

# MIDYEAR BOARD MEETING

FCLB Board of Directors

January 7 - 9, 2005

Scottsdale, Arizona - James Hotel

## MINUTES

### PRESENT:

#### OFFICERS:

Richard L. Cole, D.C., President  
N. Edwin Weathersby, D.C. Vice President  
Oliver "Bud" Smith, Jr., D.C., Treasurer  
Wayne C. Wolfson, D.C., Immediate Past President

#### EXECUTIVE BOARD OF DIRECTORS:

Steve Willen, D.C., Executive Board Chair & District V Director  
Patricia G. Conners-Allen, D.C., District I Director  
LeRoy Otto, D.C., District II Director  
Daniel Saint-Germain, D.C., District III Director  
Ron Tripp, D.C. District IV Director

#### EXECUTIVE FELLOW DIRECTOR:

Kevin Earle, Executive Fellow Director

#### STAFF:

Joan Carl, Finance & Benefits Manager  
Julie Finn, Executive Assistant  
Donna M. Liewer, Executive Director  
Bridget Seader, Program and CIN-BAD Administrator  
Kelly Webb, PR & PACE Coordinator

#### LEGAL COUNSEL:

Dale J. Atkinson, partner - Atkinson & Atkinson

#### GUESTS:

William Steinmiller, Prairie Star Technology, FCLB tech consultant  
Laurel Cowie, D.C., Co-Chair - PACE Committee

#### OTHER GUESTS:

National Board of Chiropractic Examiners  
Dr. James Badge, President  
Dr. Peter D. Ferguson, Chairman of the Board  
Mr. Horace Elliott, Executive Vice President

- I. CALL TO ORDER / ROLL CALL / ANNOUNCEMENTS** - Dr. Willen called the meeting to order at 8:06 AM. Donna Liewer called the roll, with directors and others present as listed. Dr. Cowie was welcomed, and reported on the PACE meetings. She also discussed changes in Canada's accreditation system, noting that Dr. Doug Pooley is the new president of CCE-Canada, and that funding issues have been resolved. The Canadian Association of Accrediting Agencies is now offering on-line training of COA members. UQTR (Trois Riviere) is now clear of sanctions.

Dr. Saint-Germain noted that CCE-Canada is composed primarily of regulatory representatives: 4 from CFCRB, 2 from CCA, and 2 public members.

## II. APPROVAL OF THE AGENDA

M/S Smith/Earle To approve the agenda as presented, and to deviate from the agenda as needed according to time constraints. *Passed, no opposition*

### III. MINUTES FROM PREVIOUS MEETINGS

M/S Weathersby/Wolfson to approve the minutes of the 11/09/04 meeting of the FCLB Board of Directors as presented. *Passed, no opposition*

### IV. BUSINESS

#### 1. FINANCIAL REPORT

Dr. Smith reported on the projected financial status for the end of fiscal year 2004, noting that figures are still coming in. He noted his appreciation to Joan Carl for her work on our finances.

The move to the new headquarters is substantially complete. The board received a breakdown of the \$15,000 supplemental furnishings grant from NBCE.

District meeting finances from 2004 were discussed, noting an increase in participation and related activities. Finances analysis revealed that \$100 of the \$125 registration fee was turned over to the hotel due to rising meeting costs. A motion to increase the district registration fees by \$50 was withdrawn.

M/S Smith / Conners-Allen to increase the district registration fees by \$25, to \$150 per person, effective with the 2005 regional meetings. *Passed, no opposition*

Discussion of the employee benefit program was deferred.

M/S Conners-Allen / Saint-Germain to rename the restricted fund designed to ensure there is adequate funding for our equipment needs FROM Equipment Replacement to Equipment Upgrade. *Passed, no opposition*

The projected end of year figures (pending finalization and review by the auditor) were reviewed. The board expressed appreciation to supporting sources for our positive income picture. Expenses were higher than last year due to filling our long vacant staff position, which is now focused on PR and PACE, but the overall report continues to reflect a very frugal approach.

The proposed 2005 budget was discussed in detail.

M/S Wolfson / Saint-Germain to adopt the budget as modified, adding \$90,000 in projected expenses for PACE, \$80,000 in projected income, and a miscellaneous grant of approximately \$9,000 which the FCLB hopes to receive. The budget as adopted was through the subtotal, and did not include health benefits package as this discussion was still pending. *Passed, no opposition*

M/S Tripp/Smith To go into executive session to discuss personnel issues. *Passed, no opposition*

Staff was excused. Legal counsel and executive director remained.

After the board came out of executive session, it was

M/S Smith / Saint-Germain To authorize the Executive Committee to further review the employee health plan, taking into account the board's interest in including chiropractic care, and to make a decision within the financial parameters approved by the board. *Passed, no opposition*

The board also discussed the current sponsorship program for the conference and established guidelines for sponsors addressing the membership.

In other financial business:

**M/S Smith/Wolfson to authorize the FCLB 2004 annual audit with certified public account Rodahl and Associates, February 2005. *Passed, no opposition***

A motion was adopted but revisited by consent of 2/3 of the directors regarding fees for the Official Directory. Following accepted modification, it was

**M/S Weathersby/Tripp to increase the sales price of the Official Directory to \$75 effective immediately. *Passed, no opposition***

**M/S Smith/Conners-Allen to revise the Federation's Financial Policies as presented. *Passed, no opposition***

## **BREAK FROM THE AGENDA to hear the report of the NBCE Guests.**

The board welcomed Drs. Badge and Ferguson, and Mr. Horace Elliott. Dr. Badge reported on the status of the new facility which now houses the Federation, and the board expressed its sincere and enthusiastic appreciation. He also presented a copy of a videotape to assist the FCLB ethics task force. Finally, he noted that the NBCE board stands behind the original four year commitment of funding for the Federation.

The NBCE guests noted their concerns with the proposed elimination of reciprocal agreements among the various CCE's, and the potential impact on eligibility for NBCE exams.

NBCE was commended for increasing the number of services to students available on-line.

---

## **2. PACE**

Drs. Cole and Weathersby reported on the work of the PACE Review Team and PACE Committee over the past two days. They noted that while there were several changes to the Criteria, the proposed changes to the Policies & Procedures are much more substantial. Dr. Cole described some of the more expansive recommendations, including changes to confidentiality (keeping cautionary notices private).

Dale Atkinson agreed to work on revised language during the course of this board meeting and to finalize it as soon as possible. The board asked for red-line/strikeout versions of both the *Criteria* and *Policies & Procedures* to clearly understand the proposed changes.

**M/S Cole/Smith to adopt the proposed random selection process for PACE Review Team subcommittee members, with the applicant's right of one rejection of the three names generated by the computer. *Passed, no opposition***

The board discussed the proposed changes in fee structure and indicated their support for the new design.

**M/S Smith/Weathersby to develop guidelines for the Review Team subcommittee, including a schematic flowchart. There should also be a statement addressing confidentiality, appropriate conduct, and conflict of interest. *Passed, no opposition***

The board deferred a final vote on changes to the PACE requirements pending the opportunity to study a comparison document.

However, they did adopt several related motions:

**M/S Wolfson/Tripp to establish the annual recognition fee for "for-profit" organizations for PACE at \$10,000, plus any necessary application fees. *Passed, no opposition***

**M/S Saint-Germain/Otto** to direct the PACE Committee to explore ways to add more regulatory board members to PACE to ensure confidence and oversight by our members. *Passed, no opposition*

### 3. ETHICS & FRAUD ISSUES

#### A. ACC-RAC March 17-19, 2005 - Las Vegas

FCLB has been invited to present on ethics and fraud issues at a plenary session of ACC-RAC.

**M/S Wolfson/Saint-Germain** to authorize Dr. Weathersby's travel expenses for this presentation if they are not covered by the conference.  
*Passed, no opposition*

It was noted that Donna Liewer would also be attending the conference.

#### B. NBCE Ethics and Boundaries Exam

It was reported that usage has not been as high as originally hoped.

#### C. FCLB Ethics Task Force

Dr. Cole expressed appreciation to Kevin Earle for his continued guidance on this committee. A number of projects are under consideration.

#### D. ACA Fraud Task Force

Donna Liewer reported on the progress of this subcommittee, which invited her to serve as FCLB representative. The current focus is on developing a statement of guidance for multi-disciplinary practices.

#### E. FCLB Fraud Task Force

Dr. Cole noted he has been working with Dr. Barowsky and hopes to have a statement addressing Unlimited Chiropractic Care at a Fixed Fee (UCCAFF) shortly.

#### F. Increasing Regulatory Presence with Fraud Investigators

The board studied information it had requested regarding the mission and structure of the International Association of Special investigation Units.

### 4. INTERNATIONAL ISSUES

A. **CCE-International** - Reciprocal agreements and their impact on regulatory boards was discussed.

#### B. World Federation of Chiropractic

1. **WFC Task Force on Chiropractic Identity** - the board reviewed the latest report from this committee.

2. **Biennial Congress - Sydney, June 16-18, 2005** - the dates were noted.

3. **NBCE - Formation of the IBCE - International Board of Chiropractic Examiners** - Dr. Cole updated the directors on the status of the proposed formation of the IBCE. The members of the board of directors of IBCE are the same as the NBCE at this time.

## C. Canadian Federation of Chiropractic Regulatory Boards

1. **Guidelines Project** - Dr. Saint-Germain reported on the support of the Canadian Chiropractic Association for this project. The 85 page document addressing neck pain has been reviewed once, and is now being distributed to all Canadian DC's for comment. It is expected to be published this spring.

The next project will focus on whiplash.

2. **Recognition of Specialty Councils** - CFCRB now recognizes five speciality councils as meeting appropriate criteria developed by the Canadian regulatory authorities.

### EXECUTIVE SESSION

**M/S Tripp/Conners-Allen** to discuss confidential correspondence. *Passed, no opposition*

There were no actions to report.

## 6. ACCREDITATION ISSUES

The Federation has proposed a number of changes to the CCE Standards, which will be discussed at the CCE meetings later this weekend. FCLB directors are invited to attend as observers while Dr. Cole will address the CCE Board of Directors.

## 7. MONTREAL CONFERENCE: 2005

The overall theme adopted will be "Regulation without Borders." A number of discussion topics and possible speakers were explored. Logistics will be studied to determine whether some or all of the presentations might take place "in the round."

Elections for the following will take place in Montreal:

1. District Directors and Alternates: Districts I, II, and V
2. Officers: President, Vice President, and Treasurer
3. Executive Fellow Director due to the midterm resignation of Mr. Earle, effective January 28, 2005..

The board studied the letters of interest and resumes provided by several board administrators interested in filling the interim vacancy which will be created at the end of January. Discussion focused on whether an inappropriate advantage might be extended to a candidate who filled a short-term vacancy, and the fact that there is very little official business to be conducted between now and Montreal. The board felt that a decision of this importance should be made by the larger delegate body.

**M/S Smith/Saint-Germain** not to fill the impending vacancy in the position of Executive Fellow Director, but rather to leave the position vacant for formal election by the delegate body.

*Passed, no opposition*

It was noted that the board has the authority to change the order of the business meeting, splitting it into two Sessions, to facilitate the campaigning options mentioned by several members. Donna Liewer was asked to develop a letter from the district directors explaining the new process, to be sent to all the delegates and board offices.

**M/S Wolfson/Earle** to change the election process from one session to two, with nominations on Thursday and elections on Saturday. *Passed, no opposition*

Dale Atkinson agreed to supply recommended language for campaign protocol.

Proposed bylaws amendments - the board studied the proposed changes to the bylaws affecting the nominating committee which was distributed at the regional meetings. A motion to modify the language was passed, but revisited by a majority vote of the prevailing side. After further discussion, it was agreed to present the language with no further changes.

**M/S Cole/Wolfson to present the proposed bylaws changes regarding the nominating committee exactly as presented to the membership at the fall regional meetings. *Passed, no opposition***

The board also agreed to offer a proposed bylaws amendment to modify the requirements for Executive Committee approval of expenditures over \$5,000 from unanimous to majority, in light of logistical complications when a member is away. It was noted that the requirement for these transactions to be reported to the full board ensures continued appropriate oversight.

Speakers: Dr. Triano will be asked to present the FCLB White Paper on Qualifications to Perform Spinal Manipulation. If it appears the reception by the membership may so warrant, a draft resolution adopting the document maybe presented.

The Executive Committee and Dr. Otto agreed to review the Federation's Speaker Guidelines.

Conferences Sponsors - it was agreed that sponsors should not address attendees during the time allotted for the educational program. They will be encouraged to limit their comments to approximately 2 - 5 minutes during the welcome reception, and the president shall continue to command the lectern during the presentations. Their names and logos will be displayed on our website and in the attendee notebooks as is current practice.

**M/S Smith/Tripp to continue the corporate sponsorship program and to develop written guidelines for the corporate sponsors. *Passed, no opposition***

Conference fees - the board originally adopted an increase in the conference fee for Montreal, but agreed unanimously to revisit the issue.

**M/S Wolfson/Saint-Germain to leave the conference fee structure as is for Montreal, but change the fees for the 2006 conference in Portland as follows: the early-bird conference fee shall be the same (\$375) but the "on-time" fee shall be increased to \$425 and "late" fee to \$475. *Passed, no opposition***

Awards and ACBA - Julie Finn reported on the process, including deadlines for the Arvidson and Outstanding Board awards. She also presented a draft copy of the new brochure for the Association of Chiropractic Board Administrators.

New Attendee Training - Drs. Weathersby and Smith agreed to handle the new attendee breakfast and orientation again for Montreal. All other directors will be asked to join them to assist.

Social events were reviewed.

It was agreed to invite the US CCE to host a breakout session but forego training for the CCE Site Team Academy this year.

The board agreed to continue to provide a Wednesday afternoon opportunity for any committees who so desire to meet. We will also seek out as many avenues as possible for interaction with the CF CRB. An International Summit is still under consideration.

The board reviewed PR initiatives undertaken to date.

## 8. FUTURE CONFERENCES

Annual Conference 2006 - the board studied the initial proposal from the Portland Marriott hotel. It was reaffirmed that the conference fees (other than early bird) will be increased modestly to reflect climbing costs for meetings.

Annual Conference 2007 - after exploring a number of sites in District II, it was

**M/S Cole/Tripp to hold the 81<sup>st</sup> annual congress of the FCLB in Chicago, Illinois in the spring of 2007. Passed, no opposition.**

## 9. COMMITTEES

A. New Board Member Training and Orientation - under the leadership of Dr. Mary-Ellen Rada of New Jersey, the committee is studying options to provide on-line training and orientation to new board members. Donna Liewer reported that FARB is also undertaking a related initiative, and perhaps the two programs might be connected.

In the future, the design may incorporate some sort of certificate of completion, and perhaps be a modest source of revenue for FCLB and/or FARB.

B. President's Appointments to Standing Committees

**M/S Tripp/Saint-Germain to approve the president's appointments to Standing Committees as presented, with final modifications. Passed, no opposition**

C. President's Appointments to Special Committees and Task Forces

**M/S Smith/Tripp to approve the president's appointments to Special Committees and Task Forces as presented, with final modifications. Passed, no opposition**

## 10. TECH REPORT & WEBSITE REPORT

Bill Steinmiller's written tech report was reviewed.

## 11. CIN-BAD

Bridget Seader reported that commercial subscribers fees brought CIN-BAD in 25% over the projected income budgeted for 2004.

**M/S Tripp/Earle to define primary source data as follows:**

**"Primary Source Data" in CIN-BAD shall include information reported to the Federation directly from a member board as well as information obtained from official regulatory board sources, including but not limited to, the board's public website, printed newsletters, official press released, or other board publications.**

*Passed, no opposition*

## 12. OTHER ORGANIZATIONS

A. **CCGPP** - the board reviewed the recent report of the Council on Chiropractic Guidelines and Practice Parameters.

B. **FARB** - noted travel has already been approved for Dr. Weathersby and Donna Liewer to attend the FARB Forum in Scottsdale.

**C. ACA National Legislative Conference**

**M/S Tripp/Saint-Germain to authorize the travel expenses for representative(s) as appointed by the president. *Passed no opposition***

**D. ICA National Convention**

**M/S Smith/Tripp to authorize the travel expenses for representative(s) as appointed by the president. *Passed no opposition***

**E. COCSA - the board reviewed past correspondence with this organization regarding PACE.**

**13. OTHER OLD BUSINESS**

The board continued discussions about possible cooperative projects with other organizations.

**The meeting was recessed at 5:15 PM Friday, reconvened at 9:00 a.m. Saturday morning.**

**The board reviewed the PACE changes Saturday morning - these notes and motions are included in the PACE topic in these minutes.**

Donna M. Liewer  
Recording secretary