


POLICY – OFFICE OF THE COMMISSIONER

Approved by: Ralph Alvarado, MD, FACP	Policy Number: 24-11
Signature: 	Supersedes: N/A
Application: TDH Personnel & Members of the public attending public meetings	Effective Date: March 15, 2024
Authority: Tenn. Code Ann. § § 4-3-1803, 8-44-101 et seq., and 68-1-102. If, at any time, a portion of this policy conflicts with law or regulations with jurisdiction over the Department of Health, the law and/or rule shall take precedence over that portion of the policy. The remainder of this policy shall remain in effect.	Expiration Date: March 31, 2027

Policy on Public Comment at Public Meetings

Purpose:

To establish parameters surrounding public comment at meetings that have been sunshined under the Open Meetings Act.

Applicability:

All Department of Health personnel, governing bodies, and members of the public in attendance at public meetings.

Policy:

The Tennessee Department of Health (“Department”) hosts meetings for boards, committees, councils, task forces, and other groups that are administratively attached to or created by or as a part of the Department. For those groups hosted by the department who meet the statutory definition of “governing body” as defined in Tenn. Code Ann. § 8-44-102(b) and are required to give public notice of their meetings (“Governing Body”), there shall be one period of public comment during the meeting. This period of public comment should occur after matters involving only a private citizen’s interest

before the Governing Body, such as an applicant for licensure. Public comment shall only be permitted on topics which appear on the published agenda or sunshine notice for the meeting.

In order to participate in the period of public comment before a Governing Body, a member of the public must notify the Governing Body ten business days prior to a scheduled meeting that the individual desires to address the Governing Body. The individual must also notify the Governing Body of the topic from the published agenda or sunshine notice for the meeting on which the individual wishes to speak. This notice by the member of the public to the Governing Body shall be directed to the email given in the published agenda or sunshine notice for the meeting. If the Governing Body amends the published agenda or sunshine notice within ten business days prior to the meeting, any member of the public desirous of addressing the Governing Body must give notice that they desire to speak on the added agenda topics no later than twenty-four hours prior to the Governing Body's meeting.

Exceptions:

A meeting of a Governing Body, or a portion thereof, where the Governing Body is conducting a disciplinary hearing for a member of the Governing Body or a person whose profession or activities fall within the jurisdiction of the Governing Body shall not have a period of public comment.

A meeting of a Governing Body for which there are no actionable items on the agenda shall not have a period of public comment.

A meeting of a board, committee, council, task force or other group that does not meet the statutory definition of a Governing Body shall not have a period of public comment.