Indiana State Board of Massage Therapy

Michael Pence, Governor

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INDIANA STATE BOARD OF MASSAGE THERAPY ELECTRONIC MEANS PARTICIPATION POLICY

Posted on the public Indiana State Board of Massage Therapy webpage and copies available from main office

The following policy ("Policy") regarding electronic participation in the Indiana State Board of Massage Therapy ("Board") meetings was approved as set forth herein at the public meeting held on April 15, 2013 by due consideration and by a vote of 4/0/0 of the Board.[1]

I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

A. Balance ease of Board Members' ("Member") access and participation with orderly proceedings, including best practices for oral argument proceedings;
B. Follow Ind. Code § 5-14-1.5-3.6, as amended and be interpreted in a manner consistent with that law;
C. Aid in recruitment of Members on a statewide basis whose ability to participate electronically in some meetings would further broader recruitment efforts and statewide Board representation; and
D. Encourage Members to physically attend meetings whenever possible, especially when oral arguments are scheduled.[2]

II. Policy Provisions

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

1. At least two (2) Members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Members requesting electronic participation, the Chairperson of the Board shall determine the rotation of who may attend electronically.

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[1] 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 State Board of Massage Therapy (SBMC) to allow its Board Members to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, SBMT has adopted this Policy. SBMT is authorized to develop such a policy through Ind. Code §§ 5-14-1.5-3, 5-14-1.5-3.6.

[2] Physical attendance is also important to maintain the minimum three (3) members at the designated meeting site. This should not be confused with SBMT's quorum requirement of a minimum of three members participating.

2. A 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.

3. Where at least one (1) Member is participating via electronic means at a Board meeting, all votes must be taken by roll call.

4. Each Member must physically attend at least one (1) Board 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 Member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A Member participating via electronic means may cast the deciding vote on any matter properly before the Board and shall, and is encouraged to, fully participate in the meeting. The Policy is not intended to reduce robust debate of Board matters.

6. A 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 Member attending via electronic means shall notify the Chairperson and Board Director no later than forty-eight (48) hours in advance of the meeting. A Member does not require prior Board authorization to participate electronically under this policy unless the Chairperson objects or must require physical participation under Section 1 herein.

8. The Chairperson is delegated to supervise and coordinate electronic participation with the assistance of the assigned Board Director and Deputy Attorney General for the Board.

9. Members are encouraged, but not required, to attend in person all meetings possible, especially where oral argument is 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 Board. The Board intends to and may review this Policy annually or more frequently.

Adam Elkins, Chair SBMT
On Behalf of the Board