



Federation  
of Chiropractic  
Licensing Boards

# MEETING

## FCLB Board of Directors

Tuesday, November 8, 2011

Via Telephone Conference

### MINUTES

*Approved via e-ballot*

*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 - Unable to attend

#### 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

#### ALTERNATE DIRECTORS:

Carol Winkler, D.C., District I Alternate Director  
Kirk Shilts, D.C., District III Alternate Director  
Gary Counselman, District IV Alternate Director

#### STAFF:

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

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### MEETING DETAILS

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

Dr. Pennebaker called the meeting to order at 6:33 p.m., MST, November 8, 2011. Ms. Liewer noted board members, alternate board members, and staff present as listed.

#### II. Agenda

**M/S Grossman / Otto** to approve the board of directors meeting agenda as presented and to modify as needed. *Passed, no opposition*

#### III. Minutes

Dr. Pennebaker noted the minutes for the 7/22-23/2011 meeting were previously approved via e-ballot and were included in the November board materials for reference only.

#### IV. FCLB Master Calendar

The board reviewed the Master Calendar, noting that it is also available on the board's secure website.

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## GOVERNANCE

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### 1. Financial Report

#### 1.1 Budgetary issues

Dr. Grossman reviewed the finance report in the board materials. There were no questions.

**M/S Otto / O'Connor** to move \$32,250 from the operating reserve fund account to the general funds to cover the cost of the Long Range Planning meeting held in July 2011, and revise the 2011 budget accordingly. *Passed, no opposition*

#### 1.2 Approval: auditor for 2011 year end

**M/S Spicer / Otto** to authorize the 2011 audit and preparation of the IRS form 990 to be performed by Anton Collins Mitchell LLC for \$6,250. *Passed, no opposition*

### 2. FCLB Board of Directors

#### 2.1 Board policy manual

Dr. O'Connor commended Drs. Spicer and Shilts, and Ms. Liewer for the work they have done to compile, write and edit the board policy manual. It is scheduled to be voted on by the board at the January 2012 meeting. Ms. Liewer agreed to have the policy book available for review by the board four weeks prior to the meeting. She and Dr. Spicer will highlight any significant changes to the book since first reviewed in January 2011.

#### 2.2 Long range planning report

Dr. O'Connor referred the board to the report in their materials by Mr. Cain. He noted the board is moving rapidly on the goals set at the long range planning meeting with some already having been met.

#### 2.3 Date for mid-year board meeting

The chair reminded the board of the January 20-21, 2012, date for the mid year board meeting to be held in Greeley. Everyone is to send their travel itinerary to Julie Finn.

Dr. O'Connor requested the executive committee plan to arrive for the January board meeting by late morning Thursday, January 19<sup>th</sup> to allow time to meet for approximately two hours Thursday afternoon.

#### 2.4 Project tracking software

Ms. Liewer referred the board to the sample Gantt format chart and requested confirmation that the board is interested in only a basic project tracking software program such as is presented. This was confirmed by the board. Dr. Spicer agreed to speak with his IT resources for suggestions and follow up with Ms. Liewer.

#### 2.5 Public relations task force: branding report

Dr. Grossman reported he has met with a prospective branding agent and discussed the FCLB's needs. He has received a quote and will be meeting with the agent again to discuss the details prior to submitting the information to the board at the January meeting. Should the board decide to engage the agent in a contract, she will begin with a list of questions for the entire board. Dr. Grossman agreed to have the questions available to the board by January 1<sup>st</sup>.

### 3. Legal issues

**M/S O'Connor / Fahrendorf** to enter into executive session 6:55 p.m. *Passed, no opposition*

Dr. Shilts agreed at the request of the president to develop a draft policy to be available for the January meeting regarding annual member dues payment by an individual or organization on behalf of a regulatory board. Communication can take place with any member boards affected by this policy after it is finalized and adopted by the board. Dr. Shilts will also develop a draft letter that can be used to convey the final policy.

#### **4. Committees**

##### **4.1 Model Practice Act**

Dr. Shilts discussed the progress of the MPA noting the provisional licensure section was distributed for comment at the fall district meetings. The CCCA statute and regulation are in legal review. The CCCA program was of great interest and widely discussed at the district meetings. It is the intention that FCLB go forward with national certification of CCCAs. Reliance on the national certification program and its standards for regulatory purposes will be at the discretion of individual regulatory boards.

Dr. Shilts noted the program being developed by Drs. Colucci and Gamerman through the Sports Mobility Committee is an excellent fit for the MPA. Dr. Colucci explained how the program could work. She is in dialogue with Dr. Sportelli discussing the malpractice insurance issues related to the program.

Dr. Spicer questioned whether student interns in qualifying programs were protected by FERPA and whether regulatory boards have authority over these persons. Drs. Spicer and Shilts were asked to research this issue and report to the board at the January meeting.

#### **5. District Meetings**

##### **5.1 District reports**

###### **5.1.A 2011 finance and attendance report**

Joan Carl referred members to their meeting materials noting there was an increase in attendance over 2010. The increase in expenses was due in large part to higher transportation costs and more directors this year who were unable to have state boards cover their expenses.

Dr. O'Connor said that the district meeting's venue and costs will be discussed at the January 2012 meeting.

###### **5.1.B Highlights from each meeting**

###### **District I & IV**

Dr. Colucci thanked Ms. Liewer and Julie Finn for the topnotch agenda topics. Attendees were interested in extending the meeting to continue discussions. The most energy was probably expended on the CCCA testing program. She noted this was Dr. Fahrendorf's first district meeting as an FCLB board member and congratulated him for doing a great job.

Dr. Fahrendorf agreed with Dr. Colucci and included informed consent, MPA, and scope of practice as additional hot topics. He felt perhaps there were too many items on the agenda to give adequate time to all of them. He believes everyone felt free to speak and extended his appreciation to the Montana board for helping to make the meeting a success.

Dr. O'Connor extended his appreciation to the District I & IV attendees for their welcoming spirit.

### **District III & V**

Dr. Coon reported the meeting was good with adequate discussion. The international setting was a highlight. Nova Scotia explained some of the differences in Canadian regulatory issues from US regulatory issues.

Dr. Jafari thanked the FCLB staff. He noted this was Dr. Coon's first district meeting as an FCLB board member and thanked him for his help in sharing the responsibilities. He also thanked Drs. O'Connor, Saint-Germain, Grossman, and Shilts who were available to help. There was a consensus that member boards want the district meetings to continue.

Dr. Grossman reported that the informed consent form showcased by Dr. Richard of Nova Scotia was the best he had ever seen. Ms. Liewer agreed to distribute it to the board of directors.

### **District II**

Dr. Pennebaker reported the member board reports were the highlight of the District II meeting. Michigan was in attendance for the first time in several years. All attendees agreed the district meetings should continue. He heard no complaints about travel.

## **5.2 District meeting program viability**

The board discussed recent correspondence from Arizona and the responses to the surveys and evaluations completed by member boards and attendees. Member boards have asked for locations that are in close proximity to major airports as a possible means of keeping attendee costs down. Dr. Colucci noted the importance of looking at the total package costs for a meeting, not just airfare.

The suggestion of having a one day meeting rather than two days, as a possible cost savings measure, was also discussed. However, networking and camaraderie time would be greatly reduced. The overall consensus was that member boards believe there is great value in the district meetings and desire to see them continue.

Dr. Jafari expressed his concern about the district meeting finances. Dr. O'Connor requested this discussion be added to the January meeting.

## **6. Annual Conference**

### **6.1 San Antonio meeting - May 2-6, 2012**

#### **6.1.A Auction cancelled**

Dr. O'Connor announced the auction has been cancelled for 2012. He thanked Dr. Colucci for offering expertise in this area and noted that the program will be revisited again at a later date.

#### **6.1.B Potential speakers / topics**

Dr. O'Connor requested the board e-mail him directly with any suggestions for 2012 speakers.

### **6.2 2012 Conference Registration Fees**

**M/S O'Connor / Colucci to keep the 2012 annual conference registration fees the same as the 2011 fees. *Passed, no opposition***

### **6.3 2012 conference support**

By consensus the board agreed to continue the conference support program, seeking support for the 2012 annual conference by invitation only from chiropractic colleges and other select organizations. Support levels and benefits will remain as in 2011.

### **6.3.A 2012 conference support chair**

Dr. Colucci noted she would like to devote her energy to the Sports Mobility and PACE programs and was thanked and commended for her past two years of service as conference support chair.

At the president's request, Dr. Otto agreed to serve as chair of the 2012 conference support program.

### **6.3.B 2012 conference support - invitations**

By consensus, the board agreed to invite the same list as in 2011.

### **6.3.C 2012 conference support - volunteer contact list**

A list of board member volunteers was compiled to contact various colleges and organizations on the invitation list.

## **6.4 2013 conference - San Francisco site visit**

Ms. Liewer referred the board the the written report about the site visit with Mr. Horace Elliott on September 20 - 21, 2011. She observed that the hotel is an excellent choice and will fit our varied meeting space needs very well. Certain contract modifications were negotiated. The location on Union Square is superb and very walkable.

## **7. CIN-BAD report**

The chair referred members to Ms. Bridget Seader's written report about the FCLB's assistance to member boards in complying with the recent HIPDB audits and the NPDB / HIPDB meeting she attended in St. Louis, Missouri regarding new developments in the federal databases. There were no questions.

## **8. PACE**

### **8.1 Utah meeting of review team and committee**

Dr. Colucci reported the meeting was informative and productive. A detailed recap of the meeting was included in the board materials, which focused on the next tasks to include revising the course upload form, developing an on-line database of instructors, designing the course review rubrics for in-person and on-line programs, creating a glossary of key terms, and designing a sample course evaluation for attendees. She felt it was beneficial to have Dr. O'Connor there as the FCLB president. Dr. O'Connor agreed it was a terrific meeting with attendees ready and willing to move forward.

### **8.2 PACE update**

Dr. Colucci reported she and Kelly Webb are working to compile a list of those regulatory boards that don't need to change their law to accept PACE.

Ms. Liewer referred the board to the long range planning report which lists volunteers to contact specified boards to encourage their participation in PACE.

### **8.3 PACE fee adjustment passed**

Dr. O'Connor reported the board's proposal for a new PACE fee structure was approved by all current PACE providers. A letter announcing the new fee structure will be mailed to the colleges and a special notice will be sent to those organizations that have requested to be notified. A profession-wide press release is planned.

## **9. History project**

Ms. Liewer reported all edited corrections are complete and the manuscript has been sent to Dr. Sportelli to write the foreword. Dr. O'Connor commended Ms. Liewer for all the important volunteer work she has done on this monumental project while working full-time as FCLB executive director.

**10. Certified clinical chiropractic assistants**

This topic was discussed in conjunction with the 4.1 Model Practice Act.

Dr. Spicer asked if the CCCA project summary was public information. Ms. Liewer replied it is a draft but is public information. She will add a "DRAFT" watermark and disclaimer to the document and forward it, as well as the PowerPoint, to Dr. Spicer for his use in educating his board on the CCCA program, to include the national examination concept.

NBCE has already convened its inaugural test committee October 21 - 22, 2011, and hopes to pilot the first CCCA exam in March in two jurisdictions. Legal counsel has recommended that the details of the national certification program administration, including the exam, be discussed and agreed to in writing with all involved parties.

**11. Accreditation****11.1 CCE-US: USDE hearings sometime in December** (update: December 14, 2011)

**M/S Grossman/Fahrendorf** to authorize Dr. O'Connor to testify at the USDE hearings on CCE-US to provide regulatory information.  
*Passed, no opposition*

**11.2 CFCREAB: Peter Waite retiring**

The chair referred members to the notice of Mr. Waite's pending retirement.

**12. Recent meetings****12.1 FARB: Leadership Forum: July 28-30, 2011**

Ms. Liewer referred members to the written report, noting NBCE's helpful participation in the meeting's examination discussions. There were no questions.

**12.2 Summit XIV: August 25, 2011**

Dr. Grossman reported the meeting was highlighted by an excellent debate regarding prescriptive drug privileges for chiropractors. Representatives from both sides of this issue argued their points. There were no questions.

**12.3 FARB: Attorney Certification Seminar: Sep 29 - Oct 2, 2011**

Ms. Liewer referred members to the written report which described some key court cases and pending expansion of FARB services. There were no questions.

**12.4 Citizen Advocacy Center: October 20-21, 2011**

Ms. Liewer referred members to the written report regarding her participation as faculty for the regulatory conference for public members of boards. The focus was on disciplinary issues, and her presentation showcased the CIN-BAD system and the use of data to improve state board discipline. There were no questions.

**12.5 NPDB executive committee meeting: November 2, 2011**

Ms. Liewer reported she attended (with expenses covered by NPDB) and had opportunity to advise the NBDB to be sensitive to declining resources within the regulatory boards. She was also able to offer a key suggestion concerning the data management infrastructure. FCLB may be eligible to apply for research funding. There were no questions.

**12.6 NBCE fall board meeting: Oct 31 - Nov 5, 2011**

Drs. O'Connor, Otto, and Saint-Germain attended. Discussions included chiropractic college enrollments, the CCCA examination, and the ongoing work of the International Board of Chiropractic Examiners.

**13. Upcoming meetings**

**13.1 Summit XV / COCSA, Dallas, TX, November 10, 2011** - Dr. Grossman will attend

**13.2 2014 Annual Conference site tour, Myrtle Beach, SC, November 17-18, 2011** - Ms. Liewer and Mr. Elliott will travel and review contract proposal.

**14. New Business**

**14.1 FCLB staff group health package**

**M/S Jafari / Grossman to approve the 2012 employee health package as presented including renewing the Anthem group health policy.**  
*Passed, no opposition*

**14.2 Request from Foundation for Vertebral Subluxation**

Ms. Liewer will prepare a letter of response as approved by consensus of the board.

**M/S O'Connor / Grossman to adjourn the meeting at 9:03 p.m.** *Passed, no opposition*

  
Donna M. Liewer  
Recording Secretary

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

**Next FCLB Board Meeting: Mid Year Board Meeting**

Greeley, Colorado  
**January 20 - 21, 2012**

Arrival:  
Thursday, January 19, 2012

Executive Committee - plan to arrive by late morning for an afternoon meeting

All Others - anytime Thursday is fine

Departure:  
Saturday, January 21, 2012 - 7 p.m. or later flight  
- or -  
Sunday, January 22, 2012 - anytime