



Federation
of Chiropractic
Licensing Boards

MIDYEAR MEETING

FCLB Board of Directors

January 20-21, 2012: Greeley, Colorado

NBCE Elliott Conference Center

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:

Lawrence O'Connor, D.C., President
LeRoy Otto, D.C., Vice President
Farrel Grossman, D.C., Treasurer
Daniel Saint-Germain, 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
Ali Jafari, D.C., District III Director (delayed due to weather, was seated Friday 1:10 p.m.)
Maggie Colucci, D.C., District IV Director
Michael Coon, D.C., District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Larry Spicer, D.C., Administrative Fellow Director

ALTERNATE DIRECTORS:

Kirk Shilts, D.C., District III Alternate Director (seated as District III director until Dr. Jafari arrived)

STAFF:

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

Legal Counsel:

Dale Atkinson, J.D., Atkinson & Atkinson - Friday only

MEETING DETAILS

I. Call to order, roll call, announcements

Dr. Pennebaker called the meeting to order at 8:02 a.m., January 20, 2012. Ms. Liewer noted board members, alternate board members, staff, and legal counsel present as listed with the exception of Dr. Jafari whose travel has been delayed due to weather.

M/S Grossman / Colucci to seat Dr. Shilts, District III Alternate Director, as the voting delegate for District III in Dr. Jafari's absence.

Passed, no opposition

Dr. Pennebaker noted minutes for the 11/8/11 board meeting were approved previously via e-ballot and posted on the website. Minutes were included in board materials for reference.

Dr. O'Connor expressed his gratitude to the board members for their presence at this meeting.

Dr. O'Connor reviewed the Long Range Plan. Many goals have been achieved since the long range planning meeting in July and he thanked the team for working together to bring about this accomplishment. The goals and strategies were reviewed, with each director briefing the board on their accomplishments toward meeting the goals.

CONSENT AGENDA

M/S Grossman / O'Connor to amend Item #III of the consent agenda to read "amend the audit protocol of the treasurer from a monthly review of general journal entries to a quarterly review of general journal entries." *Passed, no opposition*

M/S Grossman / Shilts to approve the motions in the consent agenda as written / amended. *Passed, no opposition*

CONSENT AGENDA MOTIONS:

1. **To ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in July 2011.**
2. **To approve agenda and modify as needed to accommodate guests or discussion.**
3. **To amend the audit protocol of the treasurer from a monthly review of general journal entries to a quarterly review of general journal entries.**
4. **To transfer \$15,000 of the projected 2011 change in net assets to the PACE Developmental Fund effective 12/31/11.**

Dr. Pennebaker announced the agenda would be prioritized to cover items requiring legal advice as Mr. Atkinson, would only be in attendance on Friday.

GOVERNANCE

1. Financial Report

1.1 2012 Member Dues

1.1.1 Dues Invoices

Dr. Grossman reported 2012 dues invoices were sent electronically for the first time, as well as by U.S. mail. The electronic mailing was well received by our boards and a record number of boards have paid in December and early January.

1.1.2 Delinquent Dues

The board discussed the FCLB delinquent dues policy and the membership portion of the bylaws, noting Georgia's extraordinary difficulty in getting FCLB dues paid.

M/S Shilts / Coon to bring to the delegate assembly a request to reduce Georgia's dues to \$0. *Motion failed with one abstention*

The chair directed the bylaws committee to explore the issues related to consequences of non-payment of member dues and termination of a member board.

1.2 2011 Budgetary Issues through 11/30/11

Dr. Grossman reviewed the written reports in the board packet noting cash and reserved funds balances.

1.3 2012 Budget

Dr. Grossman noted that per the NBCE Funding Agreement, the 2012 grant will be based on 5% of NBCE's annual test revenue. The first two years of the contract was a flat \$500,000; 2011 was the higher of \$500,000 or 5% of the annual test revenue, and 2012 through the end of the Agreement is 5% of the annual test revenue. Joan Carl was thanked for her work in presenting clear and concise financial reports.

The projected budget was reviewed by Dr. Grossman via a PowerPoint presentation. The final vote to adopt the budget took place on Saturday after all topics had been discussed.

M/S O'Connor / Saint-Germain to approve the 2012 budget totaling \$756,086 to include 3% of 2012 income to be transferred to the operating reserve funds at year end. *Passed, no opposition*

2. FCLB Board of Directors

2.1 Board of Directors Policies & Procedures Manual

M/S O'Connor/Shilts to accept the *Board of Directors Policies & Procedures Manual* as amended by the Executive Committee and consider any further amendments at the March board meeting.
Passed with Dr. Colucci opposed.

On Saturday, the board discussed the document again.

M/S Spicer / Coon to reconsider the motion passed Friday to accept the *Board of Directors Policies & Procedures Manual* as amended by the Executive Committee and consider any further amendments at the March board meeting. *Passed, no opposition*

M/S Spicer / Jafari to have staff prepare the full and final document along with a red-line version and provide to board members well before the March meeting in preparation for a final vote at the March meeting.
Passed, no opposition

2.2 Public Relations

A poster has been developed by Kelly Webb that includes a QR code access to the FCLB website via smart phones. From there the viewer will have information and links to the FCLB website. The board congratulated Kelly for her creative thinking and design.

OPERATIONS

3. FCLB Tech Update, Website Report

3.1 Website Usage

Kelly Webb referred board members to the report in their packet noting a continued increase in usage speaking well for our website services. There were no questions.

3.2 Centralized Database Software (IMPAK)

Ms. Liewer reported on the use and importance of the centralized database noting FCLB will be adding the CE, PACE, and CCCA components in the future.

3.3 Project Tracking Software

Ms. Liewer reported that Kelly Webb has done extensive research to locate a project tracking software for FCLB. Dr. Spicer was thanked for helping with the research. No software packages that meet the board's needs have been identified. The board agreed a simple spreadsheet would best serve the FCLB purposes.

4. Committees

4.1 Current Committees & Task Forces

4.1.1 Model Practice Act (MPA)

Dr. Shilts reported on the current status of the MPA document. The following sections will be included on the 2012 Conference agenda:

- Provisional licensure
- Regulating chiropractic assistants
- Student internship

The draft language is designed to work with the Sports Mobility task force plans for provisional licensure. Dr. Spicer discussed his research on how MPA standards fit with FERPA. The board discussed the need for the document, with Drs. Colucci, Otto, and Pennebaker asking that the scope section be placed on an upcoming board agenda for further discussion. The board agreed to move forward on the three other sections as presented.

4.1.2 Informed Consent (IC)

Julie Finn reported for Dr. Lubkin (CA) that the California board meeting is January 19th. California just passed regulations regarding informed consent to treat and Dr. Lubkin will be meeting with the IC committee. The board requested staff provide Dr. Lubkin with a copy of the Canadian informed consent policy.

4.1.3 Government Issues

No federal funds have been identified that would be appropriate for FCLB at this time, although some grant ideas are under consideration

4.1.4 CCGPP

Dr. O'Connor referred members to Dr. Stabile's report in the packet.

4.1.5 Chiropractic Board Administrators Committee (CBAC)

Dr. Spicer reported staff is coordinating with Beth Carter, committee chair, to plan the meeting of the board administrators to be held in conjunction with the 2012 annual conference. There was discussion about dwindling attendance and the possibility of an electronic meeting in lieu of a face to face meeting in the future. Staff was asked to research the cost and logistics electronic meetings for future years.

4.1.6 Sports Mobility

Dr. Colucci reported the project is presently on hold until pieces of the MPA were completed. It was the consensus of the board to add sports mobility to the 2012 annual conference agenda.

4.2 Committee / Task Force Appointments (see Saturday discussions #15)

5. Legal Issues

M/S O'Connor / Fahrendorf to enter into executive session at 4:20 p.m.

Passed, no opposition

Non-executive staff were excused.

M/S Spicer / Grossman to exit executive session at 5:12 p.m.

Passed, no opposition

Staff rejoined the meeting.

MS Jafari/Fahrendorf to authorize the FCLB to sign on the amicus brief in the North Carolina dental board case and to contribute \$1,000 toward legal fees to prepare the brief. *Passed, no opposition*

FCLB PROGRAMS & SERVICES

6. Certified Clinical Chiropractic Assistants (CCCA)

6.1 Draft CCCA Program Policies

Dr. Shilts described the components of the CCCA program and its benefits. The board reviewed the draft *CCCA Policy Booklet*, discussed marketing and the number of staff hours and logistics required to carry out the CCCA program. Dr. Colucci agreed to help with finalizing the *CCCA Policy Booklet*.

Dr. Shilts agreed to have all changes discussed by the board incorporated into the document in two weeks, to help with discussions at ACC-RAC.

6.2 Administrative Responsibilities for Examination Registration

NBCE expects to have a pilot exam ready by spring a launch date of June 2012. In order for the FCLB to have CCCA registration and PACE programming complete, significant software programming in IMPAK will need to be developed. Ms. Liewer will obtain cost estimates to be presented at the next board meeting.

M/S Coon / Jafari to develop a written agreement with NBCE that delineates the various program responsibilities, and to move forward with the CCCA program as presented. *Passed, no opposition*

Attorney, Dale Atkinson, was asked to prepare a draft agreement with NBCE and have available for board review in two weeks.

6.3 Promoting the CCCA program

The board discussed ideas, including the following:

- Provide a promotional brochure including a "QR" code to the licensing boards to be included in their license renewal information.
- Promote on our website with a "click here" button for anyone interested in becoming a certified clinical chiropractic assistant.
- Send brochures and other promotional material to chiropractic assistant associations.
- Contact the states that already have chiropractic assistants licensure / registration to see if they are able to provide a list of those CAs.

The meeting was adjourned for lunch at 12:00 p.m. where the board and staff met with the students attending the Student Leadership Forum at the NBCE.

The chair called the meeting back to order 1:10 p.m.

Dr. Jafari was seated as the District III Director and Dr. Shilts returned to his service as District III Alternate Director.

7. Conference 2012, San Antonio, Texas

7.1 Conference Overview

Ms. Liewer reviewed the theme, schedule, deadlines and other logistics of the annual conference.

7.2 Annual Business Meeting

7.2.1 Proposed Bylaws Amendment

The board discussed the logistical issues that arose recently when two international boards elected to join the FCLB during the middle of the year, not precisely at the annual conference. Other federations handle this by making it relatively easy for qualified boards to join via board approval, while reserving the removal privilege for the delegate assembly.

M/S Coon / Jafari that the FCLB board of directors submit to the bylaws committee the following proposed change to Article IV, Section 1 Admittance to Membership, of the Bylaws:

Article IV, MEMBERSHIP
Section 1. Admittance to Membership.

A Chiropractic Licensing Board that meets the criteria for membership in these Bylaws may be admitted into the Federation as a Member Board and assigned to a District by majority ~~a two-thirds~~ vote of the Board of Directors ~~Delegates at an annual Meeting of the Delegate Assembly.~~

Passed, no opposition

7.3 Conference Supporters

7.3.1 Contact Followup

Joan Carl reported invitations to support the 2012 annual conference were mailed in early December. There are currently two silver and one gold supporter for the 2012 conference. The board reviewed the invitation list and agreed to make followup contacts.

Drs. O'Connor, Colucci and Ms. Liewer will promote conference support while at the ACC/RAC meeting in March.

7.3.2 Supporter Recognition

Ms. Liewer informed the board of the history of supporter recognition. By consensus the board agreed to present 2012 supporters with an engraved pen.

The board recessed briefly to have group pictures taken.

7.4 Wolfson Scholarship

M/S Saint-Germain / Grossman to invite one student each from Texas Chiropractic College and Parker University. *Passed, no opposition*

The board agreed to cover registration, three nights hotel, and airfare.

7.5 Educational Sessions

Donna Liewer reported confirmation of speakers is in process. She thanked the board for their input in selecting topics and speakers.

7.6 Attendee / Guest Events

7.6.1 Guest Event

Kelly Webb reported that proposals are being reviewed for a tour of the area

7.6.2 Thursday Evening Western BBQ

The Thursday evening welcome event will be a western barbeque within walking distance of the hotel.

7.7 Letters of Invitation / Promotions

Letters of invitation to attend conference have been sent to all organizations on the "Alphabet Soup" list and all Summit members.

7.8 Awards

Dr. O'Connor requested input from the board for the selection of the Janse lecturer, keynote speaker, and other presidential awards.

7.9 Alumni District / Honorary Fellows

Dr. Coon reported that Kelly Webb has compiled a mailing list. The benefits for Honorary Fellows need to be determined. The board's goal is to have this program up and running for the annual conference, with a hosted luncheon as the initial event.

7.10 Related Meetings

NBCE has requested one plenary session on Friday morning to discuss their projects, and a joint presentation with FCLB to discuss the implementation of the CCCA program.

7.11 Board Travel

The board arrival day is Monday, April 30th with the board meeting on Tuesday. Departure is Saturday evening or Sunday. Board members were encouraged to obtain their airline tickets early and shop around for the best deal.

8. Future Annual Conferences: 2013 & 2014

8.1 2013 Annual Conference: San Francisco

The board affirmed this selection as a great location, in the heart of the city.

8.2 2014 Annual Conference: Myrtle Beach

The board agreed this also will be a great location with a more informal atmosphere.

9. District Meetings

9.1 District Meeting Sites

Julie Finn is researching hotels with desirable logistical locations and working with various hotels to obtain a favorable rate for the meetings. She thanked Drs. Colucci and Coon for their suggestions.

If possible, the Saturday district meeting breakfast at the 2012 annual conference will be extended to include roundtable discussions for regulatory board members only.

9.2 Attendance

The board discussed the need to identify guests at all district meetings and perhaps allow time for their questions or comments at the end of the meetings.

9.3 District Rotation and Finances

Ms. Liewer explained the district meeting costs are subsidized by grant money, member dues, and other FCLB income. The intention is to execute all meetings as cost efficiently as possible while delivering a quality meeting to meet the needs of the member boards.

Dr. Jafari suggested the district directors continue to ask for support from associations and regulatory boards in the vicinity of the meeting.

A financial analysis of the district meetings is in process, with involvement by Drs. Pennebaker and O'Connor.

10. PACE

10.1 PACE 2012 Meeting

Dr. Colucci reported there will not be a 2012 meeting of the full PACE committee and review team. The meeting will instead be scaled back to just a small work group to focus on the course review rubric development, meeting in Greeley to keep costs down.

10.2 PACE Provider Application

Kelly Webb reported on the current status of PACE applications.

10.3 PACE Communication

The board was referred to their meeting materials to see samples of updates that are sent to the PACE review team and committee members. Press releases are being developed regarding the newest recognized providers.

10.4 PACE Review Team Appointments

There are three review team members whose term will end in January/February. Letters have been mailed to college presidents regarding any review team openings. The board will vote via e-mail regarding Dr. O'Connor's final nominations.

10.5 Amending PACE Fees

The board reviewed the PACE requirements to amend the *Policies & Procedures*. The board is proposing giving the FCLB board the authority to change PACE fees if needed to ensure program solvency. As a courtesy, existing PACE Recognized Providers will be notified about the proposed amendment and encouraged to attend the 2012 Forum.

10.6 PACE Recognition

Board members reported on their recent contacts with the regulatory boards and their progress toward recognition of the PACE credential.

11. CIN-BAD

Bridget Seader referred the board the the written report in their meeting materials. The CIN-BAD conversion to the centralized database is complete.

12. Official Directory

Updates for the directory are in process.

M/S Grossman / Fahrendorf to recess at 5:10 p.m. until Saturday morning at 8:30 a.m.
Passed, no opposition

SATURDAY, JANUARY 21, 2012

Dr. Pennebaker called the meeting to order at 8:35 a.m. Ms. Liewer noted all directors and staff continued to be present as listed with the exception of Dr. Shilts and Dale Atkinson.

13. Public Relations - Branding

Dr. Grossman referred members to the proposal from Nora Richardson Graphics in their packets and answered questions from the board.

M/S Grossman / Coon to accept the Nora Richardson Graphics branding identity package proposal in the amount of \$8,394. *Motion failed*

Dr. Grossman was thanked for his diligent efforts to secure this proposal. The board noted that revising the FCLB logo at this time was not feasible, but the information would be retained for possible future consideration.

Dr. Pennebaker gave a PowerPoint presentation outlining a program for the district directors' communication with their constituent boards.

By consensus the board agreed:

- Prior to the March board of directors' meeting, each district director will develop a list of key contact people at each of their boards, and provide the list to FCLB staff to add to the database.
- The district directors will make an effort to have each board include an "FCLB highlight moment" at all the regulatory board's regularly scheduled meetings.
- FCLB staff will add additional newsletter mailings to the current annual and district meeting newsletters to be sent to the regulatory boards, to bring the e-contacts to every other month. The newsletters will include the FCLB logo.
- District directors will followup the mailings by phone or e-mail.
- Staff will provide district directors with the delegate and alternate list as soon as available. (Bylaws require boards to notify FCLB 30 days prior to the annual meeting.)

15. Committee Task Force Appointments

15.1 Approval

M/S Grossman / Spicer to approve the president's appointments to standing committees as presented. *Passed, no opposition*

Dr. O'Connor received suggestions from the board for the Model Practice Act committee and will work with the committee chair, Dr. Shilts, to finalize the appointments.

By consensus the board offered a courtesy approval of the president's appointments to all other special committees and task forces as presented.

15.2 Nominating Committee

Dr. Saint-Germain reported the following positions are open for election:

- Administrative Fellow Director (Dr. Spicer eligible for re-election)*
This is the only position that will be reviewed by the Nominating Committee
- District IV Director (Dr. Colucci eligible for re-election)
- District V Director (Dr. Coon eligible for initial election)
- District IV Alternate Director (Dr. Counselman eligible for initial election)
- District V Alternate Director (vacant)

REGULATORY ISSUES

16. Physical Examinations - Department of Transportation

Ms. Liewer reported the DOT-FMCSA regulations have been delayed again and she expects to have more information next week.

17. Accreditation

17.1 CCEI

Dr. Saint-Germain reported the CCEI met in Cyprus. Dr. Brimhall is the chair and Dr. Reed Phillips is the executive director.

17.2 CFCREAB

Dr. Saint-Germain reported Dr. Lisa Richard (NS) is presently vice president of the CFCREAB and will be running for president in April.

18. International Issues: International Chiropractic Regulatory Forum

Dr. O'Connor reported the meeting has been changed from Netherlands to Perth, Australia, September 26-29, 2012.

19. Member Boards: Specific Issues

Ms. Liewer reported California has a new piece of pending legislation, SB352, that can be seen on their website.

ICA has formally filed suit in support of a motion for a stay involving the NM board.

20. Examinations

20.1 NBCE (US)

Dr. O'Connor reported he has been discussing the CCCA exam with NBCE president, Dr. Weathersby. It will be an on-line exam. He thanked Ms. Liewer for her program schematic support.

Dr. Saint-Germain reported NBCE is consolidating some of the Part IV exam sites.

20.2 CCEB (Canada)

Dr. Saint-Germain reported he attended the December meeting. Their regulations are in place concerning the exam timing. They have a new chair.

20.3 IBCE (International)

Dr. Saint-Germain serves as chair of IBCE and reported that he, Dr. Weathersby, and Dr. Kollasch attended the CCEI meeting in Cyprus.

IBCE is preparing to administer an exam in Japan a second time. They have been approached by additional countries to provide exams.

The board thanked Dr. Saint-Germain for his efforts on behalf of regulation as well as testing.

Ms. Liewer explained the International Forum meeting focuses on all issues relating to regulation, including testing and accreditation. Dr. O'Connor and Ms. Liewer will be in attendance at the Perth Forum.

The board addressed the importance of CIN-BAD in facilitating mobility, and the possibility of producing the FCLB brochures in other languages.

STAKEHOLDER INTERACTION

21. Upcoming Meetings

21.1 FARB Forum, Sarasota, FL
Jan 27-29, 2012, Ms. Liewer to attend

21.2 National Chiropractic Legislative Conference (NCLC), Washington D.C.
February 17-18, 2012, Dr. O'Connor to attend

Dr. O'Connor has been asked by ACA to serve on a panel addressing cultural authority.

21.3 SUMMIT XVI, Washington, D.C.
February 15, 2012, Dr. Grossman to attend

21.4 ACC/RAC, Las Vegas, NV
March 15-17, 2012, Drs. O'Connor, Colucci, and Ms. Liewer to attend. Dr. Saint-Germain will attend if another commitment cancels

21.5 CFCREAB Annual Meeting, Winnepeg, Manitoba
April 11-12, 2012, Dr. Saint-Germain will be unable to attend due to another commitment. The board agreed to try to identify another representative.

NEW BUSINESS

22. Commending Staff

Dr. Grossman commended the staff for reaching out to everyone over the past year to increase interest in the FCLB programs.

23. Board Honorarium

Dr. Jafari requested the board honorarium be put on a future agenda for discussion.

24. 2013 Auction Fundraiser

Dr. Colucci discussed auction fundraising project for the 2013 annual conference.

M/S O'Connor / Grossman to give Dr. Colucci permission to move forward with the auction fund raising project for the 2013 annual conference.

Passed, no opposition

By consensus, the board agreed to launch the 2013 fund raiser by auctioning one item only at the 2012 conference's Western Barbeque. Ms. Liewer noted that much research has been done concerning the policies and procedures for holding an auction in Texas. The board requested that any legal issues be reviewed with FCLB's attorney, Dale Atkinson.

By consensus the board agreed to connect the fund raiser with a specific FCLB project. Funds from the auction will be dedicated toward the CCCA project.

25. History Book

Dr. O'Connor commended Ms. Liewer for her excellent work, diligence, and prodigious amount of hours she devoted to writing and completing the history book. The book will be two volumes and will be printed on demand through amazon.com. It will be showcased at the 2012 annual conference with a book signing.

Dr. O'Connor thanked Dr. Pennebaker for chairing an excellent meeting and everyone for their attendance and hard work.

M/S O'Connor / Saint-Germain to adjourn at 12:10 p.m. *Passed, no opposition*



Donna M. Liewer
Recording Secretary

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

Next FCLB Board Meeting

March 13, 2012 – 6:30 p.m. MST via teleconference