

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: July 11, 2013
ATTENTION: Board Members
SUBJECT: Teleconferencing of Board Meetings
STAFF CONTACT: Kimberly Kirchmeyer, Deputy Director

RECOMMENDED ACTION:

Review the information provided and determine the feasibility of providing teleconferencing for statewide public participation.

BACKGROUND AND ANALYSIS:

The Board has been asked to teleconference future meetings to permit public participation from individuals who cannot attend. Specifically, the request was to allow individuals from any location to be able to call in, listen to the Board meeting, and provide public comment throughout the meeting. In response, staff was directed to research the feasibility of this request and provide the information back to the Members for their consideration. The objectives of the Board are to encourage public participation and transact its business efficiently.

At the April 26, 2013 Board Meeting, staff provided a memo to the Members with alternatives that would allow more individuals to participate in the Board's meetings. The Members believed that more discussion needed to occur on these proposals and asked Ms. Schipske to work with Board staff to identify methods that may meet the needs of the public and the Board.

After further review, and following a discussion with Ms. Schipske, staff believes that the following options would enable meaningful participation by members of the public who cannot attend the meeting, while permitting the transaction of Board business within the time allocated for the meeting.

Options for Teleconferencing:

- 1) Provide a telephone number for anyone to call in and provide comments. Presumably, individuals would watch the meeting via webcast and, when appropriate, could call in and provide comment on the item(s) of interest to them. The Board would have to provide a staff member who would use a laptop and be the moderator. Individuals on the line would remain in a "mute" mode until the Board President (or Chair at Committee Meetings) would ask for public comment. The moderator would notify the Board President/Committee Chair that a comment is pending. At the appropriate time, the callers would provide their comments. The callers would need to be limited to specified minutes per comment per agenda item (example two minutes).

The issue with this option is the time that could be incurred to hear from all the individuals at the meeting and on the telephone. However, the Board does have the authority pursuant to Government Code section 11125.7 to limit by regulation the length of time afforded for public comment. For example, for comments on "Items not on the Agenda" the Board could state that it is going to allow 20 minutes maximum for individuals at the meeting and 20 minutes maximum for callers on the conference line. The Board would state that each speaker (whether in person or on

the telephone) would be given two minutes to provide his/her comments and at the end of the comment, the Board would then move to the next speaker. At the end of the 20 minutes, the public comment period would end.

The Board could also provide a time limit on specific agenda items. For example, at the end of a discussion, the Board would open it up to comments from the public and would state that it would allow 10 minutes for individuals at the meeting and 10 minutes for individuals on the telephone. Again, the speaker would be provided with a certain time limit (two minutes) that would be adhered to and then the Board would move to the next speaker, until the 10 minute limit was exhausted.

Please note that limiting the time allocated for public comment on any agenda item is a change from the Board's current practice of apportioning time per speaker. Under current Board practice, each commenter gets to speak but his or her time is limited.

This option involves setting two limits: a limit on the total time for public comment on an item **and** a limit on the time per speaker. So, if there were a large number of speakers or callers on an issue, and a small amount of time was allocated, speakers may be limited to a minute or less of comment. This option may be problematic as callers may not be able to speak if the time allocated has elapsed.

- 2) Provide an email account whereby an individual watching the webcast could submit written comments or questions to a staff member, who would monitor and read the comments or questions to the Board at the appropriate time. The same limits as above could be instituted, including limiting the reading of the item to two minutes and allowing comment for 10 or 20 minutes. However, this option does not permit persons to call in to a meeting.

In reviewing these options, legal counsel has stated the Board may choose to put the time limits in regulation. This will allow the Board to set specific requirements and also allow the public to have input through the regulatory process. If the Board institutes the time limit requirements equally for those present at the meeting and for those joining remotely, regulations may not be necessary, but again are recommended.

Whatever option is chosen, the Board would need to strictly impose the time limits on all speakers. If the Board states at the beginning of a meeting that each speaker is allowed two minutes, the Board must consistently limit each speaker. Consistency will be the key to implementing this process.

The Board would need implementation time, including development and testing, in order to initiate either of these options. The Board may need to pilot the selected teleconferencing option at a Committee or other meeting before implementing on a full-scale basis. In addition, the Board would need to ensure that it has the appropriate connections at the hotels for the technology necessary to implement these options. The cost for either option would be minimal, but would require a staff person to monitor the phone/computer.