



## INDIANA RESPIRATORY CARE COMMITTEE

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Governor Mitchell E. Daniels, Jr.

### INDIANA RESPIRATORY CARE COMMITTEE ELECTRONIC MEANS PARTICIPATION POLICY

*Posted on the public IPLA webpage and copies available from main office*

The following policy (the "Policy") regarding electronic participation in the Indiana Respiratory Care Committee ("IRCC") or "Committee" meetings was approved as set forth herein at the public meeting of October 19, 2012 by due consideration and unanimous, 3/0/0, vote of the Committee<sup>1</sup>

#### I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

- A. Balance ease of Committee access and participation with orderly proceedings, including best practices for oral argument proceedings;
- B. Follow P.L. 134-2012, as amended and be interpreted in a manner consistent with that law;
- C. Aid in recruitment of Committee Members on a statewide basis whose ability to participate electronically in some meetings would further broader recruitment efforts and statewide Committee representation; and
- D. Encourage Committee Members to physically attend meetings whenever possible, especially when administrative hearings are scheduled.<sup>2</sup>

#### II. Policy Provisions

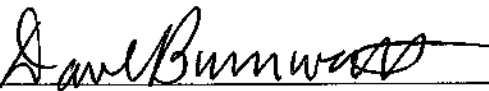
Based on the foregoing Recitals, the following Policy is hereby adopted by IBCE:

1. At least two (2) Committee Members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Committee Members requesting electronic participation, the Chairperson of the Committee shall determine the rotation of who may attend electronically.
2. A Committee Member participating via electronic means can do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.

<sup>1</sup> Statutory Background. P.L. 134-2012 (HEA No. 1003-2012) affected the Open Door Law (ODL) and the Access to Public Records Act (APRA). A notable change would allow a State agency such as the Indiana Respiratory Care Committee (IRCC) to allow its Members to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, IRCC has adopted this Policy. IRCC is authorized to develop such a policy through Ind. Code §§ 5-14-1.5-3, 5-14-1.5-3.6.

<sup>2</sup> Physical attendance is also important to maintain the minimum two members at the designated meeting site. This should not be confused with IRCC's quorum requirement of a minimum of three members participating.

3. Where at least two (2) Committee Member is participating via electronic means at a Committee meeting, all votes must be taken by roll call.
4. Each Committee Member must physically attend at least one (1) Committee meeting a year. This meeting shall be in the first quarter of the calendar year or at the earliest meeting practicable for the member (for instance, if the member is appointed during the year).
5. A Committee Member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A Committee Member participating via electronic means may cast the deciding vote on any matter properly before the Committee and shall, and is encouraged to, fully participate in the meeting. The Policy is not intended to reduce robust debate of Committee matters.
6. A Committee Member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
7. A Committee Member attending via electronic means shall notify the Chairperson and Board Director reasonably in advance of the meeting. A Committee Member does not require prior Committee authorization to participate electronically under this policy unless the Chairperson objects or must require physical participation under Section 1 herein.
8. The Committee Director is delegated to supervise and coordinate electronic participation in consultation with the Chair.
9. Committee Members are encouraged, but not required, to attend in person all meetings possible, especially where administrative hearings are set. This Policy endeavors to balance convenience and greater membership participation with operational efficiency and quality.
10. This Policy shall sunset and terminate on December 31, 2014, unless earlier renewed by the Committee. The Committee intends to and may review this Policy annually or more frequently.

  
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Dave Burnworth, R.C.P., Chair, IRCC  
On Behalf of the Committee