

DRAFT**HITSAC Remote Participation Policy**

DRAFT September 29, 2016, pursuant to Va. Code § 2.2-3708.1(B)(1)

It is the policy of the Health Information Technology Standards Advisory Committee (HITSAC) that individual HITSAC members may participate in HITSAC and/or subcommittee/working group meetings by electronic means to the extent permitted by Va. Code § 2.2-3708.1. 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. This policy shall apply to each of HITSAC's subcommittees/working groups as well.

Whenever an individual member of a public body wishes to participate in a meeting from a remote location, the law requires a quorum of the public body to be physically assembled at the primary or central meeting location, there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location, and the minutes must record the information required by law. See Va. Code § 2.2-3708.1(A).

When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year, whichever is fewer. See Va. Code § 2.2-3708.1(A)(1). When such individual participation is due to a temporary or permanent disability or other medical condition or due to the remoteness of the individual's residence from the meeting, the law does not provide for such a limitation on frequency. See Va. Code § 2.2-3708.1(A)(2) & (3).

This policy is one of automatic approval of any permissible remote participation – i.e., individual participation from a remote location shall be approved without necessity of a vote unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (FOIA). If a member believes that such participation would violate this policy or FOIA, such member should seek advice from legal counsel and, if that does not resolve the member's concern, may call for a ruling by the Chair of HITSAC or a vote of the members of HITSAC to approve or disapprove such participation. If a member's participation from a remote location is disapproved, such disapproval shall be recorded in the minutes with specificity as to the nature of the request and the reason for the refusal.