

**FCLB Board of Directors Meeting**

Tuesday, May 4, 2004

Westin Hotel ■ Denver, Colorado

## MINUTES

**PRESENT:**

**OFFICERS:**

Richard L. Cole, D.C., President  
N. Edwin Weathersby, D.C. Vice President  
Oliver "Bud" Smith, Jr., D.C., Treasurer  
Wayne C. Wolfson, D.C., Immediate Past President

**EXECUTIVE BOARD OF DIRECTORS:**

Steve Willen, D.C., Executive Board Chair & District V Director  
Patricia G. Conners-Allen, D.C., District I Director  
LeRoy Otto, D.C., District II Director  
Daniel Saint-Germain, D.C., District III Director  
Ron Tripp, D.C., District IV Director

**EXECUTIVE FELLOW DIRECTOR:**

Kevin Earle, Executive Fellow Director

**LEGAL COUNSEL:**

Dale J. Atkinson, Atkinson & Atkinson

**COMPUTER SYSTEMS CONSULTANT:**

William Steinmiller, Prairie Star Technology

**STAFF:**

Donna M. Liewer, Executive Director  
Joan Carl, Finance and Benefits Manager  
Bridget Seader, CIN-BAD and Program Administrator  
Julie Finn, Executive Assistant

**GUESTS:**

Dr. Raine Makela (Finland - European Chiropractors Union)  
Dr. John Triano (Texas Back Institute / Qualifications to Perform Spinal Manipulation)

## BUSINESS

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- A. **CALL TO ORDER** - Dr. Steve Willen called the meeting to order at 9:13 a.m.
  - B. **INVOCATION** - Dr. Rick Cole offered the invocation.
  - C. **ROLL CALL** - Donna Liewer called the roll, noting that Drs. Wolfson and Saint-Germain were expected to arrive shortly.
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**ANNOUNCEMENTS:**

Dr. Willen welcomed Dr. Raine Makela, representative from the European Chiropractors Union. He also distributed phone cards for Sprint conferencing.

#### D. APPROVAL OF AGENDA

M/S Weathersby/Smith to approve the agendas for the duration of conference as presented, and to suspend the agenda to accommodate guests as available. *Passed, no opposition*

#### E. APPROVAL OF MINUTES

It was noted that no additional approval is necessary - minutes from 3/30/04 approved already and posted to the website

F. **OVERVIEW OF DENVER CONFERENCE PROGRAM** - Dr. Cole presented an overview of the program and activities and described the events where board members were needed.

M/S Weathersby/Smith to go into executive session at 10:20 a.m. *Passed, no opposition*  
The board came out of executive session at 10:35 a.m.

M/S Cole/Tripp to adopt the following policy to govern attendance at and participation in meetings of the FCLB Board of Directors:

##### Attendance at FCLB Board of Directors Meetings

In the interest of the public protection mission of the FCLB, and to permit the observation of the actions of the Board of Directors, attendance at board meetings is subject to the following:

1. All FCLB Board of Directors meetings are open to Fellows and Executive Fellows;
2. Attendance by Fellows and Executive Fellows shall be for observation purposes only. Participation shall be at the discretion of the chair.
3. Attendance of the Board of Directors meetings by others shall be by invitation of the board.

Passed, no opposition

The board further noted its interest in adding a section on the in-person agendas devoted to receiving public comments, and recommended that sign-in/out sheets be provided for guests and observers.

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**1. Financial Report** - Dr. Smith and Joan Carl presented the financial report:

A. *Current Bank Balances / Income & Expense Reports* were reviewed in detail.

Dr. Weathersby explained he would be reporting to the NBCE regarding the past, current, and future financial status of the FCLB, including an analysis of 2003 vs. 2004 figures. The board reiterated its appreciation to NBCE for continued support. Members also reviewed many of the cost-saving measures which the Federation has undertaken to reduce costs, including the continued postponement of filling one staff position. Mr. Steinmiller was commended for reducing computer support costs by over \$12,000 from the previous year. PACE expenses for 2004 are expected to be significant.

B. *Approval of Audit* - the 2003 audit was distributed previously. The report was reviewed.

M/S Tripp/Weathersby to approve the 2003 audit as prepared by Rodahl and Co., certified public accountants. *Passed, no opposition*

- C. ***Discussion of Dues Framework*** - Dr. Smith reviewed the work done in the past regarding possible member dues revisions.

Directors studied a comparison chart of how other associations of regulatory boards for other professions handle their dues framework, and what member benefits are included. It was noted that in general, a very small percentage of other organization's income is derived from member dues; testing income serves as primary funding for other federations.

The district directors reported that increasing the dues beginning in 2005 did not seem to represent a problem for member boards when the issue was discussed at the 2003 fall regional meetings.

The board noted that a \$100 increase per category would generate only about \$6,000 in additional funds, but would be helpful in offsetting the increased costs of providing services to member boards.

**M/S Tripp/Conners-Allen to introduce a resolution at the 2004 annual business meeting to increase the annual dues by \$100 per category, effective January 2005. Passed, no opposition**

The board directed staff to develop the specific language of the resolution for timely review by the Resolution and Bylaws Committee later in the week.

- D. ***Conference income report to date*** - Joan Carl reported that conference income from registrations is expected to be somewhat reduced this year due to lower attendance, but that increased sponsorship support will ensure that the conference ends up in the black.
- E. ***Discussion of Investment Policies*** - the board reviewed the current investment policies, and agreed to leave the maximum level of investment in mutual funds at 10% at this time.

## **2. Committee Appointments**

- A. Dr. Cole listed his ***committee appointments related to the annual conference*** and requested courtesy approval of the board:
1. Minutes Committee - Denise Natale, D.C. (VT), Chair; William Rademacher, D.C. (IL); Gary Counselman, D.C. (KS)
  2. Credentials Committee - Earl Wiley, D.C. (OH), Chair; Mark Bradley, D.C. (AR); Pam Blanchard, D.C. (MT)
  3. Tellers Committee - Larry Spicer, D.C. (MN), Chair; David Yoshida, D.C. (CA); Cheryl Smith (MT)

**M/S Conners-Allen/Weathersby to approve the president's appointments to conference committees as presented. Passed, no opposition**

### ***Revisions to Standing Committee Appointments***

As two key members will not be attending the Denver conference, Dr. Cole asked the board to fill their vacancies:

1. Finance and Audit - replace Dr. Mitchell Falk (SC) with Dr. Michael Kelman (DE)
2. Resolutions and Bylaws - replace Dr. Larry Davis (NV) by retaining Dr. Clifford Bickerton (WV)

**M/S Wolfson/Saint-Germain** **to approve the replacements as proposed.**  
*Passed, no opposition*

- C. ***Reaffirmation of Committee Appointment Protocols:***  
***Annual review and re-adoption required***

**M/S Wolfson/Weathersby** **to reaffirm committee appointment protocols as presented.**  
*Passed, no opposition*

**3. Nominating Committee** - As chair, Dr. Wolfson reported on the following:

- A. ***Discussion of Role of Nominating Committee*** - the board reviewed the proposed amendment submitted by Dr. Hank Hulteen of South Carolina. Concerns were raised regarding the technical structure of the proposed amendment. Varying views on the charge of the nominating committee were presented. The board agreed there are serious concerns about the proposed amendment as currently worded and decided to oppose it as presented. However, they asked that the issue be placed on the agenda for the summer meeting for continued discussion.
- B. ***Recommended Slate - Exec Fellow Director*** - Dr. Wolfson described the interview process. The committee was unanimous in slating Mr. Kevin Earle for a second 2-year term as Executive Fellow director.
- C. ***Two nominations from Board to Nominating Committee*** for membership to vote on during the Annual Business Meeting - after extensive discussion about the qualifications of numerous potential candidates, the board voted by closed ballot. The following people were selected as nominees:

**Mary-Ellen Rada, D.C. (NJ)**  
**Daniel Prideaux, D.C. (MT)**

**4. SPONSORSHIP PROGRAM**

Dr. Willen thanked all the board members who participated in raising the conference sponsorship level this year. Dr. Smith recommended that some way of distinguishing sponsors via their name badges be developed for next year, to make it easier for people to thank them.

The board discussed the role and parameters of the sponsorship program at length, including the possible (mis)perception of endorsement by the Federation by way of our association with sponsors. As the program is only in its second year, it is still being refined by the board. It was noted that the sponsorship funds have allowed us to upgrade the quality of the conference this year.

The group agreed that next year, sponsorship will not include the opportunity to speak to attendees from the podium. It was agreed that letters should go out this summer to allow potential sponsors time to budget for their participation in Montreal. Enhanced visual recognition and appreciation of sponsors will be developed, as well as appropriate disclaimers regarding endorsement.

## ■ REPORT FROM THE EUROPEAN CHIROPRACTORS UNION

The agenda was suspended to allow Dr. Raine Makela of Finland to present his report. He gave a brief overview of his own educational background, and also the history of the ECU, dating back to the 1930's when there were perhaps 100 chiropractors in all of Europe. Now there are an estimated 3,000 DCs.

He described the membership in the European Union, and the similarities and differences in member nations in the ECU. He also reported on the status of formal regulation for public protection, noting it is generally more prevalent in the northern European nations. Most notably, Great Britain has a strong and well developed regulatory system for doctors of chiropractic, participates in the ECU, but is not a member of the EU.

The genesis for broad scale cooperative regulatory efforts stems from an increase in overseas chiropractors coming to Europe, without a sound credentialing system in place. Work continues with the European Parliament to determine whether the 1997 legal clauses referring to regulating non-conventional therapies include chiropractic. Varying languages / fluency in practice are also issues.

It was agreed that a post-conference meeting on Saturday would be convened to address possible ways in which the Federation and the ECU could work together for mutual public protection. This will allow Dr. Makela time to gain deeper understanding of US National Board examinations, CCE-USA processes, and the FCLB in general.

Dr. Saint Germain, Kevin Earle, and Donna Liewer volunteered to will meet with Dr. Makela Saturday afternoon to continue discussions.

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*The meeting was adjourned for lunch.  
Reconvened at 1:40 PM*

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## ■ REPORT ON THE TASK FORCE ON QUALIFICATIONS TO PERFORM SPINAL MANIPULATION

The agenda was suspended to allow for a report by Dr. John Triano on the draft guidelines under development by the FCLB. As task force chair, Dr. Smith noted the historic roots of the project dating back to David Chapman-Smith's challenge in Philadelphia (1999) as part of his Janse Lecture. In that address, he urged the regulatory boards to develop some guidelines or parameters to safely perform spinal manipulation, as part of the boards' public protection mandate.

The draft document was distributed previously for advance review by the FCLB board members.

Dr. Triano commented that the basis of the position paper is from the scientific perspective, with a clear focus on public protection. The design is intended to be useful for legislative and health policy-makers. He reviewed the document in detail with the board, noting research supporting the safety and efficacy of SM as performed by trained and educated doctors of chiropractic.

The board discussed the next appropriate steps:

- additional review by bio-mechanical experts
- development of an executive summary, particularly geared toward legislative discussions
- development of the references
- addition of overview of history and process of this project

Since the overall structure and approach was acceptable and pleasing to the board, it was

**M/S Weathersby/Smith to accept the working draft of the document as developed by Dr. Triano and reviewed by the FCLB task force and board of directors, and to ask Dr. Triano to develop it further so it can be submitted for outside review by a panel of three experts to be selected by Dr. Smith as chair of the task force. *Passed, no opposition***

The task force will review the input of the outside expert panel and report back to the board.

Possible future implementation options may include publishing as a scholarly text, presentation to the FCLB membership for possible formal adoption. It was agreed the timeframe should enable the FCLB to present this at the October regional meetings for in depth discussions by the member boards.

## **5. Harvard Project**

Dr. Wolfson reported on a possible cooperative project involving informed consent by patients as proposed by Dr. David Eisenberg of Harvard Medical School's Division for Research and Education in Complementary and Integrative Medical Therapies.

After extensive discussion, the board directed Dr. Wolfson to continue discussion with Dr. Eisenberg about the project, but to suggest the scope of the project thesis be broadened. Dr. Wolfson will report back to the FCLB board of directors.

## **6. PACE**

Dr. Cole reviewed the general program to be discussed Wednesday at the PACE Forum. He also discussed the next steps in the ongoing development of the PACE program:

- Hiring staff
- Seating the Review Team
- Minor clarifications in the Policies & Procedures and Criteria
- Continued development of the application process

Bill Steinmiller showed the board the on-line application process as constructed to date. Areas include:

- Public access to the course descriptions to help determine which classes they might like to take
- Provider application section
- Secure place for reviewers to study and converse about the applications and specific course oversight

He explained the Federation staff will be able to distribute and maintain the flow of information.

The district directors agreed to survey their members regarding the current acceptance of the PACE program and what regulatory processes / timeframe may be required to implement recognition in each jurisdiction. Staff will prepare survey forms prior to the Saturday morning district breakfasts.

## **7. Membership Roster Report**

Joan Carl reviewed the various aspects of membership participation in the director reference materials, including the following:

- Dues roster and sample invoice
- Credentials committee task description
- Delegate and alternate registration

## **8. Resolutions and Bylaws**

- A. ***Board position on Resolutions submitted to date*** - there were no resolutions submitted at this time, with the exception of the dues increase under ongoing discussion.
- B. ***Review proposed bylaws changes and process*** - the board noted it had already discussed one of two proposed bylaws amendments. The other proposed amendment deals with adding voting authority for the Executive Fellow director, which was proposed unanimously by the FCLB board of directors.
- C. ***Question - Restructuring FCLB to House Model vs. Senate Model*** - carried over from 3/30/04 meeting - the board reviewed earlier correspondence and survey results compiled by staff. Dr. Cole agreed to advise the individual who inquired that other federations are structured similarly to FCLB and that we do not foresee a need to change the overall structure at this time.

## **9. Report of other Chiropractic Regulatory Agencies**

- A. ***Canadian Federation of Chiropractic Regulatory Boards and other Canadian Issues*** - Dr. Saint-Germain reported on the practice guidelines under development through CFCRB, which will focus on the cervical spine and headaches. He offered the help and support of CFCRB for next year's annual conference in Montreal, particularly with respect to identifying potential speakers.

## **10. District Meetings**

District directors discussed the Saturday district breakfast and reviewed dates for the fall regional meetings.

## **11. Other Organizations**

- A. ***WFC Conference*** - Dr. Willen reminded the board about the upcoming October 14 - 16, 2004 conference in Toronto of the World Federation of Chiropractic which will focus on developing a consensus model for teaching about patient examination, assessment, and diagnosis in the chiropractic colleges. It is co-sponsored by the US NBCE.
- B. ***Collaborative Practice - Veterinarian Documents*** - Dr. Cole reported that significant dialogue and draft models are in process, and it is not yet ready for board action. A copy of the draft materials was included for FCLB board review.

## 12. Miscellaneous

### A. *Designated Spokesperson Policy*

M/S Tripp/Wolfson to reaffirm the designated spokesperson policy, noting the president and the executive board chair may speak to the press officially on behalf of the board. *Passed, no opposition*

## 13. Conferences

A. *2005 - Montreal Proposals* - At the conclusion of this meeting, Drs. Saint-Germain and Cole will meet with Julie Finn and Donna Liewer to review the hotel proposals submitted to date.

### B. *Future Federation Conferences*

1. 2006 - Discussion - District 1 sites

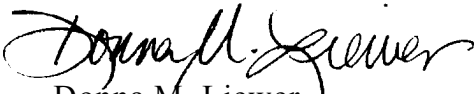
M/S Weathersby/Conners-Allen to select Portland, Oregon as the site for the 2006 Annual Congress of the FCLB.  
*Passed, no opposition*

2. 2007 - Discussion - District II sites

The board asked staff to begin research on Missouri sites - St. Louis and Kansas City.

The board went into executive session to discuss personnel issues.

The board came out of executive session and the meeting was adjourned at 5:00 p.m.

  
Donna M. Liewer  
Recording Secretary