

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: January 11, 2013
 ATTENTION: Board Members
 SUBJECT: Teleconferencing of Board Meetings
 STAFF CONTACT: Kimberly Kirchmeyer, Deputy Director

RECOMMENDED ACTION:

Review the information provided and determine the feasibility of providing teleconferencing for statewide public participation.

BACKGROUND AND ANALYSIS:

At previous Board meetings, and at the October Board meeting, the Board was asked to teleconference its future Board meetings to provide public participation from individuals not in attendance at the Board meetings. Specifically, the request was to allow individuals from any location to be able to call in, listen to the Board meeting, and provide public comment throughout the meeting. The Board Members requested staff research the feasibility of this request and provide the information back to the Members for their consideration.

Board staff has determined that there are several ways in which this request could be fulfilled. Although the options are discussed below, further research and paperwork would need to be completed to design, develop, and test the options as they are described below. Additionally, some of the options would require authorization and processing by the Department of Consumer Affairs (DCA).

Options for Teleconferencing:

- 1) Provide an 800 number for anyone to call in and listen to the Board meeting and provide comments. Individuals, no matter where they are calling from, would be able to call in on the 800 line and provide comment at the appropriate times. A moderator from the telephone company would assist callers in the process. Individuals on the line would remain in a "mute" mode until the Board President (or Chair at Committee Meetings) would ask for public comment. The individuals at the beginning of the call would be provided with a method of informing the moderator that they would like to make a comment (for example by pushing #1). The moderator would then notify the staff monitoring the call that a comment is pending. At the appropriate time, the callers would provide their comments. The callers would need to be limited to specified minutes per comment per agenda item (example two minutes).

The cost for the moderator is \$.287/minute and the cost for the callers is \$.021/minute/person. The system can have up to 4,000 participants on the line at one time. The Board would also need to request a telephone line from the hotel and would need one additional staff at each meeting in order to coordinate the call with the moderator and notify the Board President if there is someone who wants to make a comment. If a Board meeting was approximately 6 hours long and there were 200 people on the call, the cost would be **\$1,765.32** for the call at each meeting (\$103.32 for the moderator + \$1,512.00 for the individuals on the phone call + \$150.00 for the telephone line) plus one staff member's time and attendance at a Board meeting (and therefore not performing his/her normal duties in the office).

Note: In contacting the DCA to gather information on this option, the Board was notified that no other DCA board or bureau has made a request for such a system that would provide the public input as described. Additionally, if this option were chosen, the Board would need to complete paperwork to obtain a system and would need to test the system. It would be recommended that if this option were chosen, that this would be tested at the Sacramento Board meeting in July in order to have appropriate staff available.

There have been other State agencies who have offered this type of service, however, these entities are not regulatory agencies who have both licensing and disciplinary responsibilities. In most instances, these agencies would not have disgruntled licensees or consumers calling in to comment.

Pros:

- The public would not have to travel to the meeting location to make comments on items not on the agenda or items on the agenda.
- More information can be gathered by the Members when making decisions.

Cons:

- The loss of work from the additional staff needed to attend the meeting.
- The length of the meeting could be extensive. If there are 200 callers and if only half wanted to make a comment on items not on the agenda, the meeting time would increase by over three hours. In addition, depending on the number of individuals who wanted to comment on agenda items, the length of the meeting could increase just for the time comments are being made on agenda items, plus the administrative time for this function. If only 20 people made two minute comments throughout the meeting, this would add close to an hour per meeting.
- The Board President would be required to stop individuals at the end of their specified time (two minutes), which could be perceived as harsh if the comment was not completed.
- There is no method to stop individuals from using several phones to call in and identify themselves as someone else in order to make it appear as if there is more support or opposition on an item than there actually is.
- It would be difficult to ensure the callers do not discuss a specific case during their comment period. The attorneys would have to jump in quickly and this could appear harsh.

- 2) Provide an email Web account where an individual could listen to the meeting and provide written questions that would then be provided via staff for the Board's consideration. This type of communication is similar to a chat room. The cost for this service is \$8.50 per month (\$102/year) and it would require a staff member to attend the meeting for the sole purpose of monitoring and reading the comments or questions provided via the Web. There would not be a limit to the individuals who could provide comments. The comments could be long and over the specified time limit, requiring interpretation by the staffer if comments need to be abbreviated.

Pros:

- The public would not have to travel to the meeting location to make comments on items not on the agenda or items on the agenda.
- More information can be gathered by the Members when making decisions.
- These could be screened to ensure cases were not discussed.

Cons:

- The loss of work from the additional staff needed to attend the meeting.
- The length of the meeting could be extensive. If there are 100 individuals who wanted to make a comment on items not on the agenda, the meeting time would increase by over three hours. In addition, depending on the number of individuals who wanted to comment on agenda items, the length of the meeting could increase just for comments on agenda items.
- There is no method to stop an individual from using multiple email accounts to provide comments in order to make it appear as if there is more support or opposition on an item than there actually is.
- Staff would need to respond to those who did not have a comment read to explain it was due to a case.

- 3) Hold all meetings in Sacramento at the Evergreen Hearing Room and video conference to the three other locations throughout California where the Board has video conferencing equipment (San Jose, San Diego, and Cerritos). Although the main meeting would take place in Sacramento, individuals would be able to go to the three district offices and attend the meeting via video conferencing equipment. A staff member would have to be available at each of the off-site locations to monitor the meeting and equipment, as well as be the point of contact for moderating the public comment. There would be no additional cost to the Board other than the three staff who would not be performing their normal work duties, as long as the Board meets in the limited space of the Evergreen Hearing Room (seats 12 Members comfortably).

Note: Staff is also looking into the possibility of the main location being at a hotel and video conferencing from the hotel to the three district offices, but the ability to do so and the quality of such a system is unknown.

Pros:

- The public would not have to travel to the meeting location to make comments on items not on the agenda or items on the agenda, but would have to travel to one of three locations.
- More information can be gathered by the Members when making decisions.

Cons:

- The public would still need to travel to provide comments, though the travel would not be as extensive. (Although this is the same or similar travel requirements to attend one meeting in the regional location.)
- The loss of work from the additional staff needed to attend the meeting. Also, these individuals are in the field and if clerical staff is not available, it would require a supervising investigator or an investigator to moderate the video conference.
- The sites cannot hold a large number of people, therefore limiting those who could attend at these locations (most will hold 20 individuals).
- The Evergreen Hearing Room cannot hold the Board's full complement of Members and therefore could not be used when all members are on the Board.
- It will add some time to the Board meetings due to the additional comments.

- 4) Teleconference the Board meeting to locations throughout California where the Board has the most space available (San Jose and Cerritos). The Board's main meeting would take place in its normal locations, and individuals would also be able to go to the two district offices and attend the meeting

via teleconferencing equipment. A staff member would have to be available at each of the off-site locations to monitor the meeting and equipment as well as be the point of contact for moderating the public comment. The Board would have to request a telephone line from the hotel and would have to have a staff member there to run the telephone. There would be an additional cost of \$150 for the phone line and the three staff who would not be performing their normal work duties.

Pros:

- The public would not have to travel to the meeting location to make comments on items not on the agenda or items on the agenda, but would have to travel to one of two locations.
- More information can be gathered by the Members when making decisions.

Cons:

- The public would still need to travel to provide comments, though the travel would not be as extensive.
- The loss of work from the additional staff needed to attend the meeting. Also, these individuals are in the field and if clerical staff is not available, it would require a supervising investigator or an investigator to moderate the video conference.
- The sites cannot hold a large number of people, therefore limiting those who could attend at these locations.
- It will add some time to the Board meetings due to the additional comments.

These are the options available at this time. Any of the options, as previously stated, would require implementation time, including development and testing. Additionally, there may be issues that may arise in any of the options above that are currently unknown to staff. It is important to note that State law provides the opportunity for written comments in the regulatory process. These comments must be considered as if a person is testifying in person before the Board. Please note that these options would not be applicable to closed session proceedings.