

Board Member Remote Participation Policy

POLICY: In accordance with 1 M.R.S. § 403-B, it is the policy of the Board of Osteopathic Licensure (“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. It is an expectation that all members of the Board will be physically present for public proceedings conducted by the Board except when being physically present is not practicable.
2. The Board may hold a fully remote 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 Secretary. 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 or the President of the United States; and
 - B. Conduct or condition of a licensee of the Board that places the health or physical safety of any person in immediate jeopardy and which requires the Board to promptly act such that holding a public Board proceeding in a physical location accessible by the public cannot be reasonably achieved.
3. Circumstances in which the physical presence of one or more of the members of the Board is not practicable include:
 - A. Illness or other physical condition as determined by the individual Board member that causes the member to face significant difficulties to travel to or attend the public Board proceeding.
 - B. Temporary absence from the State that would cause the Board member to face significant difficulties traveling to and attending the public Board proceeding in person as determined by the individual Board member.
 - C. Whenever a member of the Board has to travel a significant distance to be physically present at the public Board proceeding as determined by the individual Board member in consultation with the Board Chair. “Significant distance” means any distance that is more than 100 miles from the Board’s offices in Augusta, Maine.
 - D. Whenever there are geographic characteristics or meteorological conditions that impede safety or slow travel, including but not limited to islands not connected by bridges or significant weather events such as hurricanes, snowstorms, ice storms or nor’easters that require a member of the Board to travel a significant distance taking into account those characteristics or conditions as determined by the individual Board member.

E. Any other condition or situation that makes it not practicable for a member of the Board to attend a meeting in person, as determined by the individual Board member in consultation with the Board Chair, or if the Chair is unavailable, by the Board Secretary.

4. For purposes of adjudicatory hearings held under 5 M.R.S. §§ 9051-9064, only Board members who participate in the proceeding in person will be allowed to participate in the proceeding. If the Board Chair, or Board Secretary, determines that conditions require a remote proceeding under this policy, adjudicatory hearing may be held through remote means.

5. The Board shall provide members of the public a meaningful opportunity to attend a public proceeding of the Board by remote means whenever members of the Board participate by remote methods or when necessary to provide reasonable accommodation and access to individuals with disabilities. Any member of the public needing and requesting accommodation to access a public Board proceeding should contact Board staff in advance of the Board's scheduling meeting at: Rachel.MacArthur@maine.gov or osteopf@maine.gov or 207-287-2480.

6. 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.

7. 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 public proceeding remotely and identify a physical location for members of the public to attend in person. The Board may not limit the public's ability to attend a public proceeding in person except during the existence of an emergency or urgent issue under this policy.

8. A member of the Board who participates remotely in a public Board proceeding is present for purposes of a quorum and voting.

9. 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.

10. 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.

EFFECTIVE DATE: Nov 9, 2023