

Michael R. Pence, Governor

Nicholas W. Rhoad, Executive Director

INDIANA BOARD OF PHARMACY 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 Indiana Board of Pharmacy ("BOP" or "Board") meetings was approved and set forth herein at the public meeting of November 4, 2013, by due consideration and a 6-0-0 vote of the Board.¹

I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

- A. Allow for a quorum during emergency suspension hearings when full Board Member participation is not physically possible;
- B. Follow Ind. Code § 5-14-1.5-3.6 and any other applicable provisions of the Open Door Law and other applicable law, and be interpreted in a manner consistent with such laws;
- C. Encourage Board Members to physically attend meetings emergency suspension hearings when possible.²
- D. Ind. Code § 5-14-1.5-6 applies to electronic participation in Board meetings and establishes various requirements, including that Board Members may participate electronically only if a means of communication is used that permits the Board Member, all other Board Members, and members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other during the meeting; at least three (3) Board Members must be physically present at the place where the meeting is conducted; all votes in electronic meetings shall be roll call votes; each Board Member must be physically present for at least one meeting of the board annually; absent adopted policy to the contrary, a Board Member who participates by electronic communication is considered present, may be counted in establishing a quorum, and vote at the meeting; and the board must comply with the Open Door Law and adopt a policy under Ind. Code § 5-14-1.5-6(g).

II. Policy Provisions

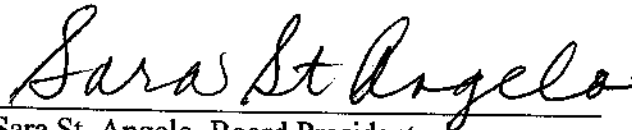
Based on the foregoing Recitals, the following Policy is hereby adopted by the Board of Pharmacy under Ind. Code § 5-14-1.5-6(g):

1. Board Members are encouraged to attend all meetings in person.

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 or Board such as the Indiana Board of Pharmacy 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, the Board of Pharmacy has adopted this Policy. The Board of Pharmacy 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 members at the designated meeting site.

2. At least three (3) Board Members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Board Members requesting electronic participation, the President of the Board shall determine the rotation of who may attend electronically.
3. A Board Member attending via electronic means shall notify the Board Director or Board President reasonably in advance of the meeting. The Board President shall approve requests by the Board Members to attend electronically.
4. A Board 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.
5. Where at least one (1) Board Member is participating via electronic means at a Board of Pharmacy meeting, all votes must be taken by roll call.
6. Each Board Member must physically attend at least one (1) Board of Pharmacy meeting per year.
7. A Board Member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A Board 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 board member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
7. The Board President is delegated to supervise and coordinate electronic participation, with the assistance of the Board Director and in consultation, as necessary, with the Deputy Attorney General assigned to the Board.



Sara St. Angelo, Board President
On Behalf of the Indiana Board of Pharmacy