

BEFORE THE BOARD OF ACUPUNCTURE AND ORIENTAL MEDICINE  
FOR THE STATE OF NEW MEXICO

**ANNUAL OPEN MEETINGS ACT RESOLUTION**

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (hereinafter "OMA"), NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), states that, except as may otherwise be provided by law, "[a]ll meetings of a quorum of members of any board, Board, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, Board or other policymaking body are declared to be public meetings open to the public at all times"; and

WHEREAS, a public body subject to the Open Meetings Act may hold a meeting to discuss, formulate, or act on public business only after providing reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires all public bodies to determine annually what constitutes reasonable notice for their public meetings; and

WHEREAS, the Board of Acupuncture and Oriental Medicine (the "Board") met in an open meeting on March 11, 2020, at 9:00 a.m., to discuss and determine "what notice for a public meeting is reasonable," Section 10-15-1(D), given its unique mission, character, and circumstances;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ACUPUNCTURE AND ORIENTAL MEDICINE:

1. All meetings of the Board shall be held as indicated in the notice provided to the public for that meeting;
2. Notice of regular meetings shall be given at least ten (10) days in advance of the meeting date. Notice of regular meetings shall be, at a minimum, posted at the Board's office at the Regulation and Licensing Department, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87504; posted online at the Board's website: [www.rld.state.nm.us/boards/acupuncture\\_and\\_oriental\\_medicine\\_members\\_and\\_meetings.aspx](http://www.rld.state.nm.us/boards/acupuncture_and_oriental_medicine_members_and_meetings.aspx), as well as transmitted (through mail or e-mail) to any individuals, broadcast stations licensed by the federal communications commission, and newspapers of general circulation that have provided a written request for such notice. As required by Section 10-15-1(F), the notice for any regular meeting shall include the date, time and place of the meeting, as well as either a copy of the agenda or information as to how a copy of the agenda may be obtained.



3. Special meetings may be called by the Board Chair or by a majority of the Board members upon at least three (3) day notice. Notice of special meetings shall be, at a minimum, posted at the Board Office, posted to the Board's website, as well as transmitted (through mail or e-mail) to any individuals, broadcast stations licensed by the federal communications commission, and newspapers of general circulation that have provided a written request for such notice. As required by Section 10-15-1(F), the notice for any special meeting shall include the date, time and place of the meeting, as well as either a copy of the agenda or information as to how a copy of the agenda may be obtained.
4. At least seventy-two (72) hours before any regular or special meeting, the agenda shall be posted online on the Board's website and copies shall be posted and made available by the Board Office at the Regulation and Licensing Department, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87504.
5. As permitted and limited by Section 10-15-1(F), the Board shall hold emergency meetings only due to "unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss" to the Board. The Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Board Chair or by a majority of the Board members upon at least twenty-four (24) hour notice, unless the threat of personal injury, property damage, or substantial financial loss to the Board requires less notice. As required by Section 10-15-1(F), the notice for any special meeting shall include either a copy of the agenda or information as to how a copy of the agenda may be obtained. Within ten days of holding any emergency meeting or taking action upon any emergency matter, the Board will notify the New Mexico Office of the Attorney General.
6. As permitted by Section 10-15-1(C), a Board member may attend a meeting by means of a conference telephone or similar communications equipment only when it is difficult or impossible for that member to attend in person, provided that any member attending by means of conference telephone or similar communications equipment must attest in open session during the meeting that his or her in-person attendance was difficult or impossible.
7. In accordance with the provisions of the Americans With Disabilities Act, and in order to accomplish the Board's mission of providing the public with access to the greatest possible information as to its affairs, all notices – for regular, special, and emergency meetings – shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend a meeting or participate in a hearing, please contact the Board Administrator at (505) 476-4696 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Board Administrator if a summary or other type of accessible format is needed.

8. The Board may close a meeting or hold an entirely closed meeting only where the subject matter to be discussed is specifically exempt from OMA pursuant to Section 10-15-1(H).
- a. Prior to any closed session taking place during an otherwise-open meeting, closure shall only be permitted upon a majority vote of a quorum taken during open session. The motion to close the meeting must state both the authority for the closed session and the topics to be discussed during the closed session with reasonable specificity. The Board shall take a roll call vote and the individual vote of each Board member shall be recorded in the minutes. While in closed session, only those subjects specified in the motion to close may be discussed. The minutes of the meeting shall reflect whether the matters discussed in the closed meeting were limited only to those specified in the motion to close.
  - b. The Board may hold a closed meeting, separate from an open meeting, provided that appropriate and timely notice is provided to the public, consistent with the OMA requirements for regular, special or emergency meetings provided herein. The notice must state the specific provision of law authorizing the closed meeting and, additionally, the subjects to be discussed during the closed meeting with reasonable specificity. The minutes of the next open meeting shall reflect whether the matters discussed in the closed meeting were limited only to those specified in the motion to close.

This Resolution is hereby ADOPTED by the Board of Acupuncture and Oriental Medicine, this 11<sup>th</sup> day of March, 2020.



Chair  
Board of Acupuncture and Oriental Medicine

11.3.20

Date