MIDYEAR MEETING
FCLB Board of Directors
Friday and Saturday: January 12-13, 2007
National Board of Chiropractic Examiners Headquarters
Greeley, Colorado

MINUTES

PRESENT:

OFFICERS:
N. Edwin Weathersby, D.C., President
Oliver “Bud” Smith, Jr., D.C., Vice President - In NBCE Part IV Meetings, joined FCLB Friday afternoon
Daniel Saint-Germain, D.C., Treasurer
Richard L. Cole, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:
LeRoy Otto, D.C., Executive Board Chair & District II Director
Carol Davis, D.C., District I Director
Lawrence O’Connor, D.C., District III Director
Ron Tripp, D.C., District IV Director
Norman Ouzts, Jr., D.C., District V Director

EXECUTIVE FELLOW DIRECTOR:
Joe Baker, Jr., Executive Fellow Director

STAFF:
Joan Carl, Finance & Benefits Manager
Julie Finn, Executive Assistant
Bridget Seader, CIN-BAD and Program Administrator
Kelly Webb, PR & PACE Coordinator
Donna M. Liwer, Executive Director

LEGAL COUNSEL:
Dale Atkinson, J.D., Atkinson & Atkinson - Joined the FCLB Saturday morning

OTHER GUESTS:
Vernon Temple, D.C., NBCE President
Horace Elliott, NBCE Executive Vice President
Ken Haile, Computer Consultant

I. CALL TO ORDER / ROLL CALL / ANNOUNCEMENTS - Dr. Otto called the meeting to order at 8:50 AM. Donna Liwer called the roll, with directors and others present as listed. The chair explained that Dr. Bud Smith, FCLB Vice President, was attending an NBCE Part IV training session and would be joining the meeting in the afternoon.

The Chair also explained that legal counsel, Dale Atkinson was flying in late, and would join the meeting on Saturday. All legal issues will be addressed with him then.

Dr. Cole announced that there were 8 representatives from student chiropractic associations visiting the NBCE and the FCLB board was invited to meet them for lunch.

Dr. Otto asked the board to review the schedule and note that the FCLB would be hosting an afternoon cookie break for the visiting students and the NBCE staff.

The board expressed its appreciation for the opportunity to meet at the NBCE facilities.
II. MINUTES FROM PREVIOUS MEETINGS

M/S O’Connor/Cole to approve the minutes of the 11/14/06 meeting of the FCLB Board of Directors as presented. Passed, no opposition

M/S Tripp/Davis to ratify minutes of telephone conference calls since the last in-person (May 2006) meeting of the FCLB Board of Directors as presented. Passed, no opposition

III. APPROVAL OF THE AGENDA

M/S Cole/Weathersby To approve the agenda as presented, and to deviate from the agenda as needed at the discretion of the chair according to time constraints and to accommodate guests. Passed, no opposition

IV. BUSINESS

I. FINANCIAL REPORT

Dr. Saint-Germain presented the report. He explained the detailed analysis of the 2005 District Meetings. It was agreed to report the shipping costs as part of the District Meetings in future budget reports.

The board reviewed the 2006 status report, income, and expenses, with appreciation to Joan Carl for careful research on investment options in line with the FCLB financial policies.

Dr. Saint-Germain then explained that the $45,000 deficit from 2006 was the result of a reduction in income from CIN-BAD and the slow growth of the PACE program.

M/S Ouzts/O’Connor to accept the 2006 Financial Report submitted by the Treasurer. Passed, no opposition

Dr. Cole suggested, as part of the deficit is due to PACE, that $30,000 be taken from the PACE fund to help cover it. Dr. Weathersby then offered that the remaining $15,000 be taken from the technology fund if there was no anticipation of needing that fund in 2007.

M/S Weathersby/Cole to transfer $30,000 from the PACE fund and $15,000 from the Technology fund to cover the 2006 deficit. Passed, no opposition.

The Board then addressed 2007 budget issues. Donna Liewer noted the staff is assessing integrated management software (Community Enterprise) to replace the “cobbled together” programs now in place for CIN-BAD, meeting registration, and address maintenance. Approximately 200 software programs have been reviewed in the process of trying to identify an integrated system.

Research will need to continue to determine whether this web-based software will meet FCLB’s practical requirements and to nail down costs. Grants may be necessary to support any future software purchase.

Dr. Saint-Germain reported that by moving credit card processing to USA E-Pay as recommended by NCMIC, the FCLB saved 42% in fees over the previous year and this lower expense is expected to continue.
For the benefit of new board members, staff explained that dues are assessed according to self-reported statistics gathered during an annual update of the *Official Directory*. Current terminology specifies “active licenses;” however, many boards define active licenses differently. For the sake of simplicity, Dr. Otto suggested the FCLB remove the word “active” from dues renewal invoices. Further it was suggested that invoices include the following verbiage:

“Your current dues are based on the number of licenses. Please note you are currently billed at this rate, if it is different please let us know.”

**M/S Baker/O’Connor** to change the dues renewal wording for 2008 to “total licensees” rather than “active licenses”.
*Passed, no opposition.*

Additional discussion focused on whether the dues assessment should shift to a straight per capita basis. While the structure has been researched several times over the past decade, it was agreed it is probably timely to analyze again.

CIN-BAD income has dropped by approximately 50% due to the loss of our two largest subscribers and competition from the federal HIPDB, which has recently secured NCQA recognition.

Dr. Saint-Germain outlined cost-cutting measures to be implemented in 2007. These measures include the staff budget being held at the 2006 level; encouraging 2 staff to work less than 40 hours a week; meeting in Greeley, Colorado for the mid-year board meeting. Other strategies included not convening the PACE committee/review team in 2007; delaying website and equipment upgrades; and cutting gifts.

The budget for staff health insurance was projected to increase 14% in premiums. Dr. Ouzts suggested we investigate the FCLB self-insuring the difference in the deductible and choosing a program with a higher deductible.

Dr. Weathersby recommended the board spend further time looking for further cutbacks in the 2007 budget. Additional discussions were tabled until Saturday afternoon.

**M/S Saint-Germain/Davis** to authorize the 2006 audit with Rodahl & Co for $3,400.
*Passed, no opposition.*

It was noted that the FCLB will bid out the 2007 audit.

LUNCH BREAK

Dr. Otto called the meeting back to order at 1:14 p.m.

2. **PACE**

Dr. Cole reported that the PACE program is currently in effect with two approved providers and 22 jurisdictions. Generating additional participation is difficult without funds to support travel and education by PACE representatives.

It was noted that state associations are becoming more comfortable with PACE as their knowledge base increases, and as they identify their role in the program.

The board chose to defer until Saturday the determination of new PACE Committee members and Review Team members. Dr. Cole volunteered to continue to offer his support to PACE outside of the committee.
To be drafted for board use are a list of talking points, a sample financial scenario for an applicant program, and a standard presentation in either PowerPoint or DVD format. The board further proposed extending the current chiropractic college fee waiver program for another six months.

**M/S Cole/Saint-Germain to extend the PACE fee waiver expiration to colleges until July 31, 2007.** Passed, no opposition.

Dr. Cole elaborated that state and provincial board members may benefit from more information about the program which could be possible through a single-page overview distributed at Conference. Additionally, a brief segment in the general session followed by a more extensive breakout could be helpful for member boards.

Finally, the board noted the positive potential for PACE if it is required for DOT educational programs to certify examiners.

3. **CIN-BAD**

Bridget Seader reported on the CIN-BAD program, explaining that the federal government’s HIPDB program has now positioned itself to be in direct competition.

To combat our losses, the FCLB staff proposes implementing a status change notification program for subscribers. Ken Haile, FCLB computer consultant, has begun developing the tools that will allow this service as part of the ALLDOCS programming.

Additional CIN-BAD improvements include streamlined automated processes, better data upload management with increased accuracy and multiple file format handling, and a new capacity for exporting data.

ACA has expressed interest in utilizing our data services to review their membership lists. This is part of their “zero-tolerance for fraud” initiative, and may be able to provide modest financial support to develop the data management tools we need.

4. **NBCE**

Dr. Temple described the NBCE’s direction in international testing and reiterated the importance of having representatives from regulation helping guide developing chiropractic programs in other countries.

Dr. Weathersby thanked Dr. Temple for the amiable relationship between the two organizations and for the assistance in covering FCLB costs when activities benefit both organizations.

Dr. Temple reported that the CCAT would be presented at a college and university convention in Denver. The NBCE is also ready to provide CCAT testing through computerized testing centers. Dr. Temple reported on the impact of the positive relationship between the FCLB and the NBCE. He expressed gratitude to the FCLB for contributing to the NBCE’s understanding about testing and licensing issues. The board noted appreciation to NBCE for providing facilities and support for the mid-year meeting and throughout the year.

5. **ACCREDITATION**

Dr. Weathersby reported on pending changes to the CCE Standards, including admissions requirements. The board noted the need to require criminal background checks and fingerprinting in light of the number of candidates with felony convictions.

The CCE task force will be working with FCLB and our member boards to survey regulatory needs and opinions.
6. CONFERENCES AND MEETINGS

A. District Meetings
The board reviewed the recently distributed district newsletters.

Dr. Otto expressed concern about follow-up with resolutions, recommending that they be published and distributed no later than 60 days following their adoption. The district newsletters will facilitate this process.

The board reviewed the Statement of Principles, Ethical Behavior, Non-Disclosure, and Conflict of Interest. Legal counsel will be asked to revise this document for review at the March meeting.

Julie Finn reported on district meeting sites for 2007:
Districts I & IV: August 30 - September 2, 2007; Juneau, Alaska; Baranof Hotel; $159 per person
District II: October 18-21, 2007; Fort Walton Beach, Florida; Seaspray Condominiums; $96.30 per condo
Districts III & V: October 4-7, 2007; Burlington, Vermont; Wyndham Burlington Hotel; $199 per person

B. 2007 Conference: St. Louis
The board then reviewed the proposed conference agenda.

Dr. Weathersby suggested the board invite Dr. Carl Cleveland, President of Cleveland Chiropractic Colleges, and Dr. George Goodman, President of Logan College of Chiropractic, to give the opening remarks for the annual meeting.

The PACE breakout will be approximately one hour with the room reserved for three hours to accommodate questions, per Dr. Cole.

The Friday night event will be hosted at the River Bottom Saloon pending further investigation.

Proposed sessions include:
- Regulating chiropractic assistants
- Licensing applicants from other nations
- Advertising claims
- The role of public members
- Documentation and record-keeping
- Assessing good CE providers - perspectives from other professions

$9,500 of conference support has been pledged and paid.

Staff reported that the Arvidson and Outstanding board awards nomination forms will be mailed shortly with an important dates calendar. Nominations due back by February 23, 2007.

The board reviewed PR initiatives for conference.

The deadline for candidates to seek to be slated by the Nominating Committee is March 3, 2007. This deadline does not apply to District Director candidates.

Logan College has invited FCLB to host a meeting on their campus. Donna Liewer will speak with Dr. Goodman and refine the details of that offer.

There are no by-laws pending for conference as of this meeting. One resolution is pending refinement by Dr. Cole.
There are, however, three documents ready or nearly ready for member approval. The conflict of interest statement can be submitted after legal counsel’s revisions.

Two white papers on fraud are also ready for membership endorsement. The board proposes to write resolutions making these official publications.

Conference in 2008 will be held in Atlanta, GA. Mr. Baker visited the hotel and reported favorably.

Conference 2009 was decided to be held in California. Julie was directed to strive for $199 a night room rate at the Hollywood Marriott.

C. Other meetings
Dr. O’Connor reported on the recent CMS meeting he attended. Meridian, CMS’s largest processing carrier, presented to representatives from COCSA, ACA, FCLB, and ACC, outlining some of the challenges they are facing. FCLB will need to continue to have a regulatory presence within the chiropractic task force addressing these issues.

7. MEETINGS REPORTS AND TRAVEL APPROVAL

FAFB Forum, San Antonio, Feb 2-4, 2007

M/S Baker/Tripp to authorize the president to approve travel to FARB as funds permit. Passed, no opposition.

ACC/RAC, Phoenix, March 15-18, 2007
Dr. Weathersby has been invited to present at the ACC/RAC meeting in Arizona, with travel costs covered by their group.

M/S Tripp/Saint-Germain to approve travel for FCLB President, Dr. Ed Weathersby, to the 2007 ACC/RAC meeting in Arizona. Passed, no opposition.


M/S Davis/Ouzts to authorize the president to approve travel to ACA’s NCLC as funds permit. Passed, no opposition.

CFCRB

M/S. Ouzts/Baker to authorize Dr. Saint-Germain to represent the FCLB at the CFCRB Annual Meeting. Passed, no opposition.

The meeting was recessed at 5:45 PM

Saturday, January 13, 2007

The meeting was called to order at 8:30 AM. Roll call noted participants continued from the previous day, except Mr. Haile left and legal counsel Dale Atkinson joined.

1. FARB REPORT

Legal counsel, Dale Atkinson, who also serves as FARB’s executive director, presented a brief overview of current topics of interest in regulation.
• breaches of exam security
• licensure application for member boards by their federations
• national mobility of licensees
2. INTERNATIONAL REGULATION

Dr. Smith commended Dr. Weathersby for his current regulatory leadership in the expanding international community.

The board then discussed regulatory recognition of international programs.

Because regulatory boards have not previously needed to concern themselves with licensing internationally educated D.C.s, there are no criteria in place to assess candidates. Dr. Saint-Germain reported that Canadian boards face the same conflict. The need for appropriate regulatory language regarding delegation of educational program review and candidate examinations was discussed.

3. NBCE REPORT FROM REPRESENTATIVES

M/S Cole/Davis to go to executive session. Passed, no objections.

The board came out of executive session. There were no actions taken.

4. WEBSITE

Staff reported beginning work on revisions for the FCLB website within our budget restrictions. The first initiative is to reorganize an online “library” of downloadable resources.

Donna noted that further investigation into Community Enterprise software may allow staff to maintain and update the website without needing the assistance of computer consultants.

5. COMMITTEE APPOINTMENTS

Dr. Tripp proposed changing the way committees are appointed, delegating the authority of selecting members to committee chairs, pending presidential approval. Oversight of all committees will be by the vice president.

The logistical problems of working with committees that have limited or no opportunities for in-person work was noted.

In addition to structural changes, the board chose to alter the committee service cycle. Dr. O’Connor recommended appointing all committee chairs and informing them of the structural change with the request that they have a proposed committee member list ready for presidential approval and board ratification at the May conference.

The board then reviewed the current list of committees.

Dr. Weathersby reviewed his recommendations for various committee chair appointments, seeking board input on both the standing and special committees.

Standing Committees
- Finance/Audit: remove Dr. Dennis Hall; appoint Dr. Don Miner
- Resolution/Bylaws: remove Drs. Carol Davis and Earl Wiley; appoint Drs. Paul Morin and Leslie Schmidt

M/S O’Connor/Davis to approve presidential appointments for standing committees. Passed, no objection
Special Committee Chairs
- Board Training Project: Dr. Mary Ellen Rada
- Conference Support: Dr. Leroy Otto
- Ethics Task Force: Dr. Marc Gamerman
- Fraud Prevention and Identification: Dr. Larry Spicer
- Governmental Affairs and Legal Advisory: Dr. Larry O'Connor
- International Issues: Dr. Daniel Saint-Germain
- Model Practice Act: Dr. Rick Cole
- PACE: Dr. Norman Ouzts, Jr.
- Documentation and Record-Keeping (new committee): Dr. Carol Davis

M/S O'Connor/Smith to offer courtesy approval of the presidential recommendations for special committee chairs. Passed, no opposition.

Dr. Weathersby offered informal recommendations for committee members, based partially on committee interest forms submitted throughout the year by our members.

Dr. Weathersby then made appointments to the PACE Review Team.

- Dr. David Koch - At-large - (1st 3-year at-large term)
- Dr. John Scaringe - At-large - (1st 3-year at-large term)
- Dr. Jerry Grod - CMCC (2nd 3-year term)
- Dr. Zach Zachman - Northwestern (1st 3-year term)
- Ms. Michelle Yungblut - Parker (2nd 3-year term)
- Ms. Wanda Hoffman - Texas (2nd 3-year term)
- Dr. Lester Lamm - Western States (2nd 3-year term)
- Dr. John Downes - Life (2nd 3-year term)
- Dr. Richard Saporito - Bridgeport (2nd 3-year term)

Nominees are needed from Southern California University of Health Sciences, Cleveland Chiropractic Colleges, National Health Sciences University, and Logan Chiropractic College. Additionally, Anglo-European, Trois Riviere, and the New Zealand colleges need to be invited to submit nominations. It was clarified that ACC is composed of one overall representative from the Palmer colleges, one from the Cleveland system, and two from Life (Life West and Life Georgia are independent).

M/S Ouzts/O'Connor to approve the president's appointments to the PACE Review Team. Passed, no opposition.

BREAK FOR LUNCH

Dr. Weathersby made recommendations for the open slots on the PACE Committee.
- Dr. Elizabeth Goodman - representative of chiropractic continuing education program (1st 3-year term)
- Ms. Deb Bridges - current executive director of an FCLB member board (1st 3-year-term)
- Dr. Bill Rademacher -current or former chiropractic board member (1st 3-year term)

M/S Davis/Baker to approve PACE Committee appointments. Passed, no opposition.

6. HOT TOPICS

Advertising
Boards are facing challenges in advertising violations relating to some therapeutic equipment. Dr. O'Connor recommended the FCLB make available to members all information from other boards and any pertinent legal decisions.
PowerPolls
The Board reviewed new PowerPoll procedures and looked at the current backlog of PowerPolls. Mr. Baker volunteered to help review and revise future items.

The Executive Director expressed a desire to make PowerPoll results available to member boards on the FCLB website in a password-protected area.

Governance
Future organizational structure may need to address international representation. Legal counsel reported that his review of the draft conflict of interest statement demonstrated sound concepts with a need for language revision. He recommended broader language to allow room for situational interpretation. Mr. Atkinson volunteered to revise the document and have it ready for board review at the March teleconference.

7. BUDGET APPROVAL

The Treasurer reported that new proposals were developed in accordance with decisions and recommendations made during Friday's meeting. The new draft budget reflected an estimated lower income of $35,000 for CIN-BAD making the revised deficit $125,000.

Dr. Smith proposed reviewing the budget line-by-line.

M/S O'Connor/Smith to go into Executive Session. Passed, no opposition.

Staff was excused except Donna Liewer.
The board came out of executive session.

M/S Davis/Tripp to table finalizing budget for 2007 pending revisions according to board direction. Passed, no opposition.

8. OTHER BUSINESS
Dr. Cole distributed a draft survey regarding CCE Standards revisions.

ADJOURN - 4:30 PM