



Federation  
of Chiropractic  
Licensing Boards

# MEETING

## FCLB Board of Directors

Tuesday & Wednesday, May 1-2, 2012

Hyatt Regency, San Antonio, Texas

### 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  
Maggie Colucci, 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  
Julie Finn, Executive Assistant & Meeting Planner  
Bridget Seader, CIN-BAD Program Administrator

#### **Legal Counsel:**

Dale Atkinson, J.D., Atkinson & Atkinson

### MEETING DETAILS

#### **I. Call to order, roll call, announcements**

Dr. Pennebaker called the meeting to order at 8:37 a.m., May 1, 2012. Ms. Liewer noted board members, staff, and legal counsel present as listed.

Dr. Pennebaker noted that Dr. Augut of CCGPP was scheduled to speak to the board on Wednesday. He also noted the list of other possible guests who may stop in during the meetings.

Julie Finn announced that some conference meeting rooms have changed since the conference agenda was printed. She encouraged the board members to add staff cell phone numbers in their phones for ease of communication throughout the week.

Dr. O'Connor thanked everyone for serving and noted the exciting agenda. A small reception will be held in his suite Tuesday at 5:30 p.m. for board, staff, and their guests.

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## CONSENT AGENDA

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**M/S Saint-Germain / Colucci to approve the motions in the consent agenda as written.**  
*Passed, no opposition*

### II. CONSENT AGENDA MOTIONS:

1. **To approve the board of directors meeting agendas for May 1-2, 2012, and May 5, 2012, as presented and modify as needed to accommodate guests.**
2. **To ratify all electronic minutes and ballots since the last in-person meeting in January 2012.**

**Motion: To amend the FCLB 2012 budget item, NBCE General Operations, from \$500,000 to \$511,481; and amend the FCLB 2012 budget item, Funded from Tech Development Reserves from \$33,886 to \$22,405. Passed 4/20/12 (7 votes), no opposition**

**Motion: To approve NRCME as a PACE Recognized Provider.**  
*Passed 4/13/12, no opposition*

**Motion: To approve Academy of Chiropractic as a PACE Recognized Provider.**  
*Passed 1/25/12, no opposition*

**Motion: To approve the January 2012 minutes as corrected.**  
*Passed 3/22/12 (10 votes), no opposition*

**Motion: To amend the Financial Protocol for board of Directors Travel Expense Reimbursement effective January 1, 2012, as follows:**

**A per Diem rate shall be set by the Board of Directors and is designed to offset some of the costs of meals and tips while traveling on behalf of the FCLB. Passed 2/6/12 (8 votes), no opposition**

**Motion: To approve the Board Policies and Procedures Manual as revised.**  
*Passed 3/19/12 (10 votes), no opposition*

3. **To approve the audit of the 2011 fiscal year as provided by Anton, Collins & Mitchell, LLP, Certified Public Accountants. (Distributed to the board and Finance Committee via e-mail 4/10/12)**

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## LEGAL ISSUES

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### III. Legal Issues

**M/S Grossman / O'Connor to enter into executive session at 8:45 a.m.**  
*Passed, no opposition*

Staff and legal counsel were invited to remain.

**M/S O'Connor / Jafari to exit executive session at 9:05 a.m. Passed, no opposition**

It was reported that the litigation relating to HIPDB and a reporting issue has been summarily dismissed in favor of the FCLB.

## **1. Financial Report**

### **1.1 Budgetary Issues**

Dr. Grossman referred members to the reports in their notebooks noting cash and reserved funds balances. The board discussed the positive impact of the NBCE grant on the FCLB budget. By consensus the board approved the PowerPoint presentation to be presented to the members at the Saturday Annual Business Meeting. The Finance Committee was scheduled to meet on Thursday, May 3, 2012.

Donna Liewer noted Dr. O'Connor would be giving a report of FCLB finances and programs to NBCE. A link to FCLB meeting minutes on the public website is routinely provided to Mr. Elliott, NBCE Executive Vice President at the time of their posting.

Dr. Grossman discussed travel for board members, thanking them for being financially vigilant when making arrangements and noted everyone should use their best judgement to make travel time efficient as well as cost efficient.

### **1.2 Conference Finances**

Dr. Grossman referred members to the report in their notebooks reviewing the statistics for conference finances. He thanked Dr. Colucci for her efforts in securing support funds.

## **2. FCLB Board of Directors**

### **2.1 Board *Policies & Procedures Manual* amendment**

**M/S Colucci / Grossman** to amend the Board *Policies & Procedures Manual* as presented, adding notification of the Alternate Director if the Director will be absent. *Passed, no opposition*

Dr. O'Connor thanked the board for working to complete this project.

### **2.2 Board Highlights Reports**

The first issue of the Board Highlights report was sent to the member boards following the January meeting. Board members were requested to respond promptly to staff e-mails, especially requests for newsletter approvals and votes.

### **2.3 Board Per Diem and Honorarium**

The board deferred discussion of the per diem and honorarium until the fall when the 2013 budget is addressed.

### **2.4 Board Photo**

Staff was asked to e-mail a copy of the board group photo to each FCLB board member.

## **3. FCLB Bylaws**

### **3.1 Proposed Bylaws Amendment**

The Bylaws Committee reviewed the proposed amendment authorizing the Board of Directors to admit new members (rather than wait for the Delegate Assembly) and has recommended "pass" to the member boards.

## **4. Membership Issues**

### **4.1 Membership Dues**

The board deferred discussion of the delinquent member dues issue to the Bylaws Committee. The board agreed to review the Bylaws concerning the definition of "quorum."

## **5. Personnel**

There were no personnel issues discussed.

## **6. FCLB Tech Update, Website Report**

### **6.1 Upcoming Projects:**

Ms. Liewer reported FCLB has allocated \$155,000 to the Tech Development Fund in the last few years. These funds are available to help cover the cost of the new upgrades to the central database including the CCCA software, programming to add NPI data to all licensees in IMPAK, upgrading the "good doctor" license data, programming to notify other jurisdictions of actions, and PACE programming. The central database (IMPak) already contains a continuing education module, but the module needs to be modified to mesh with the PACE program.

#### **6.1.1 CCCA**

NBCE is developing custom programming for testing. The continuing education component will flow through PACE. Initially, temporary staff may be needed to help with the CCCA program as it goes live.

### **6.2 Student Access to FCLB Website**

Posters created by Kelly Webb with a QR code (to direct students to the FCLB website) have been shipped to all the colleges and were well received.

## **7. Committees**

### **7.1 Model Practice Act**

The board charged the MPA committee to research colleges' authority over student interns. Dr. Sportelli, NCMIC, is to be contacted regarding the idea of a contract between the colleges concerning criminal background checks.

Ms. Liewer explained there are currently three pieces to the MPA document: Student Internship; Provisional Licensure; and Certified Chiropractic Clinical Assistants (CCCA).

Dr. Colucci noted some individuals have expressed concerns as to whether FCLB is limiting or expanding scope of practice. The board observed that scope is strictly a jurisdictional decision, and that FCLB takes no positions on scope. Staff was requested to develop a statement for the website to clarify this issue.

## 7.2 Fraud Prevention and Identification

Dr. Coon has contacted the FBI in Minneapolis and Atlanta, and both responded there are no issues at this time. Dr. O'Connor recommended he speak with Tameka Joyner of the national FBI offices. Staff will provide Dr. Coon with the contact information.

## 7.3 Governmental Issues

Dr. Grossman reported the most important issues are the changes and effects of the new health care legislation.

## 7.4 Informed Consent

The board noted the information gathered by Dr. Lubkin and distributed to the committee for review prior to the 2013 annual meeting. Drs. O'Connor and Otto will speak with Dr. Lubkin to help set goals for the committee. A good reference is the Canadian Informed Consent form.

## 7.5 Sports Mobility Task Force

Dr. Colucci planned to meet with Dr. Gamerman during the San Antonio meeting. The Model Practice Act will also address mobility. This is a prominent topic with the World Federation of Chiropractic. Canada and Australia have good models.

## 7.6 Minutes, Credentials, and Tellers Committees

By consensus, the board approved the president's appointments to the Minutes, Credentials, and Tellers Committees.

**Minutes:** Dr. Barry Stowers (WV) - Chair  
Dr. Scott Hansing (MT)  
Mrs. Patricia Oliver (LA)

**Credentials:** Dr. Gary Counselman (KS) - Chair  
Dr. Mark Bledsoe (SD)  
Dr. Vicki Resler (OK)

**Tellers:** Ms. Rebecca Wright (AR) - Chair  
Dr. Hank Hulteen (SC)  
Ms. Beth Carter (OK)

**Dedication to Service/International Pledge:** Dr. Bruce Adam (NZ).

**Installation of the New Board of Directors:** Dr. Richard Cole (TN)

**8. 2012 Annual Conference, San Antonio, Texas****8.1 Overall Schedule**

Ms. Liewer reviewed the overall schedule, highlighting events that needed board attendance. The awards ceremony was scheduled to follow the educational presentations on Saturday. The board planned to meet on Saturday immediately following the close of conference.

**8.2 Annual Business Meeting****8.2.1 Review Business Meeting Agenda**

It was noted that at the Saturday business meeting, the membership would elect the Administrative Fellow Director and the nominating committee, and will vote on one bylaws amendment.

**8.2.2 Nominating Committee**

District directors were requested to speak with potential candidates and those who would nominate them regarding procedures for nomination. Those interested in serving were to be reminded that they cannot run for office during the year of their service.

**8.3.3 Bylaws and Resolutions**

The Bylaws and Resolutions committee planned to meet Friday to discuss the single proposed bylaws amendment.

**8.3 District Breakfasts****8.3.1 Elections**

District IV and District V Director and Alternate offices were scheduled to be voted on during the District breakfast meetings.

**8.4 Afternoon workshops**

Accreditation: Thursday  
FCLB Services: Thursday  
International Regulatory Forum: Friday

**8.5 Western BBQ (Welcome Reception)****8.5.1 Raffle**

Dr. Colucci reported the raffle proceeds would benefit the CCCA project. This is a prelude to launching the black-tie auction event to take place at the 2013 annual conference.

**8.5.2 History Book Signing and Distribution**

Ms. Liewer presented the two volume set of *Protection, Regulation & Legitimacy - FCLB & the Story of Licensing in Chiropractic*, co-authored by Joseph C. Keating, Ph.D., and Donna M. Liewer. Dr. O'Connor thanked Ms. Liewer for her many hours and talent to complete this project.

It was noted that the books would be available for purchase throughout conference or can be ordered on Amazon.com, and also via an extended network that allows people to order from their local bookstores and through college/university purchasing channels.

Ms. Liewer planned to sign books for people during the Western BBQ.

## **8.6 Janse Lecture (Gift Books)**

Dr. Yochum generously donated 132 soft-cover and 96 hardback copies of the book, *Joseph Janse, The Apostle of Chiropractic Regulation*, by Reed B. Phillips, D.C., Ph.D. Each registered attendee will receive a copy of the book and additional copies will be distributed to new attendees at future conferences.

## **8.7 Honorary Fellows**

Dr. Coon reported a luncheon would be held on Thursday afternoon for Honorary Fellows. FCLB is encouraging regulators to continue their involvement in the FCLB even after they are no longer on their board. All Honorary Fellows will receive a hanger ("rocker") to attach to their regular FCLB lapel pin acknowledging their position in the FCLB. The committee is encouraging boards to offer continuing education credit hours for approximately 18 hours of participation at conference. The board asked staff to add this to the District meeting agendas also.

## **8.8 Promotions - Future Meetings**

Promotions for the 2012 District meetings and 2013 Annual Conference were included in attendee materials and were planned to be distributed at the District breakfasts.

## **8.9 Related Meetings**

### **8.9.1 Chiropractic Board Administrators Committee (CBAC)**

Ms. Beth Carter (OK), chair of the CBAC committee joined the meeting. She and Julie Finn reported on participation issues experienced by the board administrators. CBAC meeting registrations have doubled in 2012 compared to 2011. The feasibility of conducting the meeting electronically was scheduled to be discussed at their meeting during the conference week. She reported that the business portion of this year's meeting would include the option of participating via conference call. NBCE graciously agreed to allow FCLB to use their conference call equipment. Periodically, Dr. Spicer sends information to the administrators to spark their interest in participating in CBAC.

### **8.9.2 NBCE / IBCE**

Dr. O'Connor discussed the upcoming WFC meeting to be held in Perth, Australia. NBCE and IBCE will be in attendance.

He said the collaboration between NBCE and FCLB in developing the CCCA program was working well. Legal counsel has been engaged to develop a draft

letter of agreement. A joint presentation by NBCE and FCLB about the CCCA was scheduled during the conference.

## **9. Future Annual Conferences: 2013 / 2014 / 2015**

### **9.1 2013: San Francisco, California**

A black tie gala and auction will be held Friday, May 3, 2013. Board members were referred to the report and item donation form in their notebooks.

### **9.2 2014: Myrtle Beach, South Carolina**

Contract finalized.

### **9.3 2015: Potential Sites**

Julie Finn reported on some cities she has preliminarily contacted. The board suggested Orange Beach, Alabama; Destin, Florida; or San Diego, California.

## **10. District Meetings**

### **10.1 Annual Conference Saturday District Breakfast Meeting**

Promos for the fall meetings were presented for distribution at the Saturday district breakfast. A "Friends of the FCLB" table would be provided for guests. Each District Director was given a form to track the highlights of the district's meeting.

Dr. Jafari distributed the book, *Evidence Based Management of Low Back Pain*, edited by Simon Dagenais and Scott Haldeman, compliments of Dr. Kevin Chichocki on behalf of Palladian Health. Staff was requested to invite Dr. Haldeman to attend the District meetings and to provide him with a complimentary set of *Protection, Regulation & Legitimacy - FCLB & the Story of Licensing in Chiropractic*.

## **11. PACE**

### **11.1 PACE Workgroup, Greeley, CO, August 2012**

This will be a small group meeting to work on the course review rubric. Kelly Webb is coordinating the date and notifying attendees.

### **11.2 PACE Acceptance and Participation**

Dr. O'Connor shared information from the PACE meeting held earlier this year in conjunction with ACC/RAC. Colleges need a better understanding of the PACE potential as it relates to them. States are looking for statutory language. One of the Friday breakouts is a PACE Forum with Drs. Colucci and O'Connor to learn more about the PACE program and to discuss the proposed amendment to the *PACE Policies & Procedures*.



### 11.3 PACE Proposed Amendment

The board discussed the proposed amendment to #21. Fees of the PACE *Policies & Procedures* authorizing the Board of Directors to establish PACE fees as needed. A forum will be held during 2012 annual conference to discuss the amendment with members. Comments are due by December, 2012, for the board's review at the January, 2013, meeting. The amendment will eligible for board vote during the 2013 annual conference.

### 11.4 Approval of PACE Review Team Members

M/S Grossman / Jafari **to approve the following individuals to serve on the PACE Review Team: Dr. Robert Kuhn (Logan); Dr. Robert Cooperstein (Palmer-West); and Dr. Troy Tatum (Palmer-Florida).** *Passed, no opposition*

### 11.5 Applicant for PACE Recognition

The board directed Kelly Webb to contact Drs. Colucci and McAllister to try to resolve a situation involving an applicant organization.

### 11.6 Department of Transportation

The board reviewed a handout provided by Ms. Liewer detailing the NCRME Regulations and how they affect the chiropractic profession. For the chiropractic profession, PACE is the only nationally recognized accrediting organization that presently meets the NCRME requirements to provide continuing education units.

Ms. Liewer will amend the handout as suggested and provide it electronically to the FCLB Directors to be distributed to their member boards.

## 12. CIN-BAD

Bridget Seader referred the board to the report in their notebooks. There were no questions.

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### Regulatory Issues

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## 13. Concierge Medicine (MT)

The board discussed this issue raised by Dr. Hansing (MT). Counsel noted the key is practicing legally within the jurisdiction's borders. Drs. O'Connor and Fahrendorf will speak with Dr. Hansing (MT).

## 14. International Chiropractic Regulatory Forum (ICRF)

Dr. O'Connor and Ms. Liewer will be attending the 2012 meeting in Perth, Australia, to be held in conjunction with the World Federation of Chiropractic (WFC) meeting. Ms. Liewer was complimented for her work in coordinating this meeting. She has designed a website for the group and FCLB will handle the registration.

## 15. NBCE Exams

Dr. Otto discussed the drop in enrollment in US chiropractic programs and its ripple effect on the testing organization. He commended Dr. Saint-Germain for his effectiveness in bringing the international community on board with testing and regulation.

## 16. CCGPP Overview

Dr. Thomas Augat, CCGPP Chair, planned to attend the board meeting the following day.

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### Stakeholder Interaction

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## 17. Recent Meetings

### 17.1 Summit XVI - February 15, 2012

Dr. Grossman referred the board to the report in their notebooks. He acknowledged the work of the Summit group in bringing together all philosophies and branches of chiropractic. FCLB participates in the Summit in an advisory capacity.

### 17.2 ACC/RAC - March 15-18, 2012

Dr. O'Connor referred members to the report in their notebooks. He will serve as the FCLB representative on the CCE Presidential Search Committee and planned to travel to Arizona in June to participate.

Drs. O'Connor and Colucci, and Ms. Liewer attended the college presidents' meeting and presented the PACE program to the postgrad deans.

Many international representatives were in attendance and there was ample opportunity for interaction. A model act is in demand as a number of countries are ready to adopt chiropractic regulatory legislation.

### 17.3 CFCREAB - April 12-15, 2012

Dr. Fahrendorf reported that the topics discussed included chiropractic prescriptive privileges; quality of graduates; communication with media; and malpractice insurance offered by the Canadian national professional association. Dr. O'Connor thanked Dr. Fahrendorf for representing the FCLB at the meeting.

## 18. Upcoming Meetings

Dr. O'Connor reviewed the list in the board notebooks. Dr. Otto agreed to attend the District I & IV meeting in addition to the District II meeting.

**M/S Spicer / Saint-Germain to recess until Wednesday, May 2, 2012, 8:30 a.m.**  
*Passed, no opposition*

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### Wednesday, May 2, 2012 Hyatt Regency, San Antonio, Texas

Dr. Pennebaker called the meeting back to order at 9:00 a.m. Board members, legal counsel and staff continued to be present as listed the previous day. It was noted staff would be attending to additional conference duties as necessary.

Dr. O'Connor introduced guests Dr. Phillip Donato and Dr. Paul Fisher of the Chiropractic Board of Australia who joined the meeting.

Dr. O'Connor introduced guest, Dr. Thomas Augat, Chair of CCGPP, who also joined the meeting.

**1. CCCA**

Ms. Liewer presented the PowerPoint that Dr. Oliver Smith planned to present during the general sessions.

**2. Chiropractic Board of Australia**

Drs. Donato and Fisher presented a brief overview of Australian regulation and answered questions from the board.

**3. CCGPP**

Dr. Pennebaker introduced NBCE guests Drs. Weathersby, Morin, and Christensen, and Mr. Elliott who were joining the meeting to hear Dr. Augat's presentation.

Dr. Grossman introduced Dr. Thomas Augat, who presented a short history of CCGPP and the programs and issues currently being addressed by CCGPP. His presentation was followed by questions and comments from the board. FCLB is a current dues paying member of CCGPP.

Dr. O'Connor invited Dr. Augat to coordinate a CCGPP meeting in conjunction with the FCLB Annual Conference in 2013.

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**New Business**

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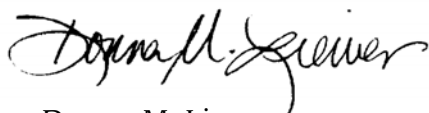
**4. Film Trailer**

The board watched the film trailer "Medical, Inc. - Exposing the Modern Medical Monopoly" by Jeff Hayes Films Production. By consensus, the board agreed to show the trailer to the membership.

**5. Announcements**

Board members were reminded that the next board meeting (of the New Board) was scheduled for Saturday, May 5, 2012, following the conclusion of the Annual Conference.

**M/S Spicer / Fahrendorf to adjourn at 10:20 a.m. *Passed, no opposition***



Donna M. Liewer  
Recording Secretary

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