



Federation
of Chiropractic
Licensing Boards

MEETING

FCLB Board of Directors

Tuesday & Wednesday, April 26 & 27, 2016

Renaissance Phoenix Downtown
Phoenix, Arizona

MINUTES

NOTE: Minutes are not totally chronological, as discussion and motions related to a specific agenda item are consolidated under that topic.

PRESENT:

OFFICERS:

Farrel Grossman, D.C., President
Margaret Colucci, D.C., Vice President
Kirk Shilts, D.C., Treasurer
LeRoy Otto, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Carol Winkler, D.C., District I Director & Board Chair
William Rademacher, D.C., District II Director
Keita Vanterpool, D.C., District III Director
Cynthia Tays, D.C., District IV Director
Ned Martello, D.C., District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Patricia Oliver, Administrative Fellow Director

ALTERNATE DIRECTORS:

James Buchanan, D.C., District I Alternate Director
Corey Rodnick, D.C., District II Alternate Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Vicki Young, Finance & Benefits Manager
Julie Finn, Executive Assistant & Meeting Planner
Kelly Webb, Public Relations & PACE Coordinator

LEGAL COUNSEL:

Amy Richardson, J.D., Atkinson & Atkinson

GUESTS:

No guests present

MEETING DETAILS

- I. Call to Order, Roll Call, Announcements, Integrity Check
Dr. Winkler called the meeting to order at 1:34 p.m., Tuesday, April 26, 2016. Dr. Schwartzbauer noted board members and staff present as listed.

Dr. Schwartzbauer called for an integrity check: No board member made a disclosure.
- II. FCLB Master Calendar
Dr. Schwartzbauer reminded directors that this resource is available on the Board of Directors

private section of the website

III. Consent Agenda

Discussion to add the following items to New Business: Dr. Karl Kranz, FCLB Emails, and regarding Item 11, Maryland and CCCA.

M/S Oliver / Rademacher to approve the additions and master motions in the consent agenda as written and modify as needed. Motion 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 26 & 27, 2016, and April 30, 2016, as presented (amended) and modify as needed to accommodate guests.
- C. To ratify all electronic minutes and ballots since the last in-person meeting in January 2016.
- D. To approve the audit of the 2015 fiscal year as provided by Anton, Collins & Mitchell, LLP, Certified Public Accountants. (Distributed to the board, alternates and Finance Committee via e-mail 4/7/16 and 4/15/16)

Dr. Grossman thanked the board for giving him the opportunity to serve. He thanked Dr. Schwartzbauer and the staff, commending them for doing a magnificent job. He reminded the board that we operate under a democratic process.

He commended Dr. Colucci as the Federation's first upcoming female President and congratulated Dr. Winkler on her recent award as the Chiropractor of the Year for the North Dakota Chiropractic Association, and he urged the board to give her their undivided attention and passion for regulation as we move forward.

Dr. Schwartzbauer reminded the board that the Minutes of the 2016 Midyear Meeting on January 15 & 16, 2016 of the FCLB Board of Directors were previously approved.

- E. Board Policy Manual
 - 1. Fund-raising - 5.12
It was discussed that we may need to establish donation guidelines. Dr. Colucci felt we should entertain a thought that we consider any sponsorships to come from a CCE-accredited institution, recognized chiropractic association or outside vendors that is a PACE Recognized provider. No decisions were made in order to gather more information from FARB.
 - 2. Conflict of Interest Disclosure Procedure
Dr. Shilts made the changes to the policy based on Dr. Colucci's and Dr. Rademacher's input.

M/S Shilts / Rademacher to accept the conflict of interest disclosure form. Motion Passed, no opposition.

- 3. Financial Policy on Independent Contractors
Dr. Shilts presented an amended version of this policy. Dr. Rademacher suggested changing the last paragraph and insert "shall be" before 'submitted within 90-days of expenditure....' to create congruency with a compound verb.

M/S Shilts / Tays to amend the financial policy on independent contracts and

contractors 5.8 as amended. Motion Passed, no opposition.

4. Financial Policy on Board Member Travel Days - 2.24
Dr. Shilts presented an amended version of policy 2.24.

M/S Shilts / Vanterpool to approve Policy 2.24 as amended regarding board travel days. Motion Passed, no opposition.

5. Investment Policy
Dr. Shilts presented four points: 1) updating the policy for the reserve fund; 2) a reinvestment fund; 3) investment practices (5.11) – making some changes to that policy; 4) the possibility of creating an endowment fund.

Dr. Grossman asked the board to allow him and Dr. Shilts the flexibility to investigate the possible fund structures and investment instruments, and report back to the board.

Dr. Grossman also made note that he has presented the NBCE financial records to Ms. Young and witnessed by staff in accordance with requirements.

F. Delegate Registration Issues

1. Quebec
The Quebec Board was late in submitting their delegate designation and now requires a vote to accept their voting delegate submission.

M/S Grossman / Oliver to accept the voting delegate designee from Quebec with the understanding that they had their meeting after the deadline. Motion passed, no opposition.

IV. FCLB Mission

1. Affirming FCLB's Mission, articulating it to the member boards
Dr. Winkler read the mission statement and requested a vote to affirm.

M/S Shilts / Tays to affirm the FCLB Mission Statement. Motion passed, no opposition.

V. Possible Guests

1. Dr. Sherry McAllister
2. Dr. James Edwards

LEGAL ISSUES

VI. Legal Issues

1. Conflict of Interest
Dr. Winkler referred the board to the Conflict of Interest Statement on page 3 in the previous minutes (page 88 in the Policies and Procedures Manual.) Dr. Shilts commented that again, this was something from the January meeting provided by counsel. Some suggestions for change were made and those are highlighted in yellow, new things are in blue. He suggested having counsel look at it and have her report back tomorrow.

On Wednesday, Atty. Richardson clarified under grievance procedure, #2, we could eliminate "or board member" since samples are given and they're included under FCLB participant.

GOVERNANCE

1. Financial Report
 1. Membership Dues Report
Dr. Tays spoke to the issue of member dues rate increases. Dr Winkler said this issue will be included for discussion during the Regional Meetings this fall.
 2. Budgetary Issues
 - A. Status Report
Dr. Shilts referred board members to their reference materials.
 - B. Income & Expenses Report
 - C. Job Cost Reports
 - D. Board of Directors Designated Funds
 3. Conference Finances
 - A. Registration / Finances to Date
 - B. Conference Support Program

Ms. Young referred the board to the written reports on pages 30-49.

Dr. Colucci gave an update on conference support.

4. Finance Report to Members
 - A. Review written Financial Report in Annual Report section of electronic attendee notebooks.
 - B. View and Approve PowerPoint presentation for Annual Business Meeting.

Dr. Shilts presented the PowerPoint that will be presented to the delegates on Saturday.

5. Finance Committee Meeting
Dr. Winkler reminded the board that the Finance Committee would be meeting on Thursday, April 28th, at 2:00 p.m.
2. FCLB Board of Directors
 1. Mid-Year Meeting Future Dates
 - a. Meeting in November as opposed to January
Dr. Schwartzbauer said the midyear meeting should occur prior to the end of the fiscal year for budgetary reasons.

Dr. Schwartzbauer said he will look into meeting space in Greeley and availability at the Greeley Guest House.

2. Strategic Planning Liaison Position

Discussion about having an EC Planning Committee Meeting in conjunction with the FCA convention took place but was ultimately decided against for 2016.

3. Personnel Issues
 1. None to date
4. Membership Issues
 1. None to date
5. FCLB Technology
 1. Website Update
Dr. Winkler referred the Board to the written report on page 46.
6. Committees
 1. Resolutions & Bylaws Committee
 - A. Meets Friday, April 29th at 4:30 p.m.
There was discussion on whether to discuss the PACE resolution. This will be addressed later on the agenda. Reminder that the deadline for resolutions is Wednesday, April 27th by 5:00 p.m.
 2. Nominating Committee
Dr. Grossman asked each District Director to meet with Ms. Finn about the nominating committee.
 3. Chiropractic Board Administrators Committee (CBAC)
Ms. Finn reported that they are meeting on Thursday this year and the attendance has increased. Mr. Dennis Clark from Montana was the recipient of the Liewer-Cohen scholarship this year.
 4. Fraud Prevention & Identification Task Force
Governmental Issues Task Force
 - A. Merge or Dissolve?
Dr. Winkler suggested that if we were to merge these two committees we'd have six people on one committee. She felt we should dissolve the fraud prevention and just move that task to the Government Task Force Committee.

M/S Grossman / Shilts to dissolve the Fraud Prevention & Identification Task Force and move task to the Governmental Issues Task Force. Motion passed, no opposition.

Dr. Schwartzbauer requested Dr. Rademacher, as chair of the Fraud Prevention committee, notify his committee members of this decision.

5. Model Practice Act Task Force
 - A. Creation / Members
Dr. Grossman reported there will be a couple of minimal modifications to the Model Practice Act regarding temporary licensure and wording that relates to the recent US Supreme Court decision on licensing board members as market participants. He asked the board for latitude for he and Dr. Shilts to work on this.
6. Practitioner Mobility Task Force
 - A. Passport Policy Book Amendment
This is an amendment on record keeping. Dr. Winkler referred the board to the meeting materials on page 52.

M/S Shilts / Oliver to amend the Passport Policy Manual as drafted in the book. Motion passed, no opposition.

Meeting was adjourned for the day at 5:03 p.m.

WEDNESDAY, APRIL 27, 2016

Dr. Winkler called the meeting to order at 8:31 a.m., Wednesday, April 27, 2016.

Dr. Schwartzbauer noted board members and staff present as listed above with the exception of:
Vicki Young (not present)

Guest, Dr. Winfield Hobbs (WA) present

Fund-Raising Policy Discussion (revisit)

Dr. Winkler suggested we renew yesterday's discussion on fund-raising prior to entertaining guests who may bring up the issue later today.

M/S Grossman / Oliver to enter into Executive Session at 8:34 a.m. to discuss legal strategy. Motion passed, no opposition.

The open meeting of the board resumed at 8:42 a.m.

7. Create a Committee for Fund-raising
Dr. Colucci addressed the importance of our sponsors every year and she would like the board to support establishing a committee for fund-raising. She would also like this committee in place prior to next year's fund-raiser for the Passport Program. The purpose of the on-going committee would be to get sponsors and to raise money for specific projects. Drs. Rademacher and Vanterpool have volunteered to serve on the committee.
8. Populate the CCCA Committee
Dr. Colucci reported that we currently have a group that would review the different applicants that come in, but we haven't used that. Dr. Grossman expressed that he wants to hold off on this committee until we get some things ironed out.
9. Vision Statement - Create an Ad-Hoc Committee
Dr. Colucci would like to see this board create a Vision Statement. She is asking to create an Ad-Hoc committee to look into this. She and Dr. Schwartzbauer have discussed this and feel it is important for an organization going forward.

Dr. Vanterpool volunteered to do it with help from Dr. Schwartzbauer, Dr. Tays, Dr. Rademacher and Dr. Shilts.

FCLB PROGRAMS & SERVICES

7. New Programs
 1. Special Boards and Certification Programs - NCCA
Dr. Shilts reported on a need for specialty board standards.

Requirements for a specialty board or program should include: written or consistent membership standards; an independent examination; and a process of redress should there be an issue. Dr. Shilts would like to see us move in this direction in the future.

Dr. Grossman asked Drs. Otto and Shilts to work together on this.

2. Concussion - State Regulations, Return to Play Authorizations
Dr. Shilts identified that someone needs to determine what the Return to Play Management Standard is for licensed chiropractors and who should provide oversight. Dr. Schwartzbauer suggested forwarding Dr. Shilts' list of questions to David O'Bryon, Executive Director of the ACC, who is attending this conference.

8. Phoenix, Arizona 2016 Conference

1. Overall Schedule & Events (Pocket Agenda)
Dr. Schwartzbauer reported briefly on the schedule for the upcoming days.

Dr. Grossman also announced that after the Thursday reception he will be hosting a get-together in his room for FCLB board, staff and spouses.
2. Annual Business Meeting
 - A. Elections
 - B. Bylaws Amendments
 - C. Resolutions
Dr. Shilts commented that he'd like to amend the board's resolution on PACE. Dr. Shilts amended the third paragraph to read "Whereas, programs similar to the FCLB PACE program are currently operated by other licensing board federations involving a diversity of health professions; and..."

M/S Shilts / Oliver to approve the draft resolution dated 3/28/2016 as amended today. Motion passed, no opposition.

3. Conference Committee Appointments
 - A. Minutes Committee
 - B. Credentials Committee
 - C. Finance Committee
 - D. Tellers Committee
 - E. Dedication to Service / International Pledge Recommendation
 - F. Installation of New FCLB Board of Directors
Dr. Winkler referred the Board to the Agenda for details.
4. District Breakfasts - Saturday
 - A. Elections: District III Director & Alternate
Dr. Schwartzbauer asked for a volunteer to oversee the District III elections since the Director is running. Dr. Grossman asked Dr. Otto to oversee that election.
 - B. Finalize a Group Activity
Dr. Schwartzbauer asked the District Directors to consider at this time if you want a group activity during your district meetings and come away with a decision so staff can start working on that.
 - C. Decide a 2017 Location for each District Meeting
Dr. Schwartzbauer said we will be talking about hotels and locations later in the agenda, but we will be deciding on a 2017 location for each district meeting.
 - D. Promotions for 2017 Annual Conference and 2016 District Meetings to be distributed.
Dr. Schwartzbauer spoke of promoting our upcoming conferences and district meetings and reminded the directors to bring the information to their member boards for them to discuss. This would be a good time to ask them to add the FCLB on their meeting agendas.
 - E. Reminder: Directors to track board meeting highlights
This is an FYI item.
5. Thursday Afternoon Workshops

- A. See Agenda
- 6. NBCE Day
- 7. Awards
 - A. Janse Lecture: Dr. Wayne Wolfson
Dr. Grossman commented that we are honored to have Dr. Wolfson give our Janse. He's an incredible individual and a visionary.
 - B. George Arvidson Award
 - C. Pennebaker/Wiley Outstanding Board Award
 - D. President's Awards
- 8. Honorary Fellows (Alumni District)
 - A. Luncheon
Dr. Winkler reminded the board of the Honorary Fellow luncheon.
- 9. Related Meetings
 - A. CBAC
 - B. Summit
 - C. NBCE

Ms. Finn commented that CBAC has decided to hold their meeting differently this year and they have had a great turnout because of the change in day/time.

- 10. Scholarships
 - A. Wolfson Scholarship
Dr. Winkler announced that we have students from Palmer West (Anna Marie Gierach) and Life West (Richard Doss).
 - B. Donna Liewer-Cohen Scholarship
Dr. Winkler also announced that Dennis Clark from Montana was the recipient of the Donna Liewer-Cohen Scholarship.
- 9. Future Annual Conferences: 2017, 2018, 2019
 - 1. 2017: Orlando, Florida May 3-7, 2017
 - 2. 2018: Austin, Texas May 2-6, 2018
 - A. Choosing a different location may be necessary
Dr. Schwartzbauer announced that we will not be able to go to Austin in 2018 due to cost issues even though that was your first pick. Ms. Finn reported that we have three great choices in Dallas that she wants to look into. Dr. Tays has agreed to meet her there and she has some suggestions as well.
 - 3. 2019: San Diego, California
Ms. Finn reported that she has a site tour coming up very soon to secure these dates.
 - 4. Future Conference and hotel room rates
Dr. Schwartzbauer said that times are changing. We've had an unwritten rule of keeping the room block under \$209 with the idea of the member boards getting approval to travel. A lot of organizations have a cap they want us to stay under. While that \$209 mark was realistic five years ago, things have changed and hotels have the upper hand, especially in the cities we like to go to. Dr. Otto asked Dr. Schwartzbauer and Ms. Finn to go to the board administrator's meeting and run that information by them and see what they say. Dr. Winkler also suggested bringing it up during the District breakfasts.

Dr. Grossman welcomed Dr. Sherry McAllister with the F4CP. He also welcomed Dr. Gary Cuneo. Dr. Grossman asked Dr. McAllister to give us the Reader's Digest version of their concussion program. Dr. Schwartzbauer thanked Drs. McAllister and Cuneo.
Dr. Schwartzbauer felt district meetings would be a good opportunity to dive further into the concussion issue.

Dr. Grossman also introduced Mr. David O'Bryon, the President of the ACC. Mr. O'Bryon thanked the FCLB for all we do. He announced some big changes coming around and offered if there was anything he can do for us, saying he and Drs. Schwartzbauer and Grossman sit in a lot of meetings together. He invited FCLB to come to Washington DC in 2017 as they combine their meeting with ACA and the WFC. Dr. Schwartzbauer thanked Mr. O'Bryon.

10. PACE

1. PACE Program Status
 - A. Providers

Dr. Winkler referred the board to the written report on page 102.

- B. Boards - PACE Action steps

Dr. Winkler commented that this is our signature event this weekend, our primary focus and we have an action step this year. We're going to seek every member board to sign on to codifying PACE language into regulation or board policy.

Dr. Winkler also commented that another body of people that know nothing about PACE is the field doctor. She approached the association at their state convention and talked about PACE and nobody had heard of this. She said that is another venue we need to market to. Dr. Otto agreed, that it is person-to-person contact that will get results and the district directors still have work to do.

2. PACE Committee and Review Team Membership

M/S Rademacher / Otto to approve the President's appointment of Dr. Karen Mathiak and Dr. John Downes for another term of service on the PACE Committee. Motion carried, no opposition.

11. Certified Clinical Chiropractic Assistants

1. CCCA Strategic Program Goals - Update

Dr. Schwartzbauer referred the Board to the written report on page 106. Dr. Shilts would like to see us advertise in the ACA Today magazine. Dr. Grossman asked Dr. Schwartzbauer to investigate that possibility and report back to the board.

12. CIN-BAD

1. CIN-BAD Program Update

Dr. Winkler referred the Board to the written report on page 107.

13. Official Directory

1. Directory Updated and On-Line

Dr. Winkler reported this is an FYI

REGULATORY ISSUES

14. Accreditation

1. CCE-USA Update

Dr. Schwartzbauer reported that CCE-US has pulled out of CCEI. He said where the principles were attending the conference, we would likely learn more about this from the CCE-US.

15. Member Boards: Specific Issues

1. State-Requested Power Polls

Dr. Winkler referred the Board to the written report on page 108.

16. Examinations

1. NBCE Exams (US)
2. IBCE (International)

Dr. Otto reported that there were 1,540 examinees last November and there are 1,541 this year.

17. Other Regulatory Bodies
 1. FCC (Formerly CFCREAB)
 2. ICRC
Dr. Schwartzbauer reported they are having their annual meeting in Geneva however it is not in our budget to attend.

STAKEHOLDER INTERACTION

18. Requests from Other Organizations
 1. None to Date
19. Professional Associations
 1. None to Date
20. Recent Meetings
 1. FARB Forum, January 28-31, 2016, Clearwater, FL
Dr. Winkler referred the Board to the written report on page 109.
 2. National Chiropractic Legislative Conference, February 24-28, 2016, Washington D.C.
Dr. Winkler referred the Board to the written report on page 110.

Dr. Colucci reported that it was a successful meeting. She said we handed out a lot of packets of information about the FCLB and said that's where we got the idea to allow PACE providers to bring products to our event. She talked about next year having ACC/RAC, NCLC and WFC all combined. Dr. Grossman also recognized Dr. Vanterpool for representing us there with no funding from the FCLB.
 3. ACC/RAC, March 17-20, 2016, Orlando, FL
Dr. Winkler referred the Board to the written report on page 111.
 4. Arkansas Chiropractic Centennial
Dr. Grossman reported that he went to their Centennial and talked about PACE. He also said they would be talking to Dr. Taylor from the Arkansas board this weekend.
21. Upcoming Meetings
 1. Dates / Locations / Budgeted Attendance
Dr. Winkler referred the Board to the written report on page 113.
 - ✓ Association for the History of Chiropractic 2016 Convention - Bloomington, MN
 - ✓ FARB - Budgeted for one board and staff to go
 - ✓ Leadership Conference - Nashville: Dr. Schwartzbauer and Dr. Grossman will attend with Dr. Otto working with NBCE to send him.

NEW BUSINESS

22. New Business
 1. FCLB Email
Dr. Schwartzbauer offered board members to call him and work through the process of implementing the new email address once you're in front of your computer, then we can get you signed in. If there are still problems, our IT person will schedule a call and work it out.
 2. Karl Kranz - Telehealth
Dr. Grossman commented that Dr. Kranz is a Ph.D. jurisdoctorate who does a lot of research on telehealth. Dr. Grossman has contacted Dr. Kranz and he will do research on this regulatory issue for the FCLB for free. All Dr. Kranz is asking is for us to pay for his use of the legal search engines called LexusNexus and Ovid, and Dr. Grossman is requesting the board to allocate this money.

M/S Rademacher / Oliver to allocate \$1,500 to have this Telehealth research done by Dr. Kranz. Motion passed, no opposition.

3. District Director's Contact Information during Registration
Dr. Otto spoke with Dr. Grossman and Ms. Finn about getting District Directors involved with giving out their contact information during registration. He said that can be set up in the registration office and it would be nice if every director would just come for 30 minutes. Dr. Grossman requested a banner with their pictures on it that can be set up during registration.
4. Proposed Changes to ByLaws
Atty. Richardson commented about the draft proposed changes to the ByLaws on page 99. The sentence "the District Director and Alternate shall be a legal resident should read "any District Director and Alternate Director shall each be a legal resident of a member board jurisdiction..." Dr. Shilts will go to the committee meeting and present the correction.

M/S Shilts / Vanterpool to amend the 2016 draft with the proposed change. Motion passed, no opposition.

Dr. Rademacher asked if we needed to verify the required amount of residency? Atty. Richardson said it would depend on the jurisdiction and what a legal resident is.

There was some clarification on the post-board meeting immediately following the business meeting. Dr. Rademacher offered to do the new board member training.

ADJOURN

M/S Rademacher / Martello to adjourn the meeting. Motion Passed, no opposition.

The meeting was adjourned at 1:02 p.m.



Jon Schwartzbauer, DC
Executive Director

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