

# REGULAR MEETING

FCLB Board of Directors

Tuesday, September 9, 2003

Via telephone conference call

6:00 p.m. MDT

## 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  
Larry Davis, D.C., District IV Alternate Director

#### EXECUTIVE FELLOW DIRECTOR:

Kevin Earle, Executive Fellow Director

#### STAFF:

Donna M. Liewer, Executive Director

- I. **CALL TO ORDER / ROLL CALL** - Dr. Willen called the meeting to order at 6:07 p.m. MDT. Donna Liewer called the roll, with directors and staff present as listed.
- II. **ANNOUNCEMENTS** - Dr. Davis was welcomed as the District IV Alternate Director, as Dr. Tripp was out of the country. The board expressed continued support for Joan Carl as she heals following the death of her husband Dave. The board extended congratulations to little Eli Willen on the occasion of his first birthday.
- III. **MINUTES FROM PREVIOUS MEETINGS**

M/S Smith / Weathersby **to approve the minutes of the 9/2/03 meeting of the FCLB Executive Committee as presented.**  
*Passed by the EC, no opposition*

There were no actions taken by the EC; therefore, no full board ratification was necessary.

M/S Smith / Weathersby **to approve the minutes of the 7/8/03 meeting of the board of directors as presented.** *Passed, no opposition*

#### IV. BUSINESS

1. **FINANCIAL ISSUES** - Dr. Smith reported that several small accounts had been consolidated to better streamline our financial management. The need for an improved and clear financial statement for the regional district meetings was discussed.

The board reviewed legal expenses and reconfirmed its understanding of the policy adopted at the 7/8/03 board meeting:

## POLICY: FCLB Utilization of Outside Consultants

In order to control costs most effectively, engaging the services of outside consultants (such as legal counsel, computer consultant, accountant, or others where an hourly fee may be charged) shall be approved by the board.

In the event this is not logistically feasible, the Executive Committee or the President or the Treasurer may also authorize such access. The Executive Director may also engage such services directly provided the President or the Treasurer are informed.

The board agreed that cost-savings may dictate that we cannot always afford to have legal counsel participate in all the telephone board meetings, but that counsel's presence at the midyear and annual meetings is a priority.

The current Financial Status report and Income and Expense reports to date were reviewed.

The 2003 Final Conference report was discussed, with appreciate noted for our conference sponsors. Without their \$23,000 in support, the conference would have posted another net loss this year, rather than ending modestly in the black. The board thanked Drs. Willen and Weathersby for their efforts, and commended staff for continued fiscal stewardship.

Discussion of our savings focused on the board's goal of 18 months operating reserves (\$689,000). The current reserve fund of \$100,000 was established in 2000 and no further contributions have been able to be added since its inception. The 2003 budget adopted by the board included a \$25,000 projected deficit to be funded from the reserves. This projected loss may be overcome because of the conference sponsorships, continued delay in filling an open staff position, and other cost-cutting measures.

Faster cable Internet access in the Greeley executive offices has been installed, with a net overall cost savings over the previous phone configuration.

### 2. **COMMITTEE UPDATES** - Dr. Cole described the continued activities of the Clinical Competency, Ethics, and Model Act committees.

The board reviewed the draft survey instrument developed by researcher Dr. Monica Smith in conjunction with the Professional Standards Committee, chaired by Dr. David Taylor. The board expressed some concern about the length and general design of the instrument, and noted the Federation has not yet received a reply to our request for input from several contacts at Palmer College where the data will be processed on a pro bono basis. Dr. Cole reported the survey will be previewed at the regional meetings, to gather feedback from the member boards. Dr. Taylor was commended for his tireless efforts to spearhead this complex project.

### 3. **TRAVEL UPDATE / REPORTS**

#### A. ***Citizen's Advocacy Center*** - July 2003 Conference on Clinical Competency: Report from Joe Baker, Executive Director, Florida Board of Chiropractic Medicine

Donna Liewer presented Mr. Baker's observations that the highlight of this meeting was a general consensus regarding the importance of an assessment component in all CE or continued competency designs in other professions.

#### B. ***Quebec Press Conference*** - Montreal, Quebec - September 18, 2003 / Drs. Saint-Germain and Cole reported on the upcoming press conference. The Quebec Ordre has invited Dr. Cole and Dr. Wanda MacPhee to address the public protection aspects inherent in diagnosis.

- C. **ACA House of Delegates Meeting** - Albuquerque, NM - September 18 - 20, 2003 - Dr. Weathersby will present the current programs of the Federation, including PACE.
- D. **COCSA - Las Vegas, NV** - November 6 - 8, 2003 / request for PACE presentation  
**M/S Weathersby / Wolfson** **to authorize the president to make arrangements for a speaker from FCLB to present the PACE program to COCSA.** *Passed, no opposition*
- E. **Board Midyear Meeting** - Denver, Colorado: January 15 - 18, 2004 - the Executive Committee is asked to arrive Thursday for morning meetings on Friday. The full board will begin meeting Friday at 1 PM and meet all day Saturday.
- F. **ACC - Las Vegas, NV** - March 11 - 13, 2004 - there may be an opportunity to train regulatory people as new members of the CCE COA Site Team Academy at this meeting.

4. **TECHNOLOGY REPORT** - Development of the Board Room software is well underway. Date range searches have been added to CIN-BAD to assist subscribers in complying with Element 11 (new NCQA requirements). This will also help our member boards. CIN-BAD has a new feature to enable searching by both first and last names. Both these enhancements will be featured in the regional meeting handouts.

Finally, ongoing maintenance and improvements include upgrading virus protection, adding more memory, and a high speed router. Our high speed cable access now reduces one regular task from 40 minutes to 6 minutes.

5. **ACCREDITATION ISSUES** - Dr. Cole and Donna Liewer reported on recent outreach efforts involving the CCE.
- A. **Regulatory involvement on the COA** - Board members were urged to recommend potential candidates from their districts to serve on the Site Team Academy. The Federation has offered CCE the opportunity to do some training in conjunction with our 2003 Denver conference.
  - B. Recommendations for **changes to CCE Standards** due September 12, 2003 - Ethics changes under consideration. Dr. Cole is working with Dr. Kirk Shilts and the FCLB Ethics Committee to review the current CCE language and college curricula addressing ethics.
  - C. **Nominations to CCE Board of Directors** announced - deadline September 26, 2003 - open positions include CEO / non-CEO / practicing DC. The board agreed the only position which might appropriately involve regulation would be that of the practicing DC, and several candidates have already been nominated.
  - D. **CCE recognition of Diplomate programs** - Dr. Cole advised the board that postgraduate programs are considering moving away from Diplomate status toward Masters level education. He also noted that the CCE's committee chair who has headed the investigatory efforts in this area is Dr. Ron Evans, who is no longer on the CCE board of directors.
  - E. **Non-US accrediting agencies** - Dr. Saint Germain advised that CCE-Canada will be reviewing the Trois Riviere program in the near future.

## 6. REQUESTS FOR BOARD REVIEW, POLICIES OR SUPPORT

- A. *FCLB Comments on Draft #6 - Recommendations of the VA Advisory Committee* - Dr. Cole noted the Federation's comments were well received by the Advisory Committee. Dr. Saint Germain expressed concern that diagnosis was not sufficiently addressed in the VA's Draft Recommendations, and that the public welfare could be jeopardized. He urged the board to be highly vigilant in identifying and addressing cases where diagnosis is not clearly required.
- B. *WCCS Students meeting in Canada* - Dr. Cole reported the group requested financial support from the FCLB. The board agreed to encourage their work but that we are not in a position to offer financial support. Further they will be encouraged to apply for a scholarship to participate in the Federation's annual conference in Denver.
- C. *Relationships with professional associations* - Dr. Otto reported on the change in leadership at ICA following the death of Dr. Fred Barge. The board agreed the FCLB president should continue to identify opportunities to engage all chiropractic constituencies in dialogue and understanding about regulatory issues, while keeping our focus clearly on public protection. It was agreed that, in general, organizational outreach should be between existing elected leaders rather than naming specific liaisons.
- D. *HB 2560* - discussion re: any patient protection issues - The board agreed this is more appropriately addressed by state and national associations.
- E. *FCC Rules on Advertising & Faxes* - postponed to January 2005 - Donna Liewer advised it is unlikely FCLB will be required to secure advance fax permission from recipients under the new FCC rules, but also that the issue has been postponed for more than a year.
- F. *US Bone and Joint Decade: request for membership* - the board directed Donna Liewer to thank the organization for the invitation but that it falls outside the Federation's mission.

## 7. MEMBERSHIP ISSUES

Jamaica is planning to participate in Denver meeting - we hope they may qualify for membership in the Federation by that time.

## 8. REGIONAL DISTRICT MEETINGS

On-line registration are up and running, agendas posted. Pre-registration seems to be on the low side. District directors will be sent addresses and phone numbers to contact potential attendees, and will also be sent the list of those who are already planning to attend.

The board addressed potential discussion topics, including Collaborative Practice with Veterinarians, PACE, and the Professional Standards Survey.

**M/S Smith/Otto** to discuss possible restructuring of FCLB dues in 2005 at the regional meetings. *Passed, no opposition*

By consensus, the board approved the draft language for a proposed 2004 resolution on diagnosis to be distributed at the regional meetings for discussion.

Additional topics will include an update on any proposed bylaws changes and invitation to submit recommended changes, the on-line ethics courses for disciplinary intervention currently under development by Drs. Steve Foreman and Mike Stahl, the NBCE Ethics and Boundaries examination, encouraging members to visiting VA facilities and military bases

to present a regulatory perspective, specialty council certification / credentials, and final review of Montreal for 2005 annual conference destination.

Donna Liewer was encouraged to continue discussions with Peter Wait from the Canadian Federation of Chiropractic Regulatory Boards to learn more about CFCRB recognition of specialties.

## 9. STAFF / PERSONNEL ISSUES

- A. ***Benefit Package for Hourly Staff*** - the study is continuing, with the helpful assistance of Horace Elliott from NBCE. Information may be available for the November meeting or the midyear meeting in January.
- B. ***Executive Director's Evaluation*** - Drs. Cole, Wolfson & Weathersby, Mr. Earle were thanked for their efforts to develop an evaluative tool for the Executive Director.

**M/S Smith/Wolfson**     **to adopt the draft instrument as a working tool, with the understanding it can be modified in the future if needed.**  
*Passed, no opposition.*

It was agreed the instrument will be completed by all directors and returned directly to the president, who will discuss the results with the immediate past president and the vice president. A plan to support ongoing professional development of the executive director will be presented to Donna Liewer by the president.


## 10. OTHER OLD BUSINESS

- A. ***Dr. Stephen Foreman's monograph on sexual boundaries*** - Dr. Cole is in the process of evaluating the monograph for the independent publisher. A foreword from the FCLB may be included to focus the document on some of the regulatory and public protection issues raised by the work. Independent publication eliminates the need for the Federation's previously authorized support for the development of a corollary regulatory piece.
- B. ***History project*** - Donna Liewer noted Dr. Keating has nearly completed his work on the project, and that she is to write the final chapter dealing with the Federation's history from the late 1980's to present.
- C. ***Quebec*** - The board discussed Dr. Cole's pending presentation in Canada at the Quebec press conference, noting the Federation's need to address the diagnosis issue strictly from a public protection viewpoint.

## V. NEW BUSINESS - none

Next board meeting:            *Tuesday, November 11, 2003 - Veteran's Day*  
Board books mailed:            *Tuesday, November 6, 2003*  
Next Exec. Meeting:            *Tuesday, November 4, 2003*  
Deadline to submit topics:    *Tuesday, October 21, 2003*

The meeting was adjourned at 8:07 p.m.

  
Donna M. Liewer  
Recording Secretary