

Policy Name	Reproduction of a meeting		Policy Number	76-20.06	
Section Title	Communications and Disclosure of Information	Section Number	76-20	Former Policy No.	76-1.22
Approval Authority	Agency Director		Effective Date	8/18/2020	
Responsible Executive	Communications Director		Revised Date	6/8/2022	
Responsible Office	Director's Office		Last Reviewed	6/8/2022	
Responsible Reviewer	Barrett, Erin				

Purpose:

To provide a concise and consistent policy for the recording or reproduction of any portion of a public meeting at the Department of Health Professions.

Policy:

The policy is to allow access to public meetings for reproduction in accordance with Virginia Code § 2.2-3707 without unduly disrupting or interfering with the normal business of the meeting or proceeding.

Authority:

Virginia Code § 2.2-3707(G) states the following:

Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

Virginia Code § 54.1-2400.2 makes reports, information, or records received and maintained by the agency or any health regulatory board in connection with possible disciplinary proceedings strictly confidential. Such records are not subject to the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*

Definitions:

FOIA means the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*

Procedures:

The agency has established the following rules governing the placement and use of equipment to broadcast, photograph, film, or record a meeting. The agency establishes these rules pursuant to requirements under FOIA and Virginia Code § 54.1-2400.2 and any other Virginia statute limiting disclosure of certain information maintained by the agency, any of its divisions or programs, or any health regulatory board.

1. Any individual or entity that attends an open meeting and intends to photograph, film, or otherwise reproduce any portion of the meeting must check-in at the conference center's main desk.
2. If the individual or entity that intends to reproduce any portion of the meeting is a member of the media, the individual or entity must contact the agency Director of Communications to assist with and manage attendance at and reproduction of the meeting consistent with this policy.
3. Equipment may not be set up in a meeting room unless prior notice has been provided to the agency and the individual or entity intending to photograph, film, record, or otherwise reproduce the meeting has reviewed the rules governing the reproduction of an open meeting with the Director of Communications or their designee.
4. Equipment involved in reproducing any portion of the meeting may not interfere with proceedings related to the meeting.
5. Equipment may only be placed in areas designated by agency staff, which may consist of a designated area within the meeting room.
6. Virginia Code § 54.1-2400.2 and other statutes within Title 54.1 of the Code of Virginia protect certain documents and information from disclosure. Those documents and information may be discussed or referenced at an open meeting, but the documents and information remain confidential and protected from disclosure. In certain situations, unauthorized disclosures constitute criminal penalties. To maintain appropriate confidentiality of documents and information protected from disclosure, agency approval must be obtained prior to filming or photographing of any papers or documents on tables before witnesses, attorneys, board members, or staff. Such approval may be denied based on the determination that papers or documents include confidential information not subject to the disclosure provisions under FOIA.

7. Equipment setup shall not interrupt or delay the meeting's start.
8. No artificial lighting, including flashbulbs, is permitted.
9. An electrical outlet may be available for equipment. Individuals or entities bringing equipment, however, should ensure that the equipment has the capability to run on an alternative power source, such as a battery. In the event that board members, staff members, respondents, attorneys, or other necessary participants to a meeting require electrical outlets during the meeting, those individuals will receive priority access.
10. Internet access and audio-visual assistance cannot be provided by agency staff or board staff.
11. The meeting will not be delayed, recessed or stopped to accommodate an intermittent or permanent equipment failure, or to accommodate equipment position changes.
12. Individuals and entities shall turn off and remove equipment from the meeting room completely if a closed meeting pursuant to FOIA occurs.
13. Individuals and entities shall turn off all equipment during meeting recesses or breaks.
14. At the conclusion of a public meeting, equipment must be removed from the meeting room as soon as possible. Meeting space for the agency is shared and must be cleared immediately following a meeting. Equipment cannot be stored on the premises of the agency or at the Commonwealth Conference Center at any time prior to or following a meeting.
15. The agency is not responsible for any loss or damage involving equipment brought to a meeting by a member of the public or the news media for the purpose of reproducing a meeting.
16. The Department reserves the right to prohibit the photographing or recording sensitive meetings should it

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be disruptive to witnesses during a disciplinary hearing. Whether such photographing or recording constitutes a disruption, which may include the inability of witnesses to testify freely, may be made by the Communications Director, the board or panel chair, or designated Department or board staff.

17. Individuals or entities, whether members of the public or the news media, may be removed from the meeting room for disruptive behavior.

18. Questions or comments are to be directed to the Communications Director or other designated