



Federation
of Chiropractic
Licensing Boards

MEETING
FCLB Board of Directors

Tuesday, May 5 & 6, 2015
JW Marriott New Orleans
New Orleans, Louisiana

MINUTES

NOTE: Minutes are not totally chronological, as discussion and motions related to a specific agenda item are consolidated under that topic.

PRESENT:

OFFICERS:

LeRoy Otto, D.C., President
Farrel Grossman, D.C., Vice President
Margaret Colucci, D.C., Treasurer
Lawrence O'Connor, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Carol Winkler, D.C., District I Director
William Rademacher, D.C., District II Director
Kirk Shilts, D.C., District III Director
Annette Zaro, D.C., District IV Director
Michael Coon, D.C., District V Director & Board Chair

ADMINISTRATIVE FELLOW DIRECTOR:

Larry Spicer, D.C., Administrative Fellow Director

ALTERNATE DIRECTOR:

James Buchanan, D.C., District I Alternate Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Vicki Young, Finance & Benefits Manager
Julie Finn, Executive Assistant & Meeting Planner
Kelly Webb, Public Relations & PACE Coordinator

LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson (5/6/2015 only)

GUESTS:

No guests present

MEETING DETAILS

- I. Call to order, roll call, announcements, consent agenda
Dr. Coon called the meeting to order at 8:34 a.m., May 5, 2015. Dr. Schwartzbauer noted board members and staff present as listed.
- Dr. Coon expressed appreciation to Drs. O'Connor, Spicer and Zaro, who are soon exiting our board, and thanked them for their service on behalf of the Federation.
- Dr. Coon requested a moment of silence in honor of prior board members, Dr. Gary Counselman and Dr. Gary Pennebaker.

II. FCLB Master Calendar

Dr. Schwartzbauer reminded directors that this resource is available on the Board of Directors private section of the website. Dr. Grossman also thanked Ms. Webb for her work on the website.

III. Consent Agenda Motions

M/S Spicer / Winkler to approve the motions in the consent agenda as written and modify as needed. Passed, no opposition

- A. To adopt standing rules to include recording the meeting and following procedure for motions.
- B. To approve the board of directors meeting agendas for May 5 & 6, 2015, and May 9, 2015, as presented (amended) and modify as needed to accommodate guests.
- D. To ratify all electronic minutes and ballots since the last in-person meeting in January 2015.
- E. To approve the audit of the 2014 fiscal year as provided by Anton, Collins & Mitchell, LLP, Certified Public Accountants. (Distributed to the board, alts, and Finance Committee via e-mail 3/3/15 and 3/31/15)

C. Dr. Schwartzbauer reminded the board that the Minutes of the 2015 Midyear Meeting on January 30 & 31, 2015 of the FCLB Board of Directors were previously approved.

M/S Shilts / Grossman to reconsider the vote to add appendices to the minutes. Passed, Dr. O'Connor opposed.

Dr. Rademacher read a parliamentary opinion concerning this issue, with RobertsRules.com for some guidance. Relative to the minutes, he was unsure if a motion was needed.

M/S Shilts / O'Connor to approve the minutes of January 30 & 31, 2015 as drafted without appendices. Passed, no opposition.

F. Board Policy Manual

- 1. Executive Committee Credit Card Policy

M/S Grossman / Winkler to move forward with acquisition of credit cards for the Executive Committee with proposed policy, including corrections. Passed, no opposition

- 2. Review FCLB Meeting Policies #AC-5 and #AC-11
Dr. Coon reviewed, saying basically it says that the board agrees in consensus that only the president and the chair will speak for the FCLB. Both policies, AC-5 and AC-11, are fine, but should be changed to clarify honorary fellows are included.

G. Delegate Registration Issues

1. To seat Dr. Janis Noseworthy as the Nova Scotia delegate at the May 9, 2015, FCLB Annual Business Meeting.

M/S Shilts / Winkler to seat Dr. Noseworthy as the Nova Scotia delegate. Passed, no opposition

M/S Grossman / Shilts to seat Dr. DeBonis as the Virgin Island delegate upon receipt of its member dues. Passed, no opposition

IV. FCLB Mission

1. Affirming FCLB's Mission, articulating it to the member boards
The FCLB's Mission Statement is to "Protect the public by promoting excellence in chiropractic regulation through service to our member boards".

V. Possible Guests
No guests present

LEGAL ISSUES

VI. Legal Issues

1. The Board identified the following topics to discuss with Attorney Atkinson:
 - A. Topic 1 - Membership Dues
 - B. Topic 2 - Input on Model Application and Supreme Court decisions
 - C. Topic 3 - Summary of the NC Dental Board Supreme Court Decision
 - D. Topic 4 - Resource Library for boards to share documents
 - E. Topic 5 - Clarification regarding Conflict of Interest document
 - F. Topic 6. International Approach
 - G. Topic 7. District Voting

GOVERNANCE

1. Financial Report

- 1.1 Budgetary Issues
 - A. Status Report
 - B. Income & Expenses Report
 - C. Job Cost Reports

D. Board Designated Reserve Funds

E. Restricted Funds

Dr. Colucci reported on the status of the FCLB finances and reviewed the PowerPoint presentation that will be presented to the delegate body at the Annual Business Meeting. Refer to written reports.

1.2 Conference Finances

A. Registration / Finances to Date

B. Conference Support Program

Dr. Coon referred board members to the written reports in their materials.

1.3 Finance Report to Members

A. Review written Financial Report in Annual Report section of the electronic attendee notebooks

B. View and Approve Finance Report PowerPoint presentation for Annual Business Meeting

M/S Shilts / Rademacher to accept the Finance Report for presentation to the delegate body. Passed, no opposition

1.4 Finance Committee Meeting Thursday, May 7th, 2:00 pm, Orpheus

Dr. Coon reminded everyone of the Finance Committee meeting Thursday at 2:00 in the Orpheus room.

2. FCLB Board of Directors

2.1 Conflict of Interest Disclosure Form (revised)

Dr. O'Connor and Dr. Grossman agreed the items contained in the proposed draft forms should be considered and we'll see what Mr. Atkinson says. Dr. Coon suggested adding it to the list to discuss with Mr. Atkinson.

2.2 Mid Year Meeting location in conjunction with Parker Seminars vs. meeting in Greeley

A. Cost effectiveness

Dr. Schwartzbauer discussed the financial and administrative implications of meeting in Las Vegas in conjunction with the Parker Seminars vs. in Greeley, CO.

M/S Shilts / Grossman to meet back in Las Vegas for 2016 Mid-Year meeting.

M/S Shilts / Grossman revised the motion to say: to meet in Las Vegas for the 2016 Mid-Year Meeting concurrent with a recognized chiropractic institution consistent with an organization whose mission is in alignment with ours. Passed, no opposition

ADJOURNED FOR LUNCH at 11:45 a.m.

Meeting was called back to order at 1:25 p.m. Dr. Coon announced that the meeting tomorrow (Wednesday, May 6) begins at 8:30 a.m. breakfast then start the meeting at 9:00 a.m.

2.3 FCLB structure change for international members

Dr. Shilts stated that he's learned over the years that there is a schism between how international organizations see us and how we see ourselves.

Dr. Shilts asked what other regulatory agencies in the US have an international presence. Dr. Coon closed the discussion and added this topic for our discussion with legal counsel to determine how other FARB boards deal with this.

3. Personnel Issues

3.1 FCLB Internship

Dr. Schwartzbauer reported that we are building the infrastructure to begin taking in interns on an on-going basis. He also reported that we are trying to have something in place by the fall.

4. Membership Issues

4.1 Membership Dues Report

There was discussion about amending the dues structure and weighting the member board jurisdictions differently. Dr. Schwartzbauer said that this will be a standing item on the agenda for this meeting that will happen every year.

4.2 Board of Australia membership benefits question

Dr. Schwartzbauer's response was deemed sufficient. No additional action steps needed at this time.

5. FCLB Technology

5.1 Website update

Dr. Coon referred board members to the written reports in their materials.

6. Committees

6.1 Resolutions & Bylaws Committee

A. Meets Friday, May 8 at 4:30 pm - Resolutions are due on Wednesday, May 6th by 5:00 pm

B. FCLB Bylaws changes

Dr. Otto reported that nothing has been received by the deadline.

C. Resolutions

Nothing was received to date.

6.2 Nominating Committee

Dr. O'Connor reported that the Nominating Committee presented one single slate and the four voting members picked the slate, of which Dr. Coon was nominated as the Treasurer.

- 6.3 Chiropractic Board Administrator's Committee
Ms. Finn reported that we have 19 attendees this year. Mr. Atkinson is giving a presentation about the Supreme Court decision regarding the North Carolina dental board. Last year CBAC only had 11 attendees. For next year they are going to meet on Thursday afternoon instead of Wednesday.
- 6.4 Fraud Prevention & Identification Task Force
- A. Continued discussion from January
Dr. Coon reported that the FBI and chiropractic is about multi disciplinary practice citing an example that DC's steal MD's names and use that to rubber stamp payments. They also look at upcoding and chiropractors doing procedures they are not licensed to do - it's a \$9 billion fraud annually for the health care industry, even though chiropractors don't make up that big of a percentage of it.
- 6.5 Government Issues Task Force
Dr. Grossman reported that the Government VA wants the FCLB to help originate the VA chiropractic credentialing guidelines but said that it is not ready to implement.
- 6.6 Practitioner Mobility Task Force
- A. Launching the Passport Program

M/S Zaro / Spicer to launch the Passport Program. Passed, no opposition.

FCLB PROGRAMS & SERVICES

7 New Programs

- 7.1 CCEP - Committee of Chiropractic Ethics Professors
Dr. Schwartzbauer announced that CCEP is a program for chiropractic college ethics professors. At each institution there is usually a professor who oversees the ethics courses. He is interested in having them come to a conference just like CBAC and discuss issues related to the teaching of ethics and then encourage them to hang around the people who deal with what they're teaching in the textbooks, hear about real experiences, then share with their students.

Dr. Schwartzbauer said that he has drafted a letter to Dr. O'Bryon. His goal is to get a person at each institution to serve as a point person, then elect a chair to serve as the liaison for the committee.

Dr. Coon made announcements about tomorrow's meetings: 8:30 breakfast and 9:00 meeting.

Dr. Otto asked to enter into executive session for the purpose of discussing a time sensitive matter regarding staff.

M/S Grossman / O'Connor to enter into executive session at 2:28 p.m.

M/S Grossman / Rademacher to exit executive session and recess at 3:12 p.m.

Wednesday, May 6, 2015

Dr. Coon called the meeting to order at 9:14 a.m. He noted that everyone was present, including Dale Atkinson. (Dr. Spicer stepped out of the room to introduce Patricia Oliver to the CBAC group.)

VI. Legal Issues

1. Discussion Items for Mr. Atkinson:
Dr. Schwartzbauer reviewed topics that were set aside from Tuesday's meeting to discuss with Mr. Atkinson.

Topic 1. Membership dues

How do other governing boards within FARB have their fees structured? Dr. Schwartzbauer will request a survey from FARB.

Topic 2. Model Application Language

Dr. Spicer mentioned that many years ago you (Mr. Atkinson) and Mike Moran were responsible for constructing a series of application questions for the boards. Recently, it looks like some states had a supreme court decision that seemed to conclude that the quality of these questions were inappropriate. Do these questions need to be re-evaluated? Mr. Atkinson referred to the LA bar exam questions. He stated that the supreme court looked at it and said some of it violated the disabilities act and the questions needed to be rephrased. They are rewriting the questions for FARB and will have it modified. He is happy to share it with us by the end of the summer.

Topic 3. Summary of the NC Dental Board Supreme Court Decision

Mr. Atkinson reported that the supreme court affirmed the district's decision which said they violated the FTC.

He stated that there is a four-prong test that the supreme courts has decided: 1) Supervisor must review substance not merely procedures (this is about big-picture policies, not disciplinary issues); 2) Supervisor must have the power to veto or modify; 3) Mere potential for supervision is not enough; 4) Supervisor cannot be an active market participant.

Topic 4. Resource Library for boards to share documents

Dr. Schwartzbauer asked how the FCLB (and other FARB-type governing boards) would approve documents or language that we would want to share on our website? Do other boards approve such submissions and what is the process? Mr. Atkinson said majority rules. Your website is the face of the organization and any resource that goes up there should be at the discretion of the FCLB board to decide if it is the position of the organization.

Mr. Atkinson said it is up to the board, that there is not a legal reason not to do it but he didn't think it was a great policy to do it - it will become a posting point for those that aren't happy with something and will eventually will have to draw a line somewhere.

Regarding posting documents on the website, Mr. Atkinson urged us to be cautious not to turn it into an association-driven blog on the FCLB website.

Topic 5. Conflict of Interest disclosure documents

Dr. Schwartzbauer reported we had two additional submissions of conflict of interest disclosure documents.

Dr. Grossman asked Mr. Atkinson to take a look at what we've got and see if it needs updating.

Dr. Zaro asked the board to revisit its earlier motion regarding the January 30 & 31, 2015 minutes.

<u>M/S Spicer / Rademacher</u>	<u>to amend the minutes from the last meeting to reflect that Drs. Coon and Zaro indicated they were married.</u> Withdrawn
<u>M/S Spicer / Shilts</u>	<u>to reconsider the January 2015 minutes.</u> Passed, no opposition
<u>M/S Spicer / Winkler</u>	<u>to amend the previously adopted January 2015 minutes to acknowledge disclosure of marriage of Drs. Coon and Zaro.</u> Passed, no opposition

Topic 6. International Approach

Dr. Schwartzbauer asked how other boards handle their relationship with foreign bodies. Mr. Atkinson responded that most boards have provinces as full members but there are a couple that are associate members without voting rights, but they have attendance and participation rights (North America so far). It is a tiered system. He said multiple clients have task forces that are exploring international issues and have participation by many countries, but said he didn't believe any groups have true European members or any from the far or middle east.

Mr. Atkinson said the FCLB would have to decide if we want it to be geographic or provincial and state-driven. He cautioned that our United States boards may be reluctant to be involved as they may be legally prohibited from belonging if we are removed from a US/North American perspective. One suggestion would be to form a different organization, an international organization.

Topic 7. District Voting

Dr. Coon asked about voting results if there is not a simple majority. Mr Atkinson said that you would have to keep having votes, allow candidates to make another speech (caucus).

Dr. Coon called for a recess at 10:43 a.m.

Dr. Coon called the meeting back to order at 10:49 a.m.

2. FCLB Board of Directors

2.4 FCLB Officers and Directors job descriptions

Drs. O'Connor and Coon agreed to give the directive to Dr. Schwartzbauer to compile a list of job descriptions for all positions on the board to be brought to the next meeting.

2.5 FCLB Board Policies & Procedures Manual Executive Committee purpose 7

M/S Rademacher / Spicer to enter executive session to include board counsel and executive director at 11:33 a.m.

M/S Rademacher / Zaro to exit executive session at 12:05 p.m.

From the executive session there was a directive to the Executive Director to provide and obtain a description of executive committee duties and what constitutes an emergency.

M/S Rademacher / Zaro to recess for lunch at 12:05 p.m.

8. New Orleans, Louisiana 2015 Conference

8.1 Overall schedule & events

Dr. Schwartzbauer had two requests:

- A. Asked for assistance from anyone that may be able to help Dr. Rademacher with the new board member orientation from 2:30 - 3:30 on Saturday. Drs. Shilts and Spicer volunteered.
- B. Asked for a volunteer to man the Sunday-morning wrap-up.

8.2 Annual Business Meeting

- A. Elections: President, Vice President, Treasurer, Administrative Fellow Director, Nominating Committee
- B. Bylaws Amendments - None received
- C. Resolutions

Dr. Coon referenced these items as an "FYI"

8.3 Conference Committee Appointments

- A. Minutes Committee (Drs. Buchanan, Freihaut & Webb)
- B. Credentials Committee (Drs. Harvey & Howard and Ms. Yount)
- C. Tellers Committee (Dr. Hulteen and Ms. Carter)
- D. Dedication to Service/International Pledge (Dr. Heston)
- E. Installation of New FCLB Board of Directors (Dr. Cole)

Dr. Coon referenced these items as an "FYI"

8.4 District Breakfasts Meetings - Saturday

- A. Elections - District IV & V Directors & Alternates
- B. Role of delegates
- C. Promotions for 2016 Annual Conference and 2015 District Meetings to be widely distributed
- D. District Meeting Highlights: Directors to track board meeting highlights / share information with your district members

Dr. Coon referenced these items as an "FYI"

8.5 Thursday Afternoon Workshops

- A. See Agenda

Dr. Coon referenced this item as an "FYI"

8.6 NBCE Day

Dr. Coon referenced this item as an "FYI"

8.7 Awards

- A. Janse Lecture (Dr. Klapp)
- B. George Arvidson Award
- C. Pennebaker/Wiley Outstanding Board
- D. President's Awards
 - 1. Pillars of Chiropractic Regulation
 - 2. Honoring Dr. Jerry Grod

Dr. Coon referenced these items as an "FYI"

8.8 Honorary Fellows (a.k.a. Alumni District)

- A. Luncheon

Dr. Coon referenced this item as an "FYI"

8.9 Related Meetings

- A. CBAC
- B. CCE
- C. NBCE

Dr. Coon referenced these items as an "FYI"

8.10 Scholarships

- A. Wolfson Scholarship-Student
- B. Donna Liewer Cohen Scholarship

Dr. Coon referenced these items as an "FYI"

9. Future Annual Conferences: 2016, 2017, 2018

9.1 2016: Phoenix, AZ (April 27-May 1, 2016)

9.2 2017: Orlando, FL (May 3-7, 2017)

Dr. Coon referenced these items as an "FYI"

9.3 2018: Potential Sites/Dates (Vancouver, BC; Dallas, TX)

Julie Finn requested location suggestions for 2018:

- Dr. Colucci suggested Vancouver, BC
- Dr. Winkler suggested Denver
- Dr. Rademacher suggested Dallas
- Dr. Shilts suggested Austin
- Someone suggested Chicago
- Dr. Rademacher also suggested Kansas City

Ms. Finn will look into Dallas and Austin.

10. PACE

10.1 PACE Program Status

A. Providers

B. Boards

Dr. Coon referred board members to the written reports in their materials.

10.2 PACE Programming - Next Steps

Dr. Coon referred board members to the written reports in their materials.

10.3 To send each jurisdiction specific language (statute/regulation) delegating CE approval to PACE

Dr. Shilts asked the directors to investigate which states really can use this assistance and help target them, then let him know. He affirmed that there is model language in the FCLB Model Practice Act that would be tailored to each board's language and we'll help them plug it into whatever statute or regulation it belongs.

Dr. Coon said the district directors would tell their members and if they have any questions or want help on this, to put them in touch with Dr. Schwartzbauer who can then put them in touch with the right person.

11. Certified Clinical Chiropractic Assistants

11.1 CCCA Strategic Program Goals - Update

Dr. Coon referred board members to the written reports in their materials.

11.2 Increasing budget for marketing of CCCA program

Dr. Shilts suggested we increase the budget and come up with a uniform ad that we repetitively place in every issue of TAC and other chiropractic magazines. Any money we earn from CCCA will be put back into it in advertising. Dr. Grossman commented that if the board will give him until November he will propose to another organization a situation where we share some of the costs concerning that CCCA advertising.

12. CIN-BAD

12.1 CIN-BAD Program Update

Dr. Coon referred board members to the written reports in their materials.

13. Official Directory

13.1 Updated and on-line

Dr. Coon referenced this item as an "FYI"

14. Accreditation

14.1 CCE-USA Update

Dr. Schwartzbauer reported that CCE sent a call for applicants for their site team academy.

M/S Grossman / O'Connor to signify they have no objection to Dr Schwartzbauer apply for the CCE site team academy. Passed, no opposition

Dr. Schwartzbauer also reported that Dr. Craig Little is now the President of the CCE-US. We met with him in Washington DC at the NCLC meeting and he asked if he could coordinate an event that he could orchestrate here at our conference.....metacompetencies advisory committee.... Dr. Little requested to have a member from a licensing/regulatory board serve on that board. Dr. Otto recommended Dr. Colucci. Dr. Schwartzbauer mentioned that Dr. Colucci's draft on the CCE's newly-created metacompetency on "Chiropractic Treatment" was forwarded to the CCE for their meeting this Friday.

15. Member Boards: Specific Issues

15.1 State Requested Power Polls

Dr. Coon referred board members to the written reports in their materials.

16. Examinations

16.1 NBCE Exams (US)

16.2 CCEB Exams (Canada)

16.3 IBCE (International)

Dr. Coon referenced these items as an "FYI"

17. Other Regulatory Bodies

17.1 CFCREAB

Dr. Coon referenced this item as an "FYI"

17.2 ICRC

Dr. Schwartzbauer reported that they are having their meeting in Greece and that we have been invited, however we're not sending a representative. He said that we put our CAP program to work and have asked Dr. Lisa Richard to make a presentation on CIN-BAD for us. Also, we have given them the money we were holding on to as a courtesy. The payout will be reflected in the financials. Dr. Schwartzbauer thanked Ms. Young for helping take in the money for ICRC meeting registration one last time until they can get a system set up, but this will be the last year.

18. Requests from Other Organizations

18.1 None to date

Dr. Coon referenced this item as an "FYI"

19. Professional Associations

19.1 None to Date

Dr. Coon referenced this item as an "FYI"

20. Recent Meetings

20.1 National Chiropractic Legislative Conference (February 24-March 1, 2015; Washington, D.C.)

Dr. Coon referred board members to the written reports in their materials.

20.2 Summit 24 (February 25, 2015; Washington, D.C.)

20.3 ACC/RAC (March 18-22, 2015; Las Vegas, NV)

Dr. Coon referred board members to the written reports in their materials.

21. Upcoming Meetings

21.1 Meetings through 2015 (includes dates, locations, budgeted attendance)

Dr. Coon referred board members to the written reports in their materials.

NEW BUSINESS

22. New Business

22.1 Sponsorship

Dr. Coon asked, regarding sponsorship, when we ask organizations to sponsor us, but then also ask them to be a PACE provider, is that a conflict of interest? Mr. Atkinson said that we're free to do both, just do it in separate letters. Dr. O'Connor asked what if member boards say they can't take contributions when they're an organization for states' benefits. Mr. Atkinson recommended taking a conservative approach by not accepting outside money, but most organizations have softened on that. Dr. O'Connor also asked about a 501(c)(3) and Mr. Atkinson said there was no problem with that. He said to make sure funds aren't earmarked for anything and to make sure they're in keeping with our mission

22.2 Dynamic Chiropractic / F4CP

On Dr. Rademacher's request, Dr. Schwartzbauer reported on a email received from Don Petersen from Dynamic Chiropractic, who is now serving on the F4CP board. He is asking for an FCLB opinion on a chiropractic promotion program.

Dr. Coon stated there would be no official opinion from this Board.

Dr. Otto took the opportunity to thank Dr. O'Connor for the years of service and everything he's done. Dr. O'Connor said it has been a pleasure that we have allowed him to serve.

Dr. Coon and Dr. Otto also offered a special thank you to Dr. Spicer for his clarity and wisdom. Dr. Spicer commented that it has been a privilege and honor to serve and that we will be in great hands with Patricia Oliver.

Dr. Coon also thanked Dr. Zaro, saying she will be sorely missed.

ADJOURN

M/S Spicer / O'Connor to adjourn at 2:02 pm. Passed, no opposition

The meeting was adjourned.

A handwritten signature in black ink that reads "Jon Schwartzbauer". The signature is written in a cursive style with a horizontal line through the middle.

Jon Schwartzbauer, DC
Executive Director

With appreciation to Kelly Webb and Vicki Young for assistance with the Minutes