



Federation  
of Chiropractic  
Licensing Boards

# MEETING

## FCLB Board of Directors

January 17-18, 2014: Greeley, CO

NBCE Elliott Conference Center

### 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  
Maggie Colucci, D.C., Treasurer  
Lawrence O'Connor, D.C., Immediate Past President

#### EXECUTIVE BOARD OF DIRECTORS:

Donn Fahrendorf, D.C., District I Director  
Gary Pennebaker, D.C., Board Chair & District II Director  
Kirk Shilts, D.C., District III Director  
Gary Counselman, D.C., District IV Director  
Michael Coon, D.C., District V Director

#### ADMINISTRATIVE FELLOW DIRECTOR:

Larry Spicer, D.C., Administrative Fellow Director

#### STAFF:

Donna M. Liewer, Executive Director  
Joan Carl, Finance & Benefits Manager  
Vicki Young, Finance & Benefits Manager  
Bridget Seader, CIN-BAD/Program Administrator  
Julie Finn, Executive Assistant & Meeting Planner  
Kelly Webb, Public Relations & PACE Coordinator (unable to attend)

### MEETING DETAILS

#### I. Call to Order, Roll Call, Announcements

Serving as chair, Dr. Pennebaker called the meeting to order at 8:30 a.m., January 17, 2014. Ms. Liewer noted board members and staff present as listed. Dr. Pennebaker read a letter addressed to the board and staff from Dr. Saint-Germain.

Ms. Liewer introduced Vicki Young, who will fill the position of Finance and Benefits Manager upon Joan Carl's retirement. Her résumé was distributed.

Ms. Liewer announced her retirement from the Federation as executive director effective July 17, 2014, offering to continue on a consultant basis if the board desires. Ms. Liewer distributed the executive director succession policy from the FCLB board of directors' Policies & Procedures Manual. Dr. Otto announced the board would review the succession process and develop an action plan.

## II. Housekeeping

### A. Standing Rules

M/S Grossman / Coon to adopt standing rules to include recording the meeting and following procedure for motions. Passed, no opposition

### B. Board Meeting Agenda

M/S Coon / O'Connor to approve the board of directors meeting agenda for January 17-18, 2014, as amended and modify as needed to accommodate guests. Passed, no opposition

### C. Ratification - Electronic Minutes and Ballots

M/S Spicer / Fahrendorf to ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in May 2013. Passed, no opposition

Electronic Minutes and Ballots (Full Board) since May 2013:

1. to approve full-size rental cars for the midyear meeting as follows: Dr. Otto - Wed, Jan 15 - Sun, Jan 19, 2014; Dr. Shilts - Thur, Jan 16 - Sun, Jan 19, 2014; Dr. Counselman - Thur, Jan 16 - Sun, Jan 19, 2014.
2. to amend the Federal Savings Account 125 Plan (Cafeteria Plan) to allow participants to roll a maximum of \$500 of unused funds from the current year into the next year. This would be in addition to the next year election amount.
3. To transfer \$11,600 from the CCCA Auction proceeds' reserve fund to the general operating account to pay for CCCA expenses incurred in 2013, effective 12/31/13.
4. To transfer \$23,500 of the projected 2013 positive change in net assets to the 12 Months Operating Fund effective 12/31/13.

#### 5. PACE APPROVALS

##### New Applications:

- Standard Process - Approved
- Best Practices Academy - Approved
- One applicant was denied

##### Renewal Applications:

- NRCME - Approved
- Logan - Approved
- Canham - Approved
- Canadian Memorial Chiropractic College - Approved

III. November Minutes

M/S O'Connor / Coon to approve the minutes of the November 12, 2013, meeting of the FCLB Board of Directors as corrected. Passed, no opposition

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GOVERNANCE

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1. Financial Report

1.1 Member Dues

The chair referred the board to their materials. There were no questions.

1.2 Finance Report

Dr. Colucci reported she performed the treasurer audit review yesterday and found the information to be accurate. She complimented Joan Carl and Vicki Young on their handling of the FCLB finances. The official audit of the 2013 finances will be January 27-31, 2014. Dr. Colucci referred members to the written reports in their materials. The auction netted approximately \$28,000.

1.3 2014 Draft Budget

The projected 2014 budget was presented by Dr. Colucci via PowerPoint. The final vote to adopt the budget took place on Saturday after all topics had been discussed. See Saturday Minutes #20.

2. FCLB Board of Directors

2.1 Annual Statement of Commitment

All board members read and signed the Statement of Commitment to be filed in the Greeley office.

2.2 District Directors to Contact Member Boards

Information was distributed to the board members to aid them in contacting their district boards and state associations regarding the PACE and CCCA programs.

2.3 Revisions to Board Policies & Procedures Manual

2.3.1 Policy on Voting by Electronic Means - New Section 4.12-B

M/S Grossman / O'Connor to adopt the email voting policy as modified.  
Passed, no opposition

Ms. Liewer was asked to check with counsel to verify how abstentions or failure to cast an electronic ballot should be handled in determining whether an issue passes.

Ms. Liewer reported there is a voting feature available in the Federation's central database program and she is working with the programmers to see if it will meet FCLB requirements. This would allow directors to log on to vote rather than to respond to multiple emails.

### 2.3.2 Recording Meetings

M/S Shilts / Spicer to amend Section 4.10 of the Board Policies & Procedures Manual as presented to clarify that meetings are recorded to ensure transcription accuracy. Passed, no opposition

### 2.3.3 Statement on Authority Over the Executive Director - Section 2.29

Dr. O'Connor agreed to work with Ms. Liewer to clarify this policy.

### 2.3.4 Written Reports for Board Meetings

M/S Grossman / O'Connor to amend Section 4.3 of the Board Policies & Procedures Manual as presented, to clarify that whenever possible, board members should submit written reports three weeks prior to board meetings. Passed, no opposition

### 2.3.5 Orientation of New Board Members

M/S O'Connor / Grossman to amend Section 2.30 of the Board Policies & Procedures Manual as presented, to clarify who is responsible for orienting new board members. Passed, no opposition

## 2.4 Review Financial Protocol of Board of Directors

Dr. Colucci referred members to their written materials and encouraged the board to continue using cost efficient means when incurring travel expenses.

M/S O'Connor / Coon to enter executive session at 9:50 a.m. Passed, no opposition

M/S O'Connor / Fahrendorf to exit executive session at 10:10 a.m. Passed, no opposition

There were no actions taken during executive session.

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## Operations

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### 3. FCLB Technology

The board reviewed the FCLB website statistics. Kelly Webb was thanked for her excellent job on the website. She is currently working on Myrtle Beach promotional material.

### 4. Committees & Task Forces

#### 4.1 Current Committees & Task Forces

##### 4.1.1 Model Practice Act

Ms. Liewer presented a PowerPoint reviewing the MPA document.

M/S Grossman / Coon to move the MPA to counsel as amended and allow ample time for counsel to review and comment. Passed, no opposition

Ms. Liewer will review the internship section with counsel. It is expected that the MPA will be introduced in May at the Myrtle Beach conference, as a reference tool for regulators. Dr. Shilts was thanked for leading the project to this point, and other board members and volunteers who have served over the past 10 years were also recognized.

#### 4.1.2 Chiropractic Board Administrators

M/S Otto / O'Connor to create a Donna Liewer-Cohen scholarship to be given annually to a regulatory board executive director to attend the FCLB Annual Conference. 2014 will be for up to \$1,500 in expenses, plus a waived registration fee for a total value of \$2,000.  
Passed, no opposition

Dr. Spicer and the CBAC committee are to develop a system to review applicants and to award the scholarship, based on their past experience from the board administrator scholarship program.

#### 4.1.3 Practitioner Mobility

Dr. Colucci reported on the increased need and interest in developing this project to allow public protection in a mobile environment. She discussed some of the project ideas, noting how certain aspects can coordinate with features of the CCCA program. Dr. Otto authorized Dr. Colucci to take the first step by identifying possible committee members. It was agreed to maintain confidentiality regarding the details of the program.

The board agreed by consensus that it will not be included in the 2014 budget. However, in anticipation of a future launch, Ms. Liewer will research the procedure for trademarking the program.

#### 4.1.4 Fraud Prevention & Identification

The board discussed the need for protocol for regulatory board members when speaking publicly to avoid having to recuse themselves when dealing with disciplinary actions. It was suggested this would be a good topic for a breakout session.

#### 4.1.5 Government Issues

Dr. Grossman reported that he and Dr. Otto will be attending the upcoming Summit 22 meeting and will submit a written report following the meeting.

### 4.2 Committees / Task Force Appointments

#### 4.2.1 President's Appointments to Standing and Special Committees & Task Forces.

Tabled until Saturday. (See Saturday minutes #19).

#### 4.2.2 Proposed Committee on Concussions

Dr. Colucci reported that she had been selected for and attended the TIPS (Toward Injury Prevention in Sports) inaugural class, wherein chiropractors are specifically trained to help educate coaches and parents regarding preventing and identifying injuries in sports activities, to include detecting concussions. No further action by the board was taken at this time.

## 4.3 Upcoming Committee Meetings

### 4.3.1 Nominating Committee

Dr. O'Connor reported the nominating committee will be meeting, with the purpose this year solely to review announced candidates for next year's nominating committee. The date has not been set.

The board recessed for lunch at 11:55 a.m.

The board reconvened at 1:10 p.m.

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## FCLB PROGRAMS & SERVICES

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### 5. Certified Clinical Chiropractic Assistants: Program Update

The board discussed ways to market the CCCA program and the need to develop some action steps. Dr. Colucci suggested getting the names of any CCCA training programs and offering to bring the certification program to their campuses. Ms. Liewer requested the board inform her of any CCCA training programs. She noted that ACA requested that FCLB set up CCCA certification at this year's NCLC, which Ms. Liewer will handle.

Dr. Coon recommended that FCLB request time on state association agendas, to explain the program benefit to doctors and CAs.

The board was referred to the CCCA brochure to familiarize themselves with the program and gather talking points. It was agreed it would be helpful to have more information on particular US states where care is not being covered unless delivered by a doctor.

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Joan Carl was presented with a gift from the FCLB board and staff thanking her for her service and wishing her well in her retirement.

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### 6. 2014 Annual Conference - Myrtle Beach, South Carolina

#### 6.1 Overall Schedule / Program / Related Meetings / Attorney Attendance

The board reviewed the theme, "Changing Tides of Regulation," and the overall schedule as presented. There is no change in the registration fees for 2014. There will be no Friday breakout sessions as Friday will be NBCE day (see below).

District meetings will be held Saturday. Districts I, II, and IV will be holding elections for their Directors and Alternates. The FCLB Annual Business meeting will be held on Saturday, with general elections limited to the Nominating Committee.

Staff was requested to explore serving a full breakfast on Thursday and Saturday with no breaks, in lieu of continental breakfast and breaks.

Deadlines for Bylaws Amendment(s), awards, intent to run, and delegate registration are all posted on the website. Currently there is one proposed Bylaws amendment.

Dr. Otto announced he welcomes suggestions for awards.

## 6.2 Conference Supporters

M/S Fahrendorf / Colucci to appoint Dr. Coon as the 2014 Conference Support Chair.  
Passed, no opposition

## 6.3 Wolfson Scholar

M/S Coon / Fahrendorf to invite two nominations (one each) from Sherman College and Life University and waive registration (\$250 honorary fellow value), provide three hotel room nights each to allow attendance at FCLB's Thursday and Saturday sessions, reimbursement for airfare (or mileage in lieu of airfare at the rate of 56¢/mile if less expensive), and hotel or airport parking. Passed, no opposition

By consensus, the board agreed to move \$250 (waived registration fee value) from the Wolfson Scholarship Fund to the working operating account for the 2013 expenses effective 12/31/13.

## 6.4 NBCE Day

Dr. Grossman reported he worked with Dr. Craft at NBCE to develop a conference day devoted to NBCE. It was determined Friday will be financed and planned entirely by NBCE to include the keynote speaker, educational sessions, and group activity. FCLB will be available for assistance. Drs. Otto and Grossman have participated in producing a video with Dr. Craft and NBCE to market the entire Annual Conference program. It is expected to be posted on both the FCLB and NBCE websites in mid-February.

NBCE will continue to contribute \$15,000 in shared conference expenses.

## 6.5 Guest Event

Staff is reviewing options for a shopping event for guests.

## 6.6 Letters of Invitation / Promotions Planned

The board was referred to the written report in their materials.

## 6.7 Alumni District

A luncheon is planned, by invitation only over Dr. Otto's signature, for Thursday, May 1. Drs. Coon and Hulteen will be the hosts.

Dr. Coon reported he is continuing to research the feasibility of having a PACE provider offer a continuing education course for the attendees, particularly the honorary fellows.

## 6.8 Board Travel

The board was reminded to reserve their airline tickets early and plan to arrive by Monday, April 28, 4:00 p.m.

## 7. Future Annual Conferences

### 7.1 2015 Annual Conference - New Orleans

The date, location, and contract terms were reviewed.

## 7.2 2016 Annual Conference

The board agreed the Scottsdale/Phoenix area would be a good location for the 2016 Annual Conference.

## 8. Districts

### 8.1 District Meetings

The board discussed ideas to help the District Directors be prepared to run their meetings as well as ways to apply the many good comments from attendees. In particular, the agenda should focus on the top four or five topics that FCLB determines to be of greatest interest. Directors would like summaries of the topics to assist in the discussions. Social events need to be limited in time. It was agreed all district directors need to participate in a conference call orientation with the executive director to be well prepared for the meetings. Dr. O'Connor reminded the board of the importance of focusing on an application step - "now that you've learned this, what are you going to do next?"

Highlights of the 2013 fall district meetings will be sent in February.

### 8.2 2014 District Meetings

District I & IV - Hyatt Regency, Santa Ana Pueblo, New Mexico - October 9-12, 2014  
District II - Sea Spray Condominiums, Fort Walton Beach, FL, October 16-19, 2014  
Districts III & V - The Breakers, Palm Beach, FL, September 4-7, 2014

## 9. PACE

### 9.1 PACE Strategic Focus

The board was referred to the written report in their materials.

### 9.2 PACE Budget

There is no in-person PACE meeting planned for 2014. Online and telephone training is included. Ms. Liewer referred members to the "Proposed Initiatives Fall 2014" handout, noting the cost of instituting the initiatives is not in the 2014 budget. Initiatives include a PACE application suitable for mobile devices.

### 9.3 PACE Information

Ms. Liewer referred members to additional information in their materials regarding committee and review team vacancies, and board participation assessment checklist. The board noted the increase in PACE income for 2013.

### 9.4 PACE Committee Appointment

M/S Otto / Grossman to approve PACE Committee appointments of Vin DiCianni (Affiliated Monitors) as public member, and Lisa Blanchard (ND) as board executive director. Passed, no opposition



## 9.5 PACE Review Team Appointments

M/S Otto / Counselman to approve the list of appointments to the PACE Review Team as presented: Dr. Hank Hulteen (SC); Dr. Shannon Gaertner-Ewing (ID); Dr. Ken Perkins (TX); Janet Owen (Director of CE at Parker).  
Passed, no opposition

### 10. CIN-BAD

Bridget Seader referred members to the written report in their materials. Bridget was asked to do a comparison of benefits between CIN-BAD and HIPDB.

### 11. Official Directory

Bridget Seader referred members to the written report in their materials, noting that Official Directory searches constitute approximately half of all FCLB website visits.

### 12. Accreditation

#### 12.1 CCE-USA

##### 12.1.1 NACIQI Report

Dr. O'Connor was thanked for delivering the FCLB testimony regarding USDE recognition of CCE. NACIQI staff reported that CCE addressed all identified concerns to the satisfaction of USDE. CCE received the maximum period of recognition with no interim reports required based on the remaining time period in their recognition cycle.

##### 12.1.2 CCE-USA 2014 Annual Meeting

There were no regulatory issues brought to the attention of the FCLB stemming from the CCE-USA meeting the previous weekend.

#### 12.2 CFCREAB

Ms. Liewer and Dr. Fahrendorf reported that CFCREAB is working on their clinical guidelines.

The board recessed at 4:10 p.m. to reconvene Saturday morning, January 18, 2014.

**SATURDAY, JANUARY 18, 2014**

The board reconvened at 8:40 a.m.

### 13. International Issues

#### 13.1 International Chiropractic Regulatory Collaboration (ICRC)

M/S O'Connor / Coon to recognize the ICRC Statement on competency, and to authorize the FCLB representative(s) at the ICRC Myrtle Beach meeting to report the FCLB's recognition of said statement.  
Passed, no opposition

Dr. Pennebaker referred the board to the "Minutes - ICRC In Brief" information in their materials.

## 13.2 WFC Biennial Congress

Dr. O'Connor reported the next WFC conference will be October 29 - November 1, 2014, in Miami, FL. He will be in attendance on behalf of NBCE. The NBCE fall 2014 mid-year meeting will be in Miami at the same time.

ECU Meeting - May 29 - June 1, 2014: Dublin, Ireland. Dr. O'Connor will be attending representing the NBCE / IBCE international issues.

The next WFC Biennial Congress is May 13-16, 2015, in Athens, Greece.

## 14. Member Boards Specific Issues

### 14.1 DOT Exams

The Colorado board issues concerning DOT exams have been resolved and Connecticut is nearing resolution. Washington, Michigan, and Virginia are the only boards that presently do not allow chiropractors to perform DOT exams.

## 15. Examinations

### 15.1 IBCE (International)

Dr. O'Connor reported that discussions have been initiated with several countries around the world relating to assisting them with their examinations.

## 16. FARB

FARB continues to work on the formal launch of Look Up a License, to direct consumers to the on-line regulatory resources in every profession. Donna Liewer will resign as FARB president following the conclusion of her executive director duties with FCLB.

## 17. Upcoming Meetings

FARB Forum: Jan 24-26, 2014, Austin TX - Ms. Liewer budgeted to attend

Summit 22: Feb 26, 2014, Wash, D.C. - One board member budgeted to attend

NCLC: Feb 26-Mar 1, 2014, Wash, D.C. - One board member & one staff budgeted to attend

ACC/RAC: Mar 20-22, 2014, Orlando, FL - Two board members & one staff budgeted to attend

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## New Business

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## 18. New Business

### 18.1 Bad Debt

M/S Grossman / O'Connor to write off to bad debt the outstanding balance of \$330 owed by Michael Addison. Passed, no opposition

## 18.2 Rental Car Policy

M/S Grossman / Fahrendorf to add Section 9.5 of the FCLB Board Policies & Procedures Manual as presented, to give clear guidance regarding renting cars while on FCLB business.  
Passed, no opposition

## 18.3 US Boards That May Have Conflicts with the Current CCE-US Requirements

Ms. Liewer received Dr. Anderson's initial research report three days ago. She will follow up on the information and report to the board at the March 2014 meeting.

## 18.4 Number of Licensees

Several organizations have requested information regarding the number of chiropractic licensees in active practice. Ms. Liewer discussed the need for additional staff and technology for a project of this size. By consensus, the board agreed to keep this possibility open.

## 18.5 PACE Appellate Commission

M/S Grossman / Fahrendorf to approve the PACE Appellate Commission appointments of Dr. LeRoy Otto, Dr. Larry Spicer, and Dr. Ron Tripp.  
Passed, no opposition

## 18.6 Certain Websites Presenting Chiropractic Credentials

Drs. O'Connor and Spicer discussed concerns regarding various websites presenting chiropractic credentials in a way that might be misleading to the public. Ms. Liewer will followup as necessary.

## 18.7 District Director Alternate Vacancies / Training New BOD & Alternates

Dr. Counselman expressed his concern that the alternate position remains vacant in some situations. By consensus the board agreed to present this concern to the Bylaws committee for discussion.

District directors were encouraged to communicate with their alternates to keep them informed of FCLB business.

By consensus the board agreed to have a new board member and alternates orientation on Saturday following the close of the annual conference. Notice is to be given to anyone running for a position to allow time in their travel schedule for the orientation.

## 18.8 Delegate & Alternate Orientation

There was discussion about providing orientation information to be sent to delegates and alternates with specific information as to their responsibilities as well as having district directors discuss this at the annual conference Saturday district meetings. In particular, delegates and alternates should understand that few if any of their votes are binding on their boards, and should be encouraged to add FCLB regularly to their board meeting agendas.

19. Committees / Task Force Appointments

19.1 President's Appointments to Standing Committees (required approval)

M/S Grossman / Spicer to approve the president's appointments to FCLB Standing Committees for 2014 as discussed. Passed, no opposition

19.2 President's Appointments to Special Committees & Task Forces (courtesy approval)

M/S Spicer / Counselman to approve the president's appointments to FCLB Special Committees and Task Forces for 2014 as discussed.  
Passed, no opposition

Dr. Otto requested that Dr. Colucci present her suggestions for the Practitioner Mobility Task Force at the March 2014 board meeting.

19.3 President's Appointments to Other Organizations to which FCLB Has Voting Representation

Ms. Liewer is currently the FCLB representative for the FARB and NPDB. Due to her announced retirement, effective July 17<sup>th</sup>, the board agreed to address this issue at the May 2014 board meeting.

By consensus, the board agreed to address the FCLB representative to the CCGPP at the May 2014 board meeting.

20. Finance: 2014 DRAFT Budget

M/S O'Connor / Spicer to approve the 2014 budget totaling \$781,900.  
Passed, no opposition

21. Recap & Adjourn

21.1 Seat Arrangements for In-Person Meetings

Staff was requested to change the seating arrangement as necessary to allow for better hearing for board and staff.

21.2 Board Book and Materials

By consensus the board agreed the board materials should be returned to a single document, dropping the appendix.

M/S Spicer / Coon to enter executive session at 11:05 to discuss personnel matters.  
Passed, no opposition

Staff and Executive Director were excused.

M/S O'Connor / Spicer to exit executive session. Passed, no opposition

M/S O'Connor / Coon to adopt the following action steps relating to Ms. Liewer's retirement:

1. List of attributes, skills, and experience to be developed by Donna Liewer to be posted with the job description on the website. Masters degree preferred, may substitute experience.
2. By the first of next week, an announcement of Ms. Liewer's retirement to be sent via email to member board offices, executive administrators, and board members. It should mention that a search committee has been formed and more information will be forthcoming.
3. FCLB staff will develop a webpage through the FCLB website to host the various applicable documents and to receive electronic applications.
4. Press releases to be sent to the national associations and major news agencies.
5. Dr. Otto to contact Dynamic Chiropractic to see if they are interested in running a story about Ms. Liewer's contributions over the past 25 years.
6. The District Director Highlights should include the retirement information and qualifications for the position, along with a link to the webpage.
7. Chiropractic College presidents will be notified about the retirement and encouraged to suggest candidates.
8. Preferred hire date will be April 15, 2014.
9. Ms. Liewer will be encouraged to comment on any applicants but will not be involved in determining the finalists.

Passed, no opposition

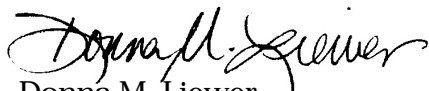
Drs. Otto and Pennebaker will inform Ms. Liewer of the action steps adopted by the board.

M/S O'Connor / Coon to adjourn at 12:00 p.m. Passed, no opposition

NEXT FCLB BOARD MEETING

Tuesday, March 11, 2014

6:00 PM Mountain Time - Via Teleconference

  
Donna M. Liewer  
Recording Secretary

With appreciation to Joan Carl and Bridget Seader for assistance with the Minutes

Approved 4/29/2014