

Title	Doc. Number	Page Number
State Health Services Plan Task Force: Remote Participation and All-Virtual Meetings	OLC-4102-P	1 of 7
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Table of Contents

1.0	Purpose	1
2.0	Scope	1
3.0	Definitions	2
4.0	Authorities.....	3
5.0	Responsibilities.....	3
5.1	Task Force Chair	3
5.2	Task force members.....	3
5.3	VDH OLC staff.....	3
6.0	Policy on remote participation	3
6.1	Limits on remote participation.....	3
7.0	Policy on all-virtual meetings generally.....	4
7.1	Limits on all-virtual meetings	4
8.0	Policy on all-virtual meetings during declared emergencies.....	4
8.1	Limits on all-virtual meetings during declared emergencies	5
9.0	Procedures	5
9.1	Remote participation due to disability or family medical condition	5
9.2	Remote participation due to distance from primary residence.....	5
9.3	Remote participation due to personal matters.....	6
9.4	Meeting notice.....	6
9.5	Meeting minutes.....	6
10.0	Forms and Templates.....	7
11.0	References.....	7
12.0	History	7

1.0 Purpose

This document was created to comply with the requirements of Code of Virginia §§ [2.2-3708.2](#) and [2.2-3708.3](#), which requires that any public body who wishes to allow its members to participate in public meetings through electronic means to adopt a written policy governing electronic participation.

2.0 Scope

This document applies to all members of the State Health Services Plan Task Force. This document supplements any agency-wide policy on electronic participation in public meetings and to the extent there is a conflict between an agency-wide policy and this policy, the agency-wide policy supersedes. If an exception to the

physical quorum requirement has been provided by the current appropriations act, the provisions of the appropriations act shall supersede this document.

3.0 Definitions

All-virtual meeting: A public meeting that has been approved as an all-virtual meeting pursuant to this policy. During an all-virtual meeting, all members, staff, and the public may participate through electronic communication. No more than two members may be assembled in one physical location that is not open to the public.

Electronic communication: The use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

In-person meeting: A public meeting that has not been approved as an all-virtual meeting pursuant to this policy. All in-person meetings must have a quorum assembled in one physical location.

Member: A member of the Task Force.

Office of Licensure and Certification (OLC): An office within VDH that administers licensing programs for hospitals, outpatient surgical hospitals, nursing facilities, home care organizations, and hospice programs; administers certification and registration program for managed care health insurance plans and private review agents; administers the certificate of public need program; is the state survey agency for Medicare and Medicaid; and provides primary staffing support for the Task Force.

Public meeting: A meeting at which the public may be present.

Remote participation: Participation by an individual member of the Task Force by electronic communication means in an in-person meeting where a quorum of the Task FO is otherwise physically assembled.

State Health Services Plan Task Force (Task Force): A task force created pursuant to Code of Virginia § [32.1-102.2:1](#) that is composed of individuals appointed by the State Health Commissioner, who are broadly representative of the interests of all residents of the Commonwealth and of the various geographic regions.

Virginia Department of Health (VDH): An executive branch agency in the Commonwealth of Virginia that assists the State Board of Health and State Health Commissioner with administering and providing a comprehensive program of preventive, curative, restorative and environmental health services; educating the citizenry in health and environmental matters; developing and implementing health resource plans; collecting and preserving vital records and health statistics; assisting in research; and abating hazards and nuisances to the health and to the environment, both emergency and otherwise.

Virginia Freedom of Information Act (FOIA): State law (Code of Virginia § [2.2-3700 et seq.](#)) that governs the release of public records and the procedures for public meetings.

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	2 of 7

4.0 Authorities

Code of Virginia §§ [2.2-3708.2](#) and [2.2-3708.3](#)

5.0 Responsibilities

5.1 Task Force Chair

The Task Force Chair is the member duly elected or appointed to the position in accordance with the Task Force's bylaws. The Task Force Chair is responsible for receiving requests from Task Force members to remotely participate and for ensuring the approval of remote participation is sought as outlined in this document.

5.2 Task force members

The Task Force members have been appointed to the Task Force pursuant to Code of Virginia § [32.1-102.2:1](#). The Task Force members are responsible for timely contacting the Task Force Chair if they cannot attend a meeting and familiarizing themselves with this document.

5.3 VDH OLC staff

VDH OLC staff are responsible for receiving requests from Task Force members to remotely participate, for distribution of Task Force meeting materials to the public, and for creating and posting meeting notices and meeting minutes.

6.0 Policy on remote participation

Individual members may remotely participate in in-person meetings of the Task Force as permitted by Code of Virginia §§ [2.2-3708.2](#) and [2.2-3708.3](#). This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member is to remotely participate in an in-person meeting from a remote location, the following conditions must be present:

- a. A quorum of the Task Force must be physically assembled at the primary or central meeting location.
- b. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- c. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

Additionally, if three or more Task Force members are participating from a single remote location, that location is required to be open to the public.

6.1 Limits on remote participation

A member may not use remote participation due to personal matters more than two meetings of the Task Force per calendar year or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no statutory limit on the number of meetings in which a

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	3 of 7

Task Force member may participate electronically if the member’s lack of physical attendance is due to a temporary or permanent disability or other medical condition; to a medical condition of a member of the member's family that requires the member to provide care; or to the member's principal residence being more than 60 miles from the primary or central meeting location.

7.0 Policy on all-virtual meetings generally

The Task Force may hold all-virtual meetings. If an all-virtual meeting is held, the Task Force must provide public access via electronic communication means. The electronic communication means used must allow the public to hear all Task Force members participating in the all-virtual meeting and, when audio-visual technology is available, to see Task Force members as well.

The Task Force must provide a phone number or other live contact information to enable the public to alert the Task Force if the audio or video transmission of the meeting fails. VDH OLC staff must monitor the designated means of communication during the meeting on behalf of the Task Force. If audio or video transmission of the meeting fails, the Task Force will take a recess until public access is restored. If a closed session is held during an all-virtual meeting, the Task Force must resume transmission of the all-virtual meeting to the public before the Task Force votes to certify the closed meeting as required by Code of Virginia § [2.2-3712\(D\)](#).

VDH OLC staff, on behalf of the Task Force, will make available an electronic copy of the proposed agenda, all agenda packets and, unless exempt, all meeting materials furnished to the members at the same time that those materials are provided to members.

The Task Force will permit the public the opportunity to comment through electronic means, including by way of written comments, at all-virtual meetings when public comment is customarily received.

Additionally, if three or more Task Force members are participating from a single remote location, that location is required to be open to the public.

7.1 Limits on all-virtual meetings

The Task Force will not convene an all-virtual meeting more than two times per calendar year or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater. The Task Force will not convene two consecutive all-virtual meetings.

8.0 Policy on all-virtual meetings during declared emergencies

The Task Force may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Code of Virginia § [44-146.17](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Task Force or the discharge of its lawful purposes, duties, and responsibilities.

The Task Force shall:

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	4 of 7

- a. Give public notice using the best available method given the nature of the emergency, which shall be given contemporaneously with the notice provided to Task Force members;
- b. Make arrangements for public access to the all-virtual meetings through electronic communication means, including videoconferencing if already used by the Task Force; and
- c. Provide the public with the opportunity to comment at all-virtual meetings when public comment is customarily received.

8.1 Limits on all-virtual meetings during declared emergencies

The provisions of Section 8.0 shall be applicable only for the duration of the emergency declared pursuant to Code of Virginia § [44-146.17](#).

9.0 Procedures

9.1 Remote participation due to disability or family medical condition

1. Each individual member shall file requests for remote participation with the Task Force Chair and VDH OLC staff, and include in the request:
 - a. That the member is unable to attend the meeting because of a temporary or permanent disability or other medical condition that prevents their ability to physically attend such meeting; or
 - b. That a medical condition of a family member of the member requires the member to provide care that prevents their physical attendance.
2. The member must make their request at least 5 business days before the meeting.
 - a. The Task Force Chair may make exceptions to this deadline at their discretion.
3. At the beginning of the Task Force meeting after the determination of a quorum but prior to discussion of all other public business, the Task Force Chair shall identify:
 - a. The member who wishes to remotely participate;
 - b. The reason for their request; and
 - c. The location from which the member is participating.
4. In the absence of a challenge, individual remote participation is approved unless such participation would violate this policy or the provisions of FOIA.
5. If remote participation is challenged, then the Task Force members at the primary or central meeting location shall vote whether to allow such participation.

9.2 Remote participation due to distance from primary residence

1. Each individual member shall file requests for remote participation with the Task Force Chair and VDH OLC staff, and include in the request that their principal residence is more than 60 miles from the primary or central location of the meeting.
2. The member must make their request at least 5 business days before the meeting.
 - a. The Task Force Chair may make exceptions to this deadline at their discretion.
3. At the beginning of the Task Force meeting after the determination of a quorum but prior to discussion of all other public business, the Task Force Chair shall identify:

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	5 of 7

- a. The member who wishes to remotely participate;
 - b. The reason for their request; and
 - c. The location from which the member is participating.
4. In the absence of a challenge, individual remote participation is approved unless such participation would violate this policy or the provisions of FOIA.
 5. If remote participation is challenged, then the Task Force members at the primary or central meeting location shall vote whether to allow such participation.

9.3 Remote participation due to personal matters

1. Each individual member shall file requests for remote participation with the Task Force Chair and VDH OLC staff, and include in the request:
 - a. That the member is unable to attend the meeting due to a personal matter;
 - b. Specifically identifies the nature of the personal matter.
2. The member must make their request at least 24 hours before the meeting.
 - a. The Task Force Chair may make exceptions to this deadline at their discretion.
3. At the beginning of the Task Force meeting after the determination of a quorum but prior to discussion of all other public business, the Task Force Chair shall identify:
 - a. The member who wishes to remotely participate;
 - b. The reason for their request;
 - c. The specific nature of the personal matter cited by the member; and
 - d. The location from which the member is participating.
4. In the absence of a challenge, individual remote participation is approved unless such participation would violate this policy or the provisions of FOIA.
5. If remote participation is challenged, then the Task Force members at the primary or central meeting location shall vote whether to allow such participation.

9.4 Meeting notice

1. The Task Force and VDH OLC staff shall comply with the public meeting notice requirements in Code of Virginia § [2.2-3707](#).
2. The Task Force and VDH OLC staff shall include in every meeting notice:
 - a. Whether the meeting will be an in-person or all-virtual public meeting; and
 - b. A statement notifying the public that the method by which the Task Force chooses to meet shall not be changed unless the Task Force provides a new meeting notice in accordance with the provisions of Code of Virginia § [2.2-3707](#).

9.5 Meeting minutes

3. The Task Force and VDH OLC staff shall comply with the public meeting minutes requirements in Code of Virginia § [2.2-3707](#).
4. If a Task Force member is remotely participating, VDH OLC staff shall record the following information:

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	6 of 7

- a. If individual participation from a remote location is challenged, the vote on that challenge;
 - b. Which members are remotely participating;
 - c. The remote location from which the member participated;
 - d. The reason why a member is remotely participating; and
 - e. All votes in a roll-call fashion.
5. If a Task Force meeting is being held through electronic means due to a state of emergency, the VDH OLC staff shall record:
- a. The nature of the emergency;
 - b. All votes in a roll-call fashion;
 - c. That the meeting is being held by electronic communication means; and
 - d. The type of electronic communications utilized.

10.0 Forms and Templates

None

11.0 References

None

12.0 History

Revision	Date	Author	Approver	Description
1.00.00	2/9/2024	Allen, Rebekah E.	State Health Services Plan Task Force	Creation of policy

Doc. Number	Rev. Number	Eff. Date	Page Number
OLC-4102-P	1.00.00	2/9/2024	7 of 7