

## **BOARD POLICY**

### General

## **Board Member Remote Participation**

**POLICY:** In accordance with 1 M.R.S. § 403-B, it is the policy of the State Board of Nursing (“the Board”) to allow Board members to participate remotely using synchronous telephonic or video technology allowing simultaneous reception and exchange of information pursuant to this policy.

1. Meetings of the Board may be fully remote if an emergency or urgent issue exists as determined by the Board Chair, or if the Chair is unavailable, by the Board’s Executive Director.
  - a. “Fully remote” means that there will be no physical location of the meeting and that the meeting is only by remote methods.
  - b. An “emergency” or “urgent issue” includes but is not limited to:
    - i. 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;
    - ii. Circumstances that require an immediate meeting such as an imminent risk of harm to person or property; or
    - iii. 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.
  - c. The Board shall provide access to fully remote meetings due to an emergency or urgent issue to members of the public to permit a meaningful opportunity to attend.
2. 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 1 of this Policy.
3. 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 1 of this Policy.
4. The Board shall provide members of the public a meaningful opportunity to attend a public proceeding of the Board by remote means whenever any member of the Board participates by remote methods, and 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 proceeding should contact Board staff at (207) 287-1133.

5. 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.
6. Whenever a member of the Board will be participating remotely, the Board's notice of the public Board proceeding will include the means by which members of the public may access the proceeding remotely and identify a physical location for members of the public to attend in person.
7. Any Board member who participates remotely must 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. Board members shall be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
8. In the event that technical difficulties preclude any member of the Board from participating in a meaningful way, then the Board Chair shall determine whether the member may continue to participate remotely.
9. A member of the Board who participates remotely in a public Board proceeding is present for purposes of a quorum and voting.
10. 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 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.
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. Any member of the public may request such non-confidential materials by contacting Board staff at (207) 287-1133.
12. Any Board member who cannot attend the public Board proceeding in person must notify the Board Chair and Board's Executive Director in writing no later than 5 business days before the proceeding, where possible.
13. 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.
14. 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: September 16, 2022