



Federation
of Chiropractic
Licensing Boards

MEETING

FCLB Board of Directors

Tuesday, April 29, 2014

Myrtle Beach Resort & Spa at Grand Dunes
Myrtle Beach, South Carolina

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
Margaret 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

STAFF:

Donna M. Liewer, Executive Director
Vicki Young, Finance & Benefits Manager
Julie Finn, Executive Assistant & Meeting Planner
Kelly Webb, Public Relations & PACE Coordinator

LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson

GUESTS:

Jon Schwartzbauer, D.C., Incoming FCLB Executive Director
Bill Ormston, DVM and Amy Hayek, DVM, Animal Chiropractic Education Sources (ACES)
Dr. Phil Donato, Chair - Chiropractic Board of Australia
Dr. Paul Fisher, Executive Officer - Chiropractic Board of Australia
Lesley Biggs, Ph.D., President - Councils on Chiropractic Education International
Reed Phillips, Ph.D., D.C., Executive Director - Councils on Chiropractic Education International
Kat Linaker, D.C., Executive Director of the Chiropractic Department - D'Youville College
Michael Shobbrook, Chair, Council on Chiropractic Education - Australasia

MEETING DETAILS

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

Dr. Pennebaker called the meeting to order at 8:30 a.m., April 29, 2014. Ms. Liewer noted board members, staff, and legal counsel present as listed.

Dr. Otto officially introduced and welcomed the new incoming Executive Director, Dr. Jon Schwartzbauer. Dr. Schwartzbauer stated that he looked forward to working with the FCLB Board and staff.

Dr. Otto noted this was Drs. Fahrenndorf's and Pennebaker's last board meeting. The board expressed appreciation to both individuals for their dedication and service on behalf of the Federation and the chiropractic regulatory community.

II. FCLB Master Calendar

The chair reminded directors that this resource is available on the Board of Directors private section of the website.

III. Consent Agenda Motions

M/S Spicer / Grossman to approve the motions in the consent agenda as written and modify as needed. *Passed, no opposition*

- A. **To adopt standing rules to include recording the meeting and following procedure for motions.**
- B. **To approve the board of directors meeting agendas for April 29 and 30, 2014 and May 3, 2014, as presented and modify as needed to accommodate guests.**
- C. 1: **To approve the Minutes of the 2014 Midyear Meeting on January 17-18, 2014 of the FCLB Board of Directors as presented.**
2: **To approve the Minutes of the April 8, 2014 meeting of the FCLB Board of Directors as presented.**
- D. **To ratify all electronic minutes and ballots since the last in-person meeting in January 2014.**
- E. **To approve the audit of the 2013 fiscal year as provided by Anton, Collins & Mitchell, LLP, Certified Public Accountants. (Distributed to the board, alts, and Finance Committee via e-mail 4/4/14)**
- F. **To revise Section 2.29 Authority of Board Members in the *Board Policies & Procedures Manual* as proposed by Dr. O'Connor.**
- G. **To amend the PACE *Criteria* as presented.**
- H. **To designate the FCLB president and vice president as the Federation's**

representatives to the National Board of Chiropractic Examiners for 2014-2015.

- I. 1: **To amend the Policy on Registration of Delegates and Alternates for Official Business Meetings of the FCLB as proposed.**
- 2: **To seat Dr. Kevin Donovan as the Rhode Island delegate at the May 3, 2014, FCLB Annual Business Meeting.**

IV. FCLB Mission

The board affirmed FCLB's mission to protect the public through service to member boards.

LEGAL ISSUES

V. Legal Issues

M/S Grossman / O'Connor **to enter into executive session at 8:48 a.m.**
Passed, no opposition

Staff, Dr. Jon Schwartzbauer, and legal counsel were invited to remain.

M/S O'Connor / Grossman **to exit executive session at 8:58 a.m.** *Passed, no opposition*

M/S Spicer/Fahrendorf **To ratify the motion made in Executive Session to sign on to the FARB amicus brief supporting immunity issues for regulatory boards.** *Passed, no opposition*

GOVERNANCE

1. Financial Report

1.1 Budgetary Issues

Dr. Colucci referred the board to the Budgetary Issues section in their materials. She thanked the board and staff for implementing good fiscal policies that have allowed the Federation to grow in a responsible way.

1.2 Conference Finances

Dr. Colucci referred the board to the conference finance reports in their materials which depicted a 20% increase in the number of paid attendees and a 300% increase in projected supporter income over the budgeted amount. The BOD expressed appreciation to the many supporters.

1.3 Finance Report to Members

The board reviewed the written report and PowerPoint presentation to be given to members. The report was approved by consensus.

1.4 Finance Committee

The board noted that the FCLB Finance Committee planned to meet later in the week.

2. FCLB Board of Directors - Appointments

M/S Coon/Spicer to appoint Dr. Schwartzbauer as the FCLB representative to FARB.
Passed, no opposition

M/S Coon/Spicer to appoint Dr. Schwartzbauer as the FCLB representative to the National Practitioner Databank Executive Committee.
Passed, no opposition

3. Membership

The board reviewed the written report of membership dues.

4. FCLB Technology

Ms. Liewer referred members to the report in their materials, remarking that Kelly Webb has designed and is maintaining over 800 pages of online content.

FCLB PROGRAMS & SERVICES

5. New Programs

5.1 Practitioner Mobility

Drs. Colucci and O'Connor reported on the Chiropractic Passport program, noting that the trademark process is underway. FCLB will research which member boards have temporary licensure provisions in their laws and the role of background checks. The specific program components have not been developed yet.

5.2 Student Documentation Clearinghouse

While the central database is being modified to accommodate mobility data fields, staff will investigate whether certain student documents could be collected to expedite student applications for licensure. FERPA considerations will be addressed.

5.3 Chiropractic Workforce Study

Ms. Liewer presented an outline of a possible study to collect chiropractic demographic data. Presently HRSA is providing limited funding to some organizations to collect minimum data sets.

BREAK

SPECIAL GUESTS: Bill Ormston, DVM, Amy Hayek, DVM from Animal Chiropractic Education Sources (ACES)

A presentation about training for chiropractors and veterinarians to offer chiropractic care for animals was given. Previous FCLB conferences have included presentations on regulatory language for this topic. The board noted that this may be a topic for the New Orleans 2015 conference. **6.**

2014 Annual Conference, Myrtle Beach, South Carolina

6.1 Overall Schedule

Ms. Liewer reviewed the overall schedule, referring to the pocket agenda and highlighting events that needed board attendance. Again this year the FCLB has gone “green” with the conference member materials. Members were offered their materials online. Pocket agendas are provided to everyone.

6.2 Annual Business Meeting

6.2.1 Business Meeting Agenda

The membership will elect the nominating committee for 2015.

6.2.2 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.

6.2.3 Bylaws Amendments

One bylaws amendment was proposed by the board at the midyear meeting making the treasurer’s role synonymous with the president and vice president. This will be voted on by the delegate assembly.

6.2.4 Resolutions

One resolution was received prior to the meeting but was withdrawn. Counsel will provide copies of other organizations’ guidelines for resolution submissions to assist staff with developing a policy for board review.

6.2.5 Conference Committee Appointments

The board reviewed the president’s appointments to the minutes, credentials, and tellers committees as well as his selections for the Dedication to Service and the Installation of New FCLB BOD.

6.3 District Breakfasts

The BOD reviewed the various discussion and action items. Staff was directed to create a handout clarifying the role of delegates.

6.4 NBCE Day

Dr. Grossman reviewed the Friday schedule focusing on NBCE services. The BOD expressed appreciation to the NBCE for continuing to support the FCLB Annual Conference and for hosting all of the Friday meals.

6.5 Honorary Fellows Luncheon

Dr. Coon reported 18 honorary fellows planned to attend the annual luncheon. New lapel pins were introduced, to be presented at the luncheon.

6.6 Related Meetings

6.6.1 CBAC

Dr. Spicer reported that 13 were registered for this meeting.

6.6.2 CCEI

Julie Finn was instrumental in streamlining the logistics for CCEI's two day meeting in conjunction with the FCLB conference. Nine people representing accreditation attended.

ADJOURN FOR LUNCH - with CCEI, NBCE and FCLB

After lunch, The BOD continued its review of the conference schedule.

M/S Grossman/ Fahrendorf To go into executive session to discuss legal matters
Passed, no opposition

M/S Spicer/Coon To exit executive session. *Passed, no opposition*

No actions were taken in executive session

Special Guests: Dr. Phil Donato and Dr. Paul Fisher, Chiropractic Board of Australia and ICRC

The guests presented an overview of the Chiropractic Board of Australia and how it functions within the overarching AHPRA structure of 14 boards.

They discussed evolving methods of determining competence and the need for alignment among education, accreditation and regulation. The mapping efforts of CCEI were credited. They presented the critical question of how to best serve existing and emerging regulatory agencies worldwide. They asked for the FCLB's continued active participation in these discussions. The IARMA medical model was described.

6.7 Scholarships

6.7.1 Wolfson Scholarship

The BOD expressed thanks to Dr. Wayne Wolfson for continuing to fund these scholarships for chiropractic students.

6.7.2 Donna Liewer Cohen Scholarship

M/S Fahrendorf/Grossman To cap the Donna Liewer Cohen Scholarship at \$2500 for airfare, registration and hotel. *Passed, no opposition*

7. Future Annual Conferences

7.1 2015 New Orleans, Louisiana May 6-10, 2015 .

7.2. 2016 Potential Sites

Discussions favored Phoenix/ Scottsdale AZ over Salt Lake City, UT

7.3 2017 Potential Sites

Suggestions were made to consider Orlando and Destin, FL. Nashville was also mentioned.

8. PACE

Board members were directed to the written report, delineating PACE acceptance by regulatory boards and the current list of Recognized Providers. Five organization have applied since the last board meeting. Nine other applicants are in process. Dr. Colucci and Ms. Webb provided an update on PACE technology upgrades approved previously by the BOD. The BOD will receive a presentation for extensive program Improvements at the September 2014 board meeting.

The BOD also studied the PACE strategic focus update, observing that the September 2014 goals have already been met, including the acceptance of PACE by two US states and PACE Recognition by 25% of major US CE vendors. Dr. Shilts recommended that FCLB investigate every board's regulatory structure to determine how PACE may best fit.

9. CCCA

The BOD's vision for 2000 people to be certified by CCCA by September 2014 needs to be revisited. Several goals need timeline revisions. The BOD agreed to take CCCA testing to where training is being given whenever financially feasible. Dr. Shilts recommended investigation of the cost of professional ads in relevant publications. BOD members were urged to have their own CA's certified. When boards make changes in their laws that affect chiropractic assistants, FCLB needs to be poised to provide information about the benefits of the program. Dr. Coon was thanked for his efforts to facilitate FCLB comments on North Carolina proposed regulations.

10. CIN-BAD

The board was directed to the report from Ms. Seader, noting FCLB's focus on populating DC license status, reformatting search features and offering support with HIPDB compliance audits.

11. Official Directory

FCLB has gone "green" with the *Official Directory*. Information is now available online only. The 2014 master edition is complete.

12. Physical Examination - DOT Registry

The National Registry is scheduled to go live on May 21, 2014. For the past year the US Federal Motor Carrier Safety Administration has been contacting FCLB member boards to determine whether DOT exams fall within the chiropractic scope. FCLB has provided assistance where issues have arisen in several states. Dr. Shilts attended a Connecticut Board meeting to help with the DOT question and with PACE.

13. Accreditation

Ms. Liewer gave an update on the status of Dr. Dave Anderson's study that analyzed the CCE-US entrance requirements against US state laws, application and websites. While the report is not

yet ready for publication the trends have formed the basis for Ms. Liewer's Thursday presentation. Clearly, state laws need to be updated in this critical area to ensure that students avoid unnecessary obstacles in the licensing process. .

14. Member Boards: Specific Issues

14.1 Washington State

They are looking for guidance on regulation related to multi-level marketing.

14.2 US Virgin Islands

They are looking for assistance with writing regulations including recognition of NBCE exams.

14.3 Dry Needling

FDA is looking closely at companies that supply the needles.

15. Exams - NBCE

Dr. O'Connor reported that NBCE is highly focused on security issues and maintaining the validity and reliability of the examinations. Dr. Otto reported that the number of students taking Part IV NBCE exams has increased slightly.

16. FARB

M/S Coon/Shilts **To budget for two people to go to the FARB leadership conference, suggesting that the President attend along with the Executive Director.** *Passed, no opposition*

17. CCGPP

M/S O'Connor/Coon **To discontinue membership with CCGPP.** *Passed, no opposition*

18. Recent Meetings

The BOD received reports about NCLC, and Summit 22 in February and Summit Roundtable/ACC-RAC in March. The BOD confirmed the need to attend these meetings regularly. Dr. Grossman reported that the main topic discussed at the Roundtable meeting was CCE governance.

19. Upcoming Meetings

M/S O'Connor/Coon **To send President, Vice President and Executive Director to the Florida Chiropractic Association Meeting.** *Passed, no opposition*

M/S O'Connor/Colucci **To send two people to the November Summit**
Passed: no opposition

Special Guests: CCEI - Drs. Lesley Biggs, Reed Phillips, Kat Linaker and Michael Shobbrook

A presentation was delivered on CCEI's progress of mapping the standards, policies and competencies from the four CCEs. The two primary goals are to develop model standards and to create a process for addressing revisions. The project has been under way for a year and a half and is scheduled to be

completed within the next year. Preliminary results indicate the standards are substantially equivalent among CCEI members..

M/S Spicer/Counselman To adjourn. *Passed, no opposition*


New Business

There was no new business.

The meeting was adjourned.



Donna M. Liewer
Recording Secretary



Jon Schwartzbauer, DC
Executive Director

With appreciation to Kelly Webb and Vicki Young for assistance with the Minutes