



MID-YEAR MEETING FCLB Board of Directors

November 3-4, 2017

Horace C. Elliott Building on the NBCE Campus
Greeley, CO

MINUTES

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

PRESENT:

OFFICERS:

Margaret Colucci, D.C., President (Saturday only)
Kirk Shilts, D.C., Vice President
Carol Winkler, D.C., Treasurer
Farrel Grossman, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

James Buchanan, D.C., District I Director
Robert Daschner, D.C., District II Director
Keita Vanterpool, D.C., District III Director
Cynthia Tays, D.C., District IV Director & Board Chair
Ned Martello, D.C., District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Patricia Oliver, Administrative Fellow Director

ALTERNATE DIRECTORS:

Brian McIntyre, D.C., District II Alternate Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Julie Finn, Executive Assistant
Vicki Young, Finance & Benefits Manager
Kelly Webb, PR & PACE Coordinator
Bridget Seader, Program/CIN-BAD Administrator

MEETING DETAILS

I. **Call to Order, Roll Call, Announcements, Integrity Check**

Dr. Tays called the meeting to order at 8:30 a.m. Dr. Schwartzbauer noted board members and staff present as listed.

Dr. Schwartzbauer announced that Dr. Colucci would not be present today. He asked that agenda items that pertain to her be moved to Saturday, along with the District II discussion.

Dr. Tays then called for an integrity check. She reminded the board of adherence to general policies and code of conduct.

Dr. Colucci reported that she was just appointed to the Foundation for Chiropractic Progress (F4CP). Dr. Vanterpool also announced she was appointed to a CCE committee.

II. FCLB Master Calendar

Dr. Tays reminded the Board the master calendar is on the private section of the Board of Directors website.

III. Consent Agenda

A. Board Meeting Agendas

B. Ratification - Electronic Minutes and Ballots (Full Board)

C. Standing Rules

M / S Oliver / Martello to adopt and approve the consent agenda as written. Motion passed, no opposition.

D. Board Policy Manual

None to date

IV. Guests

Mr. Warren Baker and Ms. Shana Rogers from Wells Fargo were present to discuss their roles and information regarding our Investment Policy. They walked through our portfolio and discussed customized options, following a taxable intermediate investment grade strategy, managing strategy on behalf of the FCLB. Dr. Schwartzbauer said the quarterly report will be forwarded to the Investment Committee and they will have an opportunity to make recommendations back to the board. This will be an on-going agenda item.

LEGAL ISSUES

V. Legal Issues

Dr. Shilts asked to go into executive session to continue previous discussion from executive session in May regarding the issue of the adverse publication, with Drs. Grossman & Colucci recused.

M / S Shilts / Winkler to enter into executive session.

M / S Grossman / interjectory motion to gag the legal issue. No second to the interjectory motion. Motion failed.
Initial Motion passed. Dr. Grossman opposed

Entered into executive session at 8:40 a.m. Dr. Grossman recused himself.

Executive Session ended and the meeting reconvened at 10:01 a.m.

GOVERNANCE

1. Financial Report

1.1 Membership Dues Report

A. 2018 Dues Schedule / Invoice

Dr. Schwartzbauer reported Michigan has not yet paid their dues and Puerto Rico has paid their dues from the previous year but not this year.

Dr. Grossman requested permission to present to the South Carolina chiropractic board about PACE as he will be there on NBCE business.

M / S Winkler / Daschner to authorize Dr. Grossman to speak on behalf of the FCLB to the South Carolina Board of Chiropractic Examiners regarding PACE. Motion passed, no opposition.

B. Member Benefits

Dr. Tays referred the board to page 11 in the written materials.

1.2 Budgetary Issues as of 9/30/2017

Dr. Tays said budget decisions will be discussed on Saturday

- A. Status Report
- B. Income & Expenses Report
- C. Job Cost Reports
- D. Board of Directors Designated Funds

1.3 Preliminary Draft Budget

Dr. Winkler referred the board to page 22 of the meeting materials. The budget is similar to last year with a projected surplus. Dr. Grossman said he would like to amend the interest and dividends line item to \$19,200 to reflect the current number as presented by Mr. Baker from Wells Fargo. There were no other amendments to the revenue side. On the expense side, there was board consensus to eliminate the ICRS travel expense, remove \$2,100 from the CCCA advertising line item, and make salary adjustments as discussed in executive session later in these minutes.

M / S Winkler / Grossman to adopt the 2018 Budget as amended. Motion passed, no opposition.

1.4 Operating Fund

M / S Winkler / Oliver to approve allocation of 3% of the projected 2017 revenues to the Operating Fund effective 12/31/2017. Motion passed, no opposition.

2. FCLB Board of Directors

2.1 Vision for the FCLB

Dr. Colucci thanked the board for their support and thanked Dr. Grossman for his past direction. She encouraged everyone to step up and grow leaders, that ideas are welcome and every voice in the room matters. We have a passionate board and staff, and great camaraderie among our members.

2.2 Business Expenses

Dr. Winkler presented information on what constitutes proper business expenses.

2.3 Brainstorming ideas to increase attendance to FCLB Annual and District Meetings

Dr. Tays asked the board for ideas to improve attendance at our meetings. Ideas include more training for board members via a 20-30 minute podium experience rather than a break-out session; reduction in registration fees for new attendees (this would require a bylaws change); open the attendance up for anyone interested in coming; increasing the CE element; separating roles from your professional hat from your state association role; scholarships; training for Board Administrators; more recognition for our Board Administrators.

2.4 Statement of Commitment Signatures

Ms. Young handed out Statement of Commitment signatures, including Conflict of Interest, Security Policy and W9 forms for board member signatures.

2.5 Review Financial Protocol for Board of Directors

Dr. Winkler reviewed the financial protocol.

Break for lunch at 12:03 p.m.

Dr. Tays reconvened the meeting at 12:46 p.m.

2.6 District II Autonomy and Status

Dr. Daschner requested this discussion be deferred until Saturday when Dr. Colucci is present.

Dr. Daschner asked the board for a statement that District II may choose to meet with other districts if they elect to do so or meet as they have been doing if they so choose.

M / S **Grossman / Daschner** **to state as policy that each FCLB district has the opportunity to choose their venue and groupings for district meetings with respect to availability and cost considerations.** *Motion passed, no opposition.*

2.7 Chain of Command

Dr. Colucci discussed the current chain of command, reminding the board that items of concern should be directed to the President first. More procedural or basic information can be directed to Dr. Schwartzbauer.

2.8 Honorary Fellow procedure change

Dr. Colucci reported she would like to see this group grow, to have every board member that steps off their board automatically become an honorary fellow, thanked for their service and given a nice certificate, unless they opt out. The board discussed mechanisms for the opt-out feature in recognition that Honorary Fellow membership is not mandatory.

Dr. Colucci directed Dr. Schwartzbauer to formulate a script to be given to each director, then connect with Drs. Hulteen and Coon regarding the new protocol.

2.9 Administrative Fellow Director meeting option

Dr. Shilts said he would like to see our Administrative Fellow member attend each district meeting in hopes of pulling in more board administrators, and he suggested expanding the travel budget if she would agree to do so. It would be about a \$3,000 cost per meeting. Ms. Oliver said she was honored and willing to do whatever the group asks of her.

2.10 Dual NBCE & FCLB Board Member District Meeting Travel (Financial Policy)

Dr. Shilts suggested budgeting Ms. Oliver's travel to a second district meeting in place of the Immediate Past President's travel when the NBCE covers the Immediate Past President's expense. Dr. Grossman agreed that Ms. Oliver's expertise is unique, however Dr. Schwartzbauer clarified that the immediate past president is not budgeted to attend district meetings. No decisions were made.

2.11 E-Mail Protocol

Dr. Shilts addressed the email protocol reminding the board about the chain of command to email Dr. Schwartzbauer or Dr. Colucci rather than a broadcast email.

3. Personnel Issues

3.1 COLA - Cost of Living Adjustment

M / S **Grossman / Winkler** **to enter into executive session at 1:03 p.m.** *Motion passed, no opposition.*

Exited executive session at 1:41 p.m.

The board announced ratifying the actions taken in Executive Session.

4. Membership Issues

4.1 Member dues yearly increase

Dr. Schwartzbauer discussed the decrease of our previous dues increase. We had changed our increase of the annual dues from 5% to 2.5% and will revisit annually. Dr. Shilts recommended maintaining the current structure as it is.

M / S **Winkler / Grossman** **to maintain current dues structure for 2019.** *Motion passed, no opposition.*

OPERATIONS

5. FCLB Technology & Communications

5.1 Website Update

Ms. Webb reported that our website storage has reached its limit and our host organization was going to start charging us more. Currently it is robust with a lot of data, including our database, however the staff was able to delete 28GB of data to get us back under that limit and save us money.

5.2 Software System Update

Ms. Webb checked into website compliance and found the cost through DotNetNuke would be \$500 for compliance review. She will continue to work on bringing our website up to compliance.

5.3 FCLB Official Directory

Ms. Seader reported that she will be working on sending directory pages to each licensing board requesting updates, including some additional statistics categories.

5.4 IT Position / Phone App

Dr. Colucci feels it is important that FCLB has apps (smart-phone applications) available with all our programs.

Dr. Schwartzbauer commented we had started this process as we move from IMPak to Impexium software. He reported step two is we change the website to the latest version, making it mobile-friendly. Once the website is mobile and the Impexium platform is in place we can go to an App. Dr. Shilts felt the board needs to commit to bring in an IT expert as an employee or contracted service and directed Dr. Schwartzbauer to research what is best for us and move in that direction.

M / S Daschner / Vanterpool to authorize Dr. Schwartzbauer to proceed with estimates of IT support and when he needs funds. Motion passed, no opposition.

6. Committees

6.1 Resolutions & Bylaws Committee:

A. Bylaw Amendment submitted

1. Support Codifying Investment Committee to a Standing Committee

M / S Grossman / Daschner to put forth an amendment to Article IX of the Bylaws, Amendment #6.1.a.1 (page 31) regarding the Investment Committee. Motion passed, no opposition.

2. Board Chair / District Director Chair

Dr. Tays referred the board to page 32 of the meeting materials. Dr. Shilts will withdraw his bylaws proposal. Discussion was held regarding possibility of using other means of meeting, such as videoconferencing or free online meeting services such as GoToMeeting.

B. Resolutions Submitted

1. Opioid Resolution

Dr. Shilts handed out suggested changes to Resolution 1-18, stating we need an action step for member boards. The medical profession has stepped up, the state legislatures have stepped up, and this crisis can help the public served by our member boards by bringing awareness to the drugless services provided by the chiropractic profession.

M / S Grossman / Winkler to put forth Resolution 1-18 regarding regulatory action steps to help combat the opioid prescription drug epidemic to the constituent body for approval. Motion passed, no opposition.

6.2 CBAC

A. Update

Ms. Oliver reported that the CBAC committee will have a motivational speaker present from the Dallas area to speak with the group. Dr. Grossman also extended a verbal invitation for the CBAC group to attend the NBCE luncheon.

6.3 CCCA Committee

A. Update

Dr. Schwartzbauer stated that they will be broadening the CCCA committee with the addition of two more people, and within that committee develop a steering committee.

M / S Grossman / Daschner to allocate necessary funds to renew Chiropractic Economics for one year, and suspend advertising with American Chiropractor and Chiropractic Assistant magazines. Motion passed, no opposition.

B. MPA Language Review

Dr. Shilts, at the direction from the board, referred to changes in the Model Practice Act language to produce a second set of regulatory language relative to Chiropractic Assistants, recognizing them in a similar manner to medical assistants, not as a licensed profession, but as a unlicensed individuals recognized through chiropractic regulation. He said the MPA committee questioned Section 405 of the document regarding the term manual therapy. After discussion, the committee felt the document could stand alone without manual therapy included under the subheading of Unlawful Delegation.

M / S Shilts / Daschner to add to the FCLB Model Practice Act, pending legal review by board counsel, a new section on Chiropractic Assistants as presented and further amended. Motion passed, no opposition.

C. To Increase Classroom Hours

Dr. Shilts, as part of the Model Practice Act language just approved, referred the board to page 49 of the meeting materials regarding a set number of hours existing in the MPA to be a chiropractic assistant. Currently, 24 hours of didactic education is required. After review of over 40 certification programs, he found none to have only 24 hours of education. He is recommending a number more realistic, a higher number, and grandfather in our existing people. The consensus of the board was to make no changes at this time.

6.4 Appointments / Changes to Special and Standing Committee

Dr. Colucci wants to open up more seats on the CCCA committee.

M / S Grossman / Winkler to open up more seats on the CCCA committee and let the committee determine how to function and develop initiatives. Motion passed, no opposition.

Dr. Colucci referred to page 53 of the meeting materials regarding special and standing committees. She made the following appointments:

Finance & Audit Committee: Dr. Cathy Riekeman (NM)

Ms. Beth Kidd (OK)

Resolutions & By-Laws: Dr. Brian McIntyre (MO)

Dr. Amy Pezo (MT)

Passport Credentialing Committee: Dr. Kindra Ingram (MD)

Dr. Patricia Schumacher (WI)

Ms. Emily Cronbaugh (WY)

CCCA: Dr. Carol Winkler (ND)

Ms. Lisa Blanchard (ND)

Government Issues: Dr. Sal LaRusso (FL)

Dr. Beth Ehlich (SC)

Dr. Bruce Hilton (NC)

6.5 Investment Committee Update

Dr. Grossman had nothing new to add, but was glad for the access to Warren Baker.

7. New Programs

7.1 Specialty Programs Framework

Dr. Shilts urged the board to consider a similar model to the Canadian Federation with regards to accrediting chiropractic specialty councils. He feels the FCLB should establish a set of simple standards, that a diplomate program or certification program recognized by our member board is unique and that the practitioner has the education component beyond the chiropractic degree that is legitimate. Dr. Shilts is proposing the FCLB establish the criteria and within these organizations fulfill certain requirements to be accredited. The committee is discussing a broad vision regarding this particular specialty council task force.

8. Future Annual Conferences: 2018, 2019 and 2020

8.1 2018: Dallas, Texas; Hyatt Regency Dallas; May 2-6, 2018

A. Theme: Regulatory Roundup: Seven Habits of Highly Effective Regulators

8.2 2019: Mission Bay, California; Hilton Resort and Spa; May 1-5, 2019

8.3 2020: Denver, Colorado; April 22-26, 2020

8.4 2021: City Selection

Boston, MA

Kansas City, MO

Annapolis, MD

Other ideas included Nashville and New Jersey. Dr. Winkler asked Ms. Finn to do some research and also consider the order of the meetings and give the board an update in January.

9. District Meetings

9.1 District Meeting Evaluations

Dr. Schwartzbauer commented that the district meeting evaluations are in the meeting materials. We received good feedback and comments: Round tables are popular, however time restraints need to be considered; Passport was viewed as more beneficial as a repository.

9.2 2017 Meeting Updates

Dr. Daschner was commended for doing a great job leading his first District II meeting. Dr. Vanterpool felt their meeting went well, with CCE present as well as representatives from Canada. Dr. Tays also reported that the meeting went well and that she took notes from round tables to distribute later.

10. PACE

10.1 PACE Program Status

A. Providers

1. Provider Categories and Mission Statements

Dr. Daschner reported on the mission statements of our PACE organizations. The committee has been looking at several cases to ensure we maintain PACE credibility. Dr. Shilts commented the way our providers are approved should be reviewed as he questions organizations whose educational accrediting component is not a college accredited by CCE (state associations entities offering CE online, groups contracting with others that have nothing to do with their mission or their level of expertise.) Dr. Grossman suggested that applicants be asked how many providers they have and if they increase their number of providers by more than 25% they have to go back through the process again. Dr. Shilts recommended improving our application form to provide a level of security to establish they are meeting the standards.

B. Boards

1. Status Chart - Meeting Dates Added

Dr. Daschner referred the board to the written report in the meeting materials. Dr. Schwartzbauer reported there is no update from Kentucky but West Virginia did provided an update on where they stand with PACE. Dr. Schwartzbauer also said Wisconsin passed the Senate Committee but no word when it will be in the House. Dr. McIntyre said that Missouri is still a no and Dr. Tays said Oklahoma and New Mexico are close to finishing up.

2. Utilization Chart

Dr. Daschner referred the Board to page 97 of the meeting materials.

10.2 PACE Committee and Review Team Membership

Dr. Colucci appointed Dr. Justin Klein (DC) to replace Dr. Karen Mathiak on the PACE Committee.

Dr. Colucci has reappointed the following at-large members for the PACE Review Team:

Dr. Scott Hansing	Dr. Richard Tollefson
Dr. Donn Fahrendorf	Dr. Mark Korchok
Dr. T.J. Spencer		

Dr. Fahrendorf has corresponded that he no longer wishes to serve on the PACE Review Team.

M / S **Grossman / Shilts** **to accept all presidential appointments. Motion passed, no opposition.**

10.3 In-Person Course Audits

Dr. Daschner reported that PACE review team is set up to do onsite audits. Dr. Winkler has concerns with the number of people on the review team and felt it needed to be expanded. No action is needed at this time. Ms. Webb clarified that they have been doing electronic audits.

10.4 Steps Needed to Make Changes to PACE

Dr. Schwartzbauer stated changes made to PACE policies and standards need to be sent out 30 days in advance of the annual meeting. A forum at conference will be scheduled giving delegates the opportunity to comment. If the proposed changes pass through the forum then it can be approved at the following year's conference. He commented that the current course search is not ideal but Impexium will improve on that.

10.5 Creation of Sub-Committee to Research Online CE

Dr. Shilts reported he sat in on the Florida board meeting where they discussed concerns regarding online courses. Dr. Shilts proposed assigning a task force to talk about oversight in this area. He is suggesting Dr. Paul Powers (CT), (a for-profit on-line CE vender) and someone from a chiropractic college, possibly Dr. Tom Ventimiglia (NYCC). Dr. Colucci offered to contact the new president of NYCC and request Dr. Ventimiglia to serve on the PACE sub-committee, and report at the next meeting.

M / S **Shilts / Winkler** **to create a subcommittee to research/investigate security standards within online CE PACE providers. Motion passed, no opposition.**

M / S **Daschner / Winkler** **to recess the meeting until Saturday morning, November 4, 2017. Motion passed, no opposition.**

Dr. Tays recessed the meeting at 4:29 p.m.

Dr. Tays called the meeting to order at 8:29 a.m. Saturday Morning, November 3, 2017.

10.6 State Association Outreach

Dr. Buchanan reported that he is hoping to get with Dr. Schwartzbauer on what to use as bullet points to the benefits of PACE for their organizations. Drs. Vanterpool, Daschner and Tays all reported they have no additions.

10.7 Information for State Associations – Becoming a PACE Provider

Dr. Colucci is hopeful that this board will decide to have our next Mid-Year meeting in Austin in conjunction with the COCSA group. Their meeting is scheduled for November 1-3, 2018.

10.8 PACE FAQ for State Associations

Dr. Grossman referred the board to the written report on page 107. He has nothing new to add.

11. Chiropractic Passport Program

11.1 To Authorize the Executive Director to sign the Insurance Policy for Passport Submitted by CRC

Dr. Schwartzbauer shared that the board tasked him to look into an insurance rider. The proposal submitted was over the amount that he is approved to sign off on so it is before the board of directors for approval. Dr. Grossman asked to review the contract before a decision is made.

M / S **Shilts / Daschner** **to table this discussion for further review. *Motion passed, no opposition.***

11.2 Getting Sports Groups on Board

Dr. Colucci said she would like to approach sports groups that go out of the country to find out if Passport should be a registry or do we need to address those 16 states that have temporary licensure to add a policy. She feels we need to decide which direction we're going.

12. CIN-BAD

12.1 CIN-BAD Program Update

Ms. Seader reported that we are working with Impexium and the new software development team to make a smooth transition and address the upcoming Action Notification System (ANS) to better serve our boards and subscribers.

REGULATORY ISSUES

13. Accreditation

13.1 None to Report

It was decided that the President of the CCE, Dr. Craig Little, should be a regular invitee to conference.

14. Member Boards: Specific Issues

14.1 State Requested Power Polls

Dr. Schwartzbauer referred the board to specific issues on page 111 of the meeting material.

14.2 Inviting Former Board Members to FCLB District Meetings

This topic came up during a District meeting regarding who do we want to invite to our meetings. There was discussion regarding conversations and topics of sensitivity that member boards may not wish to have opened up to outside individuals. The board felt the annual conference was an appropriate venue to invite everyone, but we may choose to shift for district meetings to invitation only. Ms. Finn said that ICA and ACA people have been invited in the past, as well as a representative of the sponsoring organization.

Dr. Shilts suggested possibly making it a two-day event, one day exclusive to board members, second day open to honorary fellows for round tables. Dr. Grossman recommended continued discussion with the EC committee and bring back to the board in January.

14.3 Michigan Membership – Update

We received notification from the State of Michigan indicating they will not be participating as dues-paying members. They indicated it's not the state board that doesn't want to be a member, but the state is not funding the membership.

15. Examinations

15.1 NBCE Exams (US)

Dr. Grossman reported that NBCE's written and practical exams are continuing and they are still developing the Computer Based Testing (CBT) but they do not currently have a functional product.

15.2 IBCE Exams (International)

Dr. Grossman reported there are no changes internationally.

16. Other Regulatory Bodies

16.1 FCC

Dr. Colucci reported that she met with representatives from the Federation of Canadian Chiropractic at the District III & V meeting.

16.2 ICRS

A. 2018 Meeting Attendance

B. ICRS Report

Dr. Colucci is considering attending the ICRS meeting in Budapest on her own money.

STAKEHOLDER INTERACTION

17. Requests from Other Organizations

17.1 None to Date

18. Professional Associations

18.1 ACA - Xray Position

Dr. Colucci reported the new x-ray position with the ACA has generated a lot of phone calls within the profession. Dr. Shilts felt it would be valuable for us as an organization to have a resolution, that when spinal imaging is desired and appropriate, the licensee apply proper safeguards and protocols.

19. Recent Meetings

19.1 NBCE Mid-Year Meeting: October 30 - November 1, 2017, Los Angeles, CA

Dr. Grossman said the meeting was good and the focus was primarily on the CBT issue. He also reported that their board approved four \$2,500 scholarships for the board administrators and the board will also be addressing conference plans for the Thursday night welcome reception and entertainment for Friday.

20. Upcoming Meetings

20.1 None to Date

NEW BUSINESS

21. New Business

Dr. Grossman recognized the job the treasurer and board chair have done. Dr. Schwartzbauer also recognized the staff.

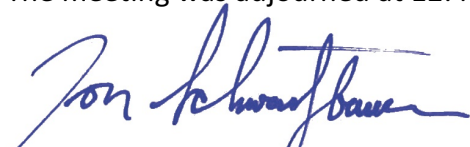
Dr. Shilts recognized Dr. Colucci's commitment to the board in light of a family emergency which caused her to miss the first day of our meeting, and Dr. Colucci thanked everyone for their input and preparation.

Ms. Young reminded the board that outstanding travel vouchers need to be turned in.

ADJOURN

M / S **Daschner / Oliver** **to adjourn the meeting. Motion passed, no opposition**

The meeting was adjourned at 12:44 p.m.



Jon Schwartzbauer, DC
Executive Director

With appreciation to Bridget Seader for assistance with the Minutes