, it is the policy of the [Board] (“Board”) to allow Board members to participate remotely in meetings under certain circumstances and using certain methods of remote participation using synchronous telephonic or video technology allowing simultaneous reception and exchange of information pursuant to this policy. This Policy also applies to any board committee under the Board’s jurisdiction where more than one board member participates.

1. The Board recognizes that there are benefits to meeting in-person. It further recognizes that in-person participation can be challenging for various members who have impediments to meeting in-person at each meeting and those impediments may, over time, discourage people from participating on the Board. Accordingly, Board members are encouraged to attend in person but are permitted to participate remotely.
2. The Board may hold a *fully virtual meeting*, meaning a meeting where there is no physical location where either the public or Board members can attend, *if an emergency or urgent issue exists* as determined by the Board Chair, or if the Chair is unavailable, by the Board’s Manager.

An “*emergency*” or “*urgent issue*” includes but is not limited to:

- A. A declaration of emergency issued by the Governor of the State of Maine, the President of the United States, or by an applicable state or federal agency;
- B. Circumstances that require an immediate meeting such as imminent risk of harm to person or property;
- C. 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 by holding an in-person meeting;
- D. Significant adverse weather that is perceived to constitute a risk to Board Members, licensees, Board staff members, and members of the public in traveling through such weather to attend a meeting in person.

Access to fully virtual meetings due to an emergency or urgent issue shall be provided by the Board to members of the public to permit a meaningful opportunity to attend.

3. The Board may not limit the public’s ability to attend a public proceeding in person except when the existence of an emergency or urgent issue is determined pursuant to paragraph 2 of this Policy.
4. The Board shall identify 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 of this Policy.
5. Any Board member may attend any meeting using remote methods of participation.

6. A member of the Board who participates remotely in any Board meeting is present for purposes of a quorum and voting.
7. All votes taken by the Board during a public Board proceeding using remote methods for participation by any Board member must be taken by *roll call vote that can always be seen and heard if using video technology*, and heard if using audio only technology, by the other members of the Board and the public.
8. Any Board member who participates remotely must have the technology, including internet access, in their remote location sufficient to always be seen and heard during the meeting and participate in the same capacity as those members physically present. Board members shall be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
  - a. If technical difficulties preclude any member of the Board from participating in a meaningful way, the Chair shall determine whether the member may continue to participate remotely.
  - b. If the Chair experiences significant technical difficulties, remaining Board members present may make such determination regarding the Chair's participation, to be recorded by Board vote.
9. The Board shall provide remote methods for the public to attend whenever any member(s) of the Board participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities, upon request. Any member of the public needing and requesting accommodation to access a public Board proceeding should contact Board staff at: [207-624-8651], or [Jessica.Gowell@maine.gov](mailto:Jessica.Gowell@maine.gov)
10. Whenever the Board is scheduled to allow or required to provide an opportunity for public input during a public Board proceeding, the Board shall provide an effective means of communication between the members of the Board and the public.
11. The Board shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during a public proceeding available to the public who attend by remote means to the same extent customarily available to members of the public who attend Board public proceedings in person so long as no additional costs are incurred by the Board.
12. Nothing in this policy is intended to be a rule subject to the provisions of 5 M.R.S. §§ 8051-8074, and this policy may be subsequently amended by simple majority vote of those present and voting once quorum is achieved.

Following notice and hearing, this policy was adopted by the Board on: May 4, 2023

Members Present/Absent:

*Edward Kane, Esq., Board President*

*Eric Norberg, R.Ph., Board Vice-President*

*Nicholas Haar, PharmD, Hospital Pharmacist*

*Cassandra White, PharmD, Board Member*

*Timothy McCormack, Esq., Public Member*

*Bradley Hamilton, R.Ph., Chain Pharmacist, Board Complaint Officer (Absent)*

*Abdifatah Ahmed, PharmD, Board Member (Absent)*