

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 544  
AUTHOR: Laird  
CHAPTER: Chaptered, #216  
BILL DATE: September 8, 2023, Amended  
SUBJECT: Bagley-Keene Open Meeting Act: Teleconferencing  
SPONSOR: California Commission on Aging  
POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

Adds new optional pathways under the Bagley-Keene Open Meeting Act (the Act) to allow state bodies and advisory state bodies to meet via teleconference (e.g., WebEx).

Sunsets these provisions on January 1, 2026.

IMPLEMENTATION TASKS

- Report in the Medical Board of California's (Board) newsletter (expected to be published in December 2023).
- In conjunction with Board leadership, executive staff to determine whether these options will facilitate the work of the Board and its advisory bodies (ongoing).

RECENT AMENDMENTS

On September 8, 2023, SB 544 was amended, as follows:

- For meetings of state bodies, like the Board, requires that a majority of the members be present in the same physical location that is open to the public during the teleconference meeting. Allows members to participate from a remote location that is not open to the public, as specified.
- For meetings of advisory state bodies/subcommittees of a state body, like the Midwifery Advisory Council (MAC), allows all members to participate remotely from a location not open to the public. Requires at least one physical location where the public may observe and participate in the meeting. Requires at least one staff member to be present at the physical location.

BACKGROUND

The Act generally requires all state bodies, including the Board to conduct business in meetings that are open to the public, publish their meeting agendas at least 10 calendar days prior to the meeting, and make their meeting materials available to the public.

Typically, the Act allows a state body to meet via teleconference, provided the public has access to the location where each board member of that body counting toward the quorum is joining the meeting. During the COVID-19 pandemic pursuant to an expired executive order, and until the end of calendar year 2023 under temporary statutory authority, state bodies may meet via teleconference without providing a physical location accessible to the public.

## ANALYSIS

According to the author's fact sheet:

“Senate Bill 544 updates teleconferencing requirements in the Bagley-Keene Act, which governs how state boards and commissions conduct open meetings, to promote equity and public participation through virtual meetings while safeguarding the personal safety of board and commission members.

What started as an experiment to promote health and safety during the COVID-19 pandemic has proven to be successful and enhances public participation while still ensuring sufficient access to state hearings. Virtual meetings have improved access for Californians that face barriers to physical attendance, such as those living in different areas of the state, individuals with limited mobility, caretakers, and more. Members of the public without the economic means to travel could still provide public comment.”

SB 544 allows a state body, like the Board, to choose to hold their public meetings by teleconference or online software (e.g., through WebEx), however, a majority of the Board members must meet in a single physical location open to the public. Allows other Board members to participate remotely from a location not open to the public if they disclose whether anyone 18 years of age or older is present in the room with the Board member during their meeting participation and the general nature of the member's relationship with that individual.

Authorizes a remotely participating Board member to count towards the requirement for a majority to meet in a single physical location open to the public, if they meet both the following conditions:

- The member has a need related to a physical or mental disability that cannot otherwise be reasonably accommodated pursuant to the federal Americans with Disability Act.
- The member notifies the Board and the public, at the start of the meeting, of their need to participate remotely, including a general description of the circumstances related to their need to participate remotely.

Requires the meeting to adjourn if a means of remote public access and participation has failed and cannot be restored.

For advisory state bodies, like the MAC, all members may participate remotely from a location not open to the public. A public notice must indicate which members are participating remotely, which shall also note this in the meeting minutes. There must be at least one physical location open to the public where they can attend and participate; at least one staff member must be present at this physical location.

Under both pathways, remotely participating members must appear on camera during the open portion of a meeting, except when technologically impracticable, as specified.

The provisions of SB 544 sunset on January 1, 2026, and revert to current law.

FISCAL: It is unclear whether the requirements of the pathway provided to Board meetings will result in cost savings. Likely minor travel cost savings related to advisory body meetings that can be conducted via WebEx.

SUPPORT: California Acupuncture Board  
California Association of Area Agencies on Aging  
California Senior Legislature  
Health Officers Association of California Little Hoover Commission

OPPOSITION: ACLU California Action  
Cal Aware California Broadcasters Association  
California News Publishers Association  
First Amendment Coalition  
Howard Jarvis Taxpayers Association

ATTACHMENT: [SB 544, Laird - Bagley-Keene Open Meeting Act: Teleconferencing.](#)  
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