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These minutes have been approved by the  
2001 Minutes Committee.

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75<sup>th</sup> Annual Congress  
of the  
**Federation of Chiropractic Licensing Boards**

## **MINUTES**

### **Annual Business Meeting**

Saturday, April 7, 2001  
San Antonio, Texas

*Chair: David E. Brown, D.C. - FCLB President*

1. **Call to Order** - As chair, Dr. Brown called the meeting to order at 9:00 a.m. He introduced John Bell, Registered Parliamentarian and noted that Donna Liewer would serve as recording secretary. The FCLB officers and district directors were also introduced. It was noted that Dr. Larry Gerstein (MO), Immediate Past President, and Dr. James P. Powell (OH), District II Director, will be retiring at the end of this meeting, and that Dr. James Sommers (MI) will be seated as new District II Director.
2. **Dedication to Service** - Dr. Octavio Terrazas (Mexico) led the dedication to service.
3. **Invocation** - Dr. Steve Willen (NC) led the invocation.

The chair then introduced special guests, including FCLB past presidents and executive board chairs, ACA and World Federation of Chiropractic representatives and various college presidents.

4. **Credentials Committee Report** - Dr. Oliver "Bud" Smith (TX) reported that the delegates and alternates were properly credentialed. Hearing no objections, ***the chair declared the delegates and alternates seated.***
5. **Roll Call** - Donna Liewer called the roll.
6. **Adoption of Business Meeting Rules and Protocol** - Hearing no objections, ***the chair declared the Business Rules and Protocol adopted as presented.***
7. **Approval of Agenda** - Hearing no objections, ***the chair declared the Agenda***

***approved as presented.***

**8. Announcement of the Approval of the 2000 Minutes by Committee - Seattle, WA**

The chair announced ***the minutes for 2000 were approved by the Minutes Committee*** composed of Drs. Hal Bowen (DE) - Chair, Carol Davis (AK) and David Taylor (MA). The 2001 minutes committee will be chaired by Dr. Bowen and include Drs. Ed Weathersby (AZ) and Pamela Blanchard (MT).

**9. Business Reports**

- A. **President's Report** - Dr. David E. Brown (VA) commented on growth in the FCLB over the past two years, and thanked the membership, board and staff for their trust and support.
- B. **Treasurer/Finance Report** - Dr. Richard L. Cole (TN) reported that the annual audit found the Federation to be in full compliance of required standards, and noted the report is available to any member for review. He explained that the board has adopted a goal of establishing a reserve fund equal to 18 months operations (currently at about four months), and that the board also adopted investment policies. He referred to the financial section of the *Annual Report*, noting appreciation to NBCE and NCMIC Insurance Co. for generous grants and describing the other sources of income. He also reported on noteworthy expenses, particularly the costs of computer programming as the complete computer infrastructure of the FCLB has been overhauled. He noted one new budget item for expense related to creating a centralized CE approval program and database.
- C. **Executive Director's Report** - Donna Liewer drew the attention of the membership to the full report in the *Annual Report*, encouraging new attendees to search for their emerging roles as tomorrow's leaders of the Federation. She thanked the membership for the opportunity to serve as executive director for the past 11 years.
- D. **Legal Report** - Legal counsel Dale Atkinson of the law firm Atkinson & Atkinson thanked the board and Federation for the opportunity to serve as counsel, noting that there are no current or pending lawsuits.

There were no questions from the floor about the business reports.

10. **Standing Committees** - the chair introduced the chairs of the Federation's standing committees and noted that committee activity is described either in the attendee notebooks or *Annual Report*. There were no questions from the floor for the standing committees.

11. **Special Committees** - the chair introduced the chairs of the Federation's special committees and noted that committee activity is described either in the attendee notebooks or *Annual Report*. There were no questions from the floor for the special committees.
12. **Reports of Other Organizations to Which FCLB Has Voting Representation** - the chair introduced regulatory representatives who serve on the NBCE Board of Directors, CCE Board of Directors and Commission on Accreditation, Congressional Oversight Committee: Chiropractic Military Implementation Project, Council on Chiropractic Guidelines and Practice Parameters, and Federation of Associations of Regulatory Boards. There were no questions from the floor for these representatives.
13. **Nominating Committee Report** - The chair assumed the president's prerogative and addressed the membership briefly about recent events preceding the current election for vice president, and the status of the office of the Treasurer. He reminded members that the current bylaws govern nominations and elections for the two open offices of vice president and president. The chair noted that Dr. James Sommers of Michigan was elected at the fall 2000 regional meeting of District II as director to replace Dr. James P. Powell of Ohio, who is retiring. Dr. Sommers is to be seated along with the rest of the board at the installation at the close of the annual meeting.

#### A. Elections

As Nominating Committee chair, Dr. Lawrence M. Gerstein (MO) reported the committee was polled by telephone on March 5, 2001, in compliance with the bylaws, to review the single announced candidates for each of the two open offices. The committee was unanimous in their recommendation of Dr. Wayne C. Wolfson (FL) for a one year term for president, commencing in 2001.

The chair called for additional nominations from the floor. Hearing none, ***the chair declared Dr. Wayne C. Wolfson of Florida president for a one year term, from 2001 - 2002, commencing at the close of this year's annual meeting.***

Dr. Gerstein continued with the report of the Nominating Committee, noting that the committee was unanimous in their recommendation of Dr. Richard L. Cole (TN) for a one- year term for vice president, commencing in 2001.

The chair called for additional nominations from the floor.

Dr. Ron Tripp (OK) nominated Dr. Kathleen Galligan of Oregon. Dr. Jonathan McCullough (PA) nominated Dr. Henry W. Hulteen of South Carolina.

Hearing no other nominations from the floor, the chair announced the slate of three candidates. Each candidate was invited to speak for up to two minutes.

The Tellers Committee, chaired by Dr. Vernon Temple (VT) and including Drs. Elizabeth Kressin (IA) and Brian Ashton (MD), distributed and collected the ballots. The count was supervised by parliamentarian John Bell and legal counsel Dale Atkinson.

The chair announced that there was no majority of the 48 ballots cast in favor of one candidate, and that the bylaws and *Robert's Rules of Order* require that votes be cast again.

A question was raised from the floor as to whether the results of the first vote could be disclosed. The chair explained that, while organizational precedent has been to NOT disclose the actual count in the case of any contested elections in the interest of kindness, *Robert's Rules of Order* does allow for the count to be revealed.

The chair asked the membership if that was their desire. By a show of paddles, the members indicated they wanted to know the results of the election.

The chair announced that Dr. Cole was the leading candidate, but did not have a majority (at least 25) votes of the 48 cast as required by the bylaws for election. He announced the other two candidates, Drs. Galligan and Hulteen, were tied. The bylaws allow for a runoff election between the candidates who secure the top two highest number of votes; however, because of the second place tie, a new vote was taken.

A question was asked as to whether there could be a run-off election between the two tied candidates. After consultation with legal and parliamentary advisors, the chair ruled that neither the FCLB bylaws nor *Robert's Rules of Order* allow for such a run-off election, and the members would have to cast their votes again.

A second set of ballots was distributed by the tellers, with the count supervised by the parliamentarian and the Federation's legal counsel. With 46 ballots cast, ***the chair declared Dr. Richard Cole the winner by majority vote.*** Dr. Cole will serve a one-year term as vice president commencing at the close of the 2001 annual business meeting.

The chair noted that ballots would be available for inspection by any member for 15 minutes following the election, after which they would be destroyed.

## B. 2002 Nominating Committee Representation

The chair reported that, in accordance with the Federation bylaws, the board of directors nominated two individuals to serve for one-year terms on the 2002 Nominating Committee, subject to the approval of the membership.

***Dr. Oliver "Bud" Smith (TX) and Dr. Laurel Cowie (NS) were approved by the membership with no opposition.***

## 14. Resolutions and Bylaws Amendments

As Chair of the Resolutions and Bylaws Committee, Dr. Hal Bowen (DE) reported that the committee met to review bylaws amendments and resolutions submitted in a timely manner and in proper format.

### Resolutions

The committee recommended PASS on Resolution # 1, which would have the FCLB recommend to the CCE that it amend its *Standards* to require accredited programs utilize a pre-admission examination to assist in measuring the skill sets of applicants to the Doctor of Chiropractic programs, and that the *Standards* further be amended to require that the programs report the results to the CCE's Commission on Accreditation.

It was moved, seconded and passed to insert the phrase "standardized" to describe the chiropractic pre-admission examination (with three opposed).

***The resolution FAILED AS AMENDED with nine in favor.*** While members expressed general support for a pre-admission examination, they noted concerns about perceptions of directing another organization's policies.

The committee recommended PASS on Resolution # 2, which would have the Federation recommend that certain mutual guidelines be followed by member boards as a first step in the ongoing quest for unification of interjurisdictional mobility of licensure.

It was moved, seconded and passed to amend the third guideline as follows:

strike out "pass the specific jurisprudence examination." and substitute with "comply with the jurisprudence assessment".

***The resolution PASSED AS AMENDED with none opposed.***

### Bylaws Amendments

As committee chair, Dr. Bowen continued with the report of the committee regarding bylaws amendments which were submitted in a timely manner. He noted the only proposed amendments had come from the FCLB board of directors, and that these had been sent to the membership at least 30 days in advance of the meeting in accordance with the bylaws requirements.

He explained that the committee had categorized the proposed amendments on the circulated draft as follows:

EF for amendments relating to the concept of executive fellows  
T for amendments relating to the changing the terms of office, and  
HK for issues which the committee regards as Housekeeping (to include grammar, doing business by electronic means, bonds, and other items)

He led a discussion on each of the three concepts individually. He noted that because there were so many proposed changes, the chair would entertain discussion and amendments within the scope of notice on each of the three sections, followed by one motion to adopt or defeat the package once the three sections were satisfactory to the membership.

Positive comments were made endorsing the concept of the Executive Fellow.

Considerable discussion ensued on the issue of one two-year term vs. the current two one-year terms for the president and vice president. Dr. Bowen explained the intent of the proposal was to bring the office of Treasurer (currently two two-year terms) into line with the others to avoid the necessity for appointments by the board of directors to fill vacancies caused when a treasurer is elected as vice president in the middle of a treasurer's term.

Several members expressed concerns about wanting to retain the option of not electing a president or vice president to a second term if they lost confidence in that official. Others spoke for the concept, noting the importance of giving an elected team the confidence and time to complete their agenda and the fact that no president in the Federation's recorded history has failed to be re-elected.

A motion was made to amend the bylaws to retain the concept of a one-year term for the president and vice president. After consultation with parliamentarian and legal counsel, the chair ruled the motion out of order, explaining that because the concept was so heavily interwoven with the proposed term of Treasurer and was referenced in several sections of the bylaws, necessarily specific language for the amendment could not be crafted in the time available in the business meeting.

The chair noted that the president and vice president were elected to one-year terms this year, and that a vote to adopt bylaws amendments as proposed would not preclude the necessary changes being worked on by the Federation and re-proposed as one-year terms at the 2002 annual meeting.

Dr. Bowen described the sections denoted as "housekeeping" - there was no discussion on them from the floor. By a show of paddles, the delegates indicated their support for the proposed amendments marked as "housekeeping".

It was moved/seconded to adopt the bylaws changes as a whole, as presented.

Some discussion ensued about voting on the three sections individually. The chair reminded members that they needed to dispose of the motion currently on the floor and that any other motions would be out of order at this time.

***The motion to adopt the bylaws as presented was DEFEATED with 22 in favor and 17 opposed.*** To be amended, the FCLB bylaws require a 2/3 majority vote of member boards present (2/3 of 48 = 32).

The chair then called for any new motions to adopt individual sections or other parts of the proposed bylaws. Hearing none, the chair continued with the agenda.

## 15. **New Business**

Dr. Octavio Terrazas of Mexico reported on progress with the Ministry of Education toward the establishment of a chiropractic college in Mexico, with a projected opening perhaps as soon as September 2001. He invited the Federation to host the next or any future meeting in Mexico.

Dr. Rosenmeyer of Wisconsin expressed support for the positive actions of the NBCE and FCLB as a first time conference attendee, but questioned whether there was a potential conflict of interest with Dr. Sportelli's speaking to the regulatory boards. As program chair, Dr. Wolfson indicated that the selection of Dr. Sportelli was based on consistently superior "favorite" speaker evaluations and requests by the membership to hear his challenging comments.

## 16. **Report of the Convention and Program Committee: Future Conference Sites**

As conference chair, Dr. Wolfson expressed appreciation to the many volunteers and staff who worked on this year's conference, especially the Texas chiropractic colleges, state association, and state board for all their supportive efforts. He reviewed the calendar of fall regional networking meetings and encouraged everyone to attend.

Dr. David Brown was thanked for his service as president and presented with several gifts in recognition of his outstanding service.

Dr. Wolfson announced that next year's annual meeting will be held in Chicago, Illinois, May 1 - 5 at the four diamond Millennium Knickerbocker Hotel on Michigan Avenue, with a room rate of \$165 s / d.

## 17. **Installation Ceremony**

Dr. Lawrence M. Gerstein (MO), FCLB Past President, installed the FCLB Board of Directors for 2001-2002.

## 18. **Other Announcements**

The chair announced the sad news that Dr. Jay Perreten, FCLB past president, had died.

## 19. **Adjournment**

Hearing no further business to come before the assembly, the FCLB annual business meeting was adjourned at 11:48 a.m. until May 4, 2002 in Chicago, Illinois.

Donna M. Liewer  
Recording Secretary