

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 544  
AUTHOR: Laird  
BILL DATE: April 27, 2023, Amended  
SUBJECT: Bagley-Keene Open Meeting Act: Teleconferencing  
SPONSOR: California Commission on Aging

DESCRIPTION OF CURRENT LEGISLATION

Modernizes the Bagley-Keene Open Meeting Act (the Act) to facilitate the use of teleconference-based (i.e., online) public meetings. If a state body chooses to hold a meeting by teleconference, it must offer an option for the public to engage with the body via telephone, the internet (or online platform), and at least one physical location they may go to.

BACKGROUND

The Act generally requires all state bodies, including the Medical Board of California (Board) to conduct business in meetings that are open to the public, publish their meeting agendas at least 10 calendar days prior to the meeting, and make their meeting materials available to the public.

Typically, the Act allows a state body to meet via teleconference, provided the public has access to the location where each board member of that body counting toward the quorum is joining the meeting. During the declared COVID-19 pandemic, under a (now expired) Governor's Executive Order, state bodies were able to meet via teleconference without providing a physical location accessible to the public.

Under current law, until July 1, 2023, state bodies may hold meetings via teleconference on through an online platform (e.g., WebEx) without providing a physical location accessible by the public.

ANALYSIS

According to the author's fact sheet:

“Senate Bill 544 updates teleconferencing requirements in the Bagley-Keene Act, which governs how state boards and commissions conduct open meetings, to promote equity and public participation through virtual meetings while safeguarding the personal safety of board and commission members.

What started as an experiment to promote health and safety during the COVID-19 pandemic has proven to be successful and enhances public participation while still ensuring sufficient access to state hearings. Virtual meetings have

improved access for Californians that face barriers to physical attendance, such as those living in different areas of the state, individuals with limited mobility, caretakers, and more. Members of the public without the economic means to travel could still provide public comment.”

SB 544 would allow a state body to choose to hold their public meetings by teleconference or online software (e.g., through WebEx), however, the key difference compared to current law when meeting via WebEx, is that the Board would be required to provide at least one physical location where the public can go to participate in the meeting. The agenda must be posted at the physical location on the day of the meeting.

At that physical location the public must be able to hear, observe, and address the state body. If available, they must have access equivalent to the access of the members of the state body (e.g., access via WebEx). At least one member or employee of the state body must be present at that physical location.

In addition, SB 544, provides for the following:

- Members of the state body may remotely participate in the meeting without disclosing their location or may decide to participate from the designated physical location. Members remotely participating shall disclose whether any other individuals 18 years of age or older are present in the room with the member and the general nature of the member’s relationship to any such individuals.
- If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body’s agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.
- If the remote participation technology fails during the meeting and cannot be restored, the state body shall end or adjourn the meeting, and inform interested parties, as specified.
- Does not affect the existing requirements related to publishing a meeting notice.

### **Consideration of a Board Position**

SB 544 provides the Board additional flexibility to hold meetings remotely, which may help save costs and staff time associated with planning an in-person meeting. Further, as compared to practice that started during the COVID-19 pandemic, the public will have an additional option to participate in a board meeting at a physical location. Accordingly, staff recommend a Support position.

FISCAL: If the Board opted to use this teleconference option, possible minor costs related to new technology needs for the physical location

available to the public, offset by savings related to avoided travel costs.

SUPPORT: California Acupuncture Board  
California Association of Area Agencies on Aging  
California Senior Legislature  
Health Officers Association of California Little Hoover Commission

OPPOSITION: ACLU California Action  
Cal Aware California Broadcasters Association  
California News Publishers Association  
First Amendment Coalition  
Howard Jarvis Taxpayers Association

POSITION: Recommendation: Support

ATTACHMENT: [SB 544, Laird - Bagley-Keene Open Meeting Act: Teleconferencing.](#)  
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