



Federation  
of Chiropractic  
Licensing Boards

# MEETING

## FCLB Board of Directors

Tuesday, November 12, 2013

Via Telephone Conference Call

### APPROVED 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 (unable to attend)

#### ALTERNATE DIRECTORS:

Carol Winkler, D.C., District I Alternate Director  
William Rademacher, D.C., District II Alternate Director

#### STAFF:

Donna M. Liewer, Executive Director  
Joan Carl, Finance & Benefits Manager

### MEETING DETAILS

#### I. Call to order, roll call, announcements, consent agenda

Serving as chair, Dr. Pennebaker called the meeting to order at 6:08 p.m. MST, November 12, 2013. Ms. Liewer noted board members, alternates, and staff present as listed.

### CONSENT AGENDA

**M/S O'Connor / Coon** to approve the motions in the consent agenda as written.  
*Passed, no opposition*

#### II. Consent Agenda Motions

**1. Motion:** To approve the board of directors meeting agenda for November 12, 2013, as presented.

2. **Motion: To approve the Minutes from the board of directors meetings September 10, 2013, as presented.**

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## LEGAL ISSUES

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### III. Legal Issues

**M/S Grossman / Fahrendorf to enter into executive session at 6:10 p.m.**

*Passed, no opposition*

Staff and alternates were invited to remain.

**M/S Otto / O'Connor to exit executive session at 6:12 p.m.** *Passed, no opposition*

There were no actions taken in executive session.

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## GOVERNANCE

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### 1. Financial Report

#### 1.1 Finance Report

The chair referred the board to their materials. Dr. Colucci noted that as travel costs continue to rise it is important to keep a close eye on that budget item. Further discussion will take place at the January 2014 meeting. Ms. Liewer alerted the board to expect e-mail ballots in late December regarding any need to move reserved and/or restricted funds as the 2013 budget year comes to a close. There were no questions.

#### 1.2 Unsold 2013 Auction Items.

Dr. Colucci directed the board to the written report in their materials. She noted that any unsold items as of December 15, 2013, will be returned to the donor or discarded appropriately. Staff was requested to update the list of items to include information regarding minimum purchase price and/or outside usage expiration date, and e-mail to the board. Board members were asked to contact Dr. Colucci via her cell if they or someone they know is interested.

#### 1.3 Audit

The FCLB 2013 year end audit is scheduled for January 27 - 31, 2014.

### 2. FCLB Board of Directors

#### 2.1 Proposed Bylaws Amendment: Treasurer Qualifications

Dr. Grossman referred the board to the written report explaining the reasoning behind the proposed amendment.

**M/S Grossman / Fahrendorf That the FCLB Board of Directors propose an amendment to Article VII, Section 3 of the FCLB bylaws to make the qualifications for nomination to the position of Treasurer consistent with those for President and Vice President, to be considered by the Delegate Assembly on May 3, 2014.**

*Passed, no opposition*

## **2.2 Amendment to the *FCLB BOD Policies & Procedures***

At the September 10, 2013, meeting Ms. Liewer was asked to identify a section in the *Board of Directors Policies & Procedures Manual* to include the directive that no individual board member has authority over the executive director.

**M/S Grossman / Counselman to amend Section 2.29 of the FCLB Board of Directors' Policies & Procedures Manual as presented.**

Passed, with Dr. O'Connor voting no.

## **3. Personnel**

### **3.1 Hiring of New Finance & Benefits Manager**

Ms. Liewer reported the new employee, Vicki Young, is to begin December 2, 2013. The time overlap for training is not expected to increase the 2013 payroll budget.

### **3.2 Group Health and Dental Package**

**M/S Otto / Coon to approve the 2014 employee group health package as presented including renewing the Anthem Lumenos HSA/5000/100% group health policy, integrating it with the Health Reimbursement Arrangement Plan, and to continue to offer the optional class H bonus in lieu of participating in the 2014 group health program; and to approve the 2014 Delta dental plan. Passed, no opposition**

## **4. Committees**

### **4.1 Model Practice Act**

Dr. Shilts reviewed the comment time line through May 3, 2014, when the delegate assembly will vote on whether to adopt the MPA as an official FCLB document. The integrated draft is scheduled to be posted on the FCLB website in mid-November for final comment by December 1, 2013. Notices of the posting and final comment period will be sent to our member boards and affiliates.

FCLB board members are requested to put their comments in writing, follow the deadlines, and be prepared to adopt or adapt the recommendations of the MPA Task Force at the January board meeting.

Ms. Liewer is to discuss with legal counsel time parameters for legal review.

4.2 There were no additional committee reports.

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## **FCLB PROGRAMS & SERVICES**

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## **5. Annual Conference: 2014 and 2015**

### **5.1 2014 Annual Conference**

The chair noted the 2014 annual conference dates are April 27 - May 4, 2014, in Myrtle Beach, South Carolina. Ms. Liewer reported the 2014 conference website is under development.

Dr. Grossman reported on the discussions with NBCE for sharing conference expenses.

**M/S Grossman / Coon** to approve sharing expenses with NBCE for the 2014 Myrtle Beach conference to include continuing NBCE's general financial support at \$15,000 and turning over the program and expenses for Friday to the National Board. FCLB staff and management support will be provided as needed for Friday.  
*Passed, no opposition*

## **5.2 2015 Annual Conference, New Orleans, Louisiana**

The hotel contract with the JW Marriott has been signed.

## **6. District Meetings**

### **6.1 Statistics/Income /Expense**

The chair referred members to the written report in their materials. Ms. Liewer explained the district meeting expenses are not budgeted to break even and are subsidized by other income. The 2013 deficit was just slightly more than budgeted. Dr. Shilts suggested the low attendance for District III & V be put on the January 2014 agenda for review.

### **6.2 District Meeting Evaluations**

The board discussed the comments and recommendations of the member boards noting the partiality to the small group discussions. The board will address prioritizing agenda topics at the January 2014 meeting.

## **7. PACE**

### **7.1 Acceptance and Participation; Governing Documents; Programming**

The Chair referred members to the written report in their materials, noting that major revisions in the computer programming are in process.

### **7.2 PACE Project Goals**

The board reviewed the proposed PACE project goals and time-frames and had no comments.

Kelly Webb reviewed all district meeting evaluations and is making contact with all boards who noted they would like help with PACE.

Dr. Colucci and Ms. Liewer spoke at the COCSA/Summit meeting making leaders aware of the PACE and CCCA programs and their benefits. In addition, they met privately with the COCSA board and also addressed the COCSA House of Delegates.

Many good contacts were made developing interest among the attendees. ACA and Standard Process were in attendance and very affirming of the program.

At the District III & V meeting, any members attending from non PACE accepting boards were approached by FCLB board members and encouraged to attend a special breakout session. Drs. Coon, Shilts, O'Connor, and Grossman felt this was very successful.

There were further discussions about boards and chiropractic associations and the need for personal contact. The January 2014 FCLB mid-year meeting agenda is to include assigning contact persons for those boards that don't accept PACE and approaching chiropractic associations.

## 8. CIN-BAD

Members were referred to the written report in their materials which included advice to member boards about licensees in the news. The January 2014 FCLB mid-year meeting agenda is to include discussion concerning the loss of CIN-BAD subscribers to NPDB.

Dr. Martin Kollasch has requested NBCE work with FCLB's CIN-BAD program as they prepare their *Practice Analysis* to survey only those D.C.s with no actions.

## 9. Certified Clinical Chiropractic Assistants

### 9.1 CCCA Update

Ms. Liewer referred members to the written report in their materials. She reported that FCLB and NBCE are in agreement that FCLB will hold funds paid for testing until the test is taken or the 90 day liability for refund has passed, tracking such liability by way of open invoices.

### 9.2 CCCA Project Goals

The board reviewed the proposed CCCA project goals and time-frames and had no comments.

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## Regulatory issues

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## 10. Accreditation

### 10.1 CCE/CCEI Conference Call - 9/11/2013

Members were referred to the written report in their materials. CCEI will be holding their 2014 meeting in Myrtle Beach on either the front or tail end of the FCLB conference.

### 10.2 CCE / NACIQI Hearings

**M/S Colucci / Grossman** to approve travel for Dr. O'Connor to represent the FCLB at the December 12, 2013, NACIQI hearings regarding CCE's petition for recognition. *Passed, no opposition*

Staff is to send a copy of the testimony to the board prior to the meeting.

## 11. Member Boards: Specific Issues

### 11.1 DOT Exams - Scope of Practice

The board reviewed cases in Colorado and Connecticut where there have been questions about DOT exams being within scope for chiropractors.

At the January 2014 mid-year board meeting Dr. Shilts would like the board to consider forming a task force to look at regulatory boards' laws prohibiting and/or supporting chiropractors concerning performing these types of exams.

## **12. International Chiropractic Regulatory Collaboration**

Members were referred to the written report in their materials. The ICRC will meet in Myrtle Beach April 30<sup>th</sup> and May 3<sup>rd</sup> in conjunction with the FCLB Annual Conference. Ms. Liewer noted that the ICRC members will be included in the FCLB 2014 conference promos.

## **13. FARB Attorney Certification Seminar - Coeur D'Alene, Idaho**

Members were referred to the written report about this recent meeting in their materials.

## **14. Examinations**

### **14.1 NBCE / Recent Midyear Meeting**

Dr. Otto reported the testing income is stable. There has been a modest increase in enrollees in US accredited chiropractic programs in recent years.

### **14.2 IBCE (International)**

Three people will travel to Dublin, Ireland for the next meeting.

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## **Stakeholder Interaction**

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## **15. CCGPP**

### **15.1 CCGPP Report**

It was noted that Dr. Stabile is eligible to continue to represent the FCLB through mid-2014. Dr. Stabile was complimented for his work on behalf of the FCLB. The board agreed that it was prudent that the FCLB remain involved in CCGPP. Dr. Greg Baker will serve as the new chair of the CCGPP.

## **16. Recent Meetings**

### **16.1 ACA House of Delegates Meeting**

Ms. Liewer addressed the ACA HOD at their September meeting held in Greeley and presented a pillar award to retiring ACA Executive Vice President, Bill O'Connell.

### **16.2 Summit 21 / COCSA**

Dr. Colucci & Ms. Liewer attended these two November meetings in Seattle to promote PACE and CCCA. Dr. Otto suggested we send officers and the FCLB Executive Director to the state association meetings as further promotion of PACE and CCCA.

## **17. Upcoming Meetings**

The chair referred the board to the the list of upcoming meetings in their materials.

### **17.1 FARB Forum, January 24-26, 2014, Austin, TX**

Dr. Otto requested Ms. Liewer to send the agenda to him as he may wish to attend.

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**New Business**

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There was no new business.

**NEXT FCLB BOARD MEETING**

January 17-18, 2014, Greeley Colorado

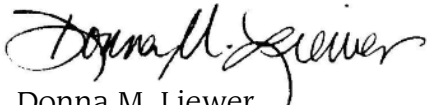
**Executive Committee Meeting**

January 16, 2014

5:00 p.m. Working Dinner

Plan to arrive at the Denver airport by 2:00 p.m.

**M/S Otto / O'Connor** **to adjourn at 7:43 p.m.** *Passed, no opposition*



Donna M. Liewer  
Recording Secretary

*With appreciation to Joan Carl for assistance with the Minutes*