

REGULAR MEETING

FCLB Board of Directors

Tuesday, July 12, 2005 • Via telephone conference call • 6:00 p.m. MDT

MINUTES

PRESENT:

OFFICERS:

N. Edwin Weathersby, D.C., President
Oliver "Bud" Smith, Jr., D.C., Vice President
Daniel Saint-Germain, D.C., Treasurer
Richard L. Cole, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Steve Willen, D.C., Executive Board Chair & District V Director
Carol Davis, D.C., District I Director
LeRoy Otto, D.C., District II Director
Lawrence O'Connor, D.C., District III Director
Ron Tripp, D.C. District IV Director

EXECUTIVE FELLOW DIRECTOR:

Joe Baker, Jr., Executive Fellow Director

STAFF:

Donna M. Liewer, Executive Director

- I. CALL TO ORDER / ROLL CALL - Dr. Willen called the meeting to order at 6:02 PM Mountain time. Donna Liewer called the roll.
- II. ANNOUNCEMENTS - Dr. Willen reported Bridget Seader is doing well following surgery, Joan Carl has completed her relocation to Greeley. Other news included leadership changes at ACA, the recent OIG Report, and several miscellaneous reports.
- III. MINUTES FROM RECENT MEETINGS
 1. May board meetings in Montreal

M/S Tripp / Cole to approve the minutes from the 5/3/05 and 5/7/05 meetings of the board of directors as presented.

Passed, no opposition-directors who were not present for these meetings recused.
 2. May 16, 2005 EC Meeting - *already distributed - no approval needed, no questions*
 3. July 5, 2005 EC Meeting - No actions were taken.

IV. BUSINESS

1. **FINANCIAL ISSUES** - Dr. Saint-Germain thanked everyone for supporting his run for office. It was noted he is the first Canadian to serve on the FCLB Executive Committee.
 - A. **Current Financial Status report** – the board noted the account balances.

- B. Current Income and Expense reports** – CIN-BAD income is down from last year. Donna Liewer noted that renewal cycles vary and this may not be a particular issue yet, but staff will continue to monitor the income levels. Payroll expenses are higher than last year due to filling a long-vacant staff position with our PACE/PR Coordinator, Ms. Kelly Webb.
- C. Conference Finances** – Dr. Saint-Germain discussed the conference finance report, noting comparisons with Orlando 2003 (Denver 2004 represented an unusual year, difficult to make relevant comparisons.) Donna Liewer pointed out the increased costs of the Friday evening reception / Cirque du Soleil event, which was offset some by increased attendance and generous sponsorship by the Quebec Ordre. There were no other questions.

Other highlights:

- Sponsorships were key to our financial success - the executive committee recommended that the Federation contact sponsors in September and provide a modest appreciation gift, perhaps a custom basket.
 - Joan Carl will be revamping the conference analysis report as it is very time-intensive to produce this much detail
 - CFCRB partnership ended up financially responsible for both organizations - accounted for our record 200 person turnout - great exposure for both FCLB and the Canadian Federation.
- D. Non-profit status** - Dr. Willen explained that the FCLB is still legally classified as a non-profit 501 (c) 6 organization, not a 501 (c) 3 under the federal IRS Code. We believe we were misclassified in the 1970s, and Dale Atkinson has completed the initial steps to appeal the designation. Some other federations are also classified as "6" rather than "3", but more seem to be in the latter category. Until we are successful in being reclassified, we will be ineligible to apply for certain grants, and charitable contributions are not tax deductible to the donors.

M/S O'Connor / Tripp to go into executive session to discuss funding issues.
Passed, no opposition

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

2. MONTREAL CONFERENCE - The board studied the conference evaluations.

Noting there are many new people in regulation and other groups, the board suggested the FCLB develop a PR piece describing the our mission, basic projects, structure, and relationships with other organizations.

3. ACCREDITATION

- A. CCE-US** - Dr. Weathersby provided a brief overview of the CCE's July 9 planning meeting in Scottsdale. Certain meeting aspects remain confidential. He assured the Federation board that issues relating to representation of regulatory interests on the CCE bodies, outcomes-based accreditation, its potential impact on national exams, postgraduate education, and ongoing review of physiotherapy were all discussed.

The board weighed the costs of holding the January midyear meeting in Scottsdale again to better facilitate continuing dialogue with the CCE, but determined that regulatory interests can be communicated in a more cost-effective manner.

M/S Smith / Tripp to hold the FCLB Board's January 2006 midyear meeting in Denver, Colorado. *Passed, no opposition*

B. **Nominations to BOD and COA** - board members reviewed the upcoming openings on both CCE leadership bodies.

M/S Tripp / O'Connor to support the nominations of Dr. Steve Foreman and Dr. Julia McDaniel for practicing DC positions on the CCE board, and to suggest attorney Mike Moran for representative of the general public. *Passed, no opposition*

M/S Smith / Tripp To endorse the nomination of Dr. Craig Little as practicing DC on the commission. *Passed, no opposition*

C. **Revisions to the CCE-US Standards**

- Major revisions may be forthcoming as a result of the July 9 strategic planning meeting. Regulation has strong representatives on four key study committees.
- September 15 is the deadline for proposals

4. **PACE - Dr. Weathersby, Dr. Smith, Dr. Cole**

A. **Documents Revision** - NC Board attorney Vance Kinlaw completed a significant rewrite of the *Policies & Procedures* and *Criteria* for better organization and clarity - many thanks to him and to the NC Board!

After additional staff analysis, the documents will be studied by our PACE leadership team, committee and legal counsel, to be finally presented to the board for adoption. This clears the way for official recognition by member boards.

B. **Fees** - Dr. Cole requested the board consider a modification of the fee structure to phase in applications. The board brainstormed several structural ideas to even out the workload while responding flexibly to the needs of the applicant programs.

M/S Cole / Smith to request that staff develop a plan of action to bring the applicant programs on board in a staggered manner to best distribute workload, with appropriate financial modifications to ease their participation. *Passed, no opposition*

C. **Applications** - Steinmiller says 30 days from finalization of the PACE *Policies & Procedures* and *Criteria* we can accept applications on-line

D. **Quick Overview of Subcommittee Progress:**

- **Cooperstein - "Rating for Content"** - In progress, first draft distributed in Montreal, his plate is otherwise full currently. Knows he's needed ASAP.

- **McAllister - Distance Learning Criteria** - Planning a conference call shortly to revise the Montreal draft, Dr. Ventimiglia has kindly agreed to serve on this committee.
- **Shanks - Application Revisions** - Dr. Michael Shanks has really put some time into this, has made recommendations. Kelly will take Shanks ideas and work the ideas into Steinmiller's current draft, for approval by PACE Committee and BOD.
- **Kinlaw - Document Review Committee** - see above (thank you, Mr. Kinlaw!!!)

5. **MOTORCARRIERS** - Dr. O'Connor and Donna Liewer reported on the federal plan to certify DOT examiners for all five professions currently permitted to offer them. The board reviewed the examination form and, by consensus, agreed that the FCLB should be involved in the public protection aspects of the program. Member boards will be surveyed to determine whether their scopes of practice permit doctors of chiropractic to perform the physical exams as currently designed. The FCLB board studied the survey instrument.

The federal subcontractor has reported they hope to certify 10,000 DCs within two years. A national standard will be required for the prep courses to ensure quality, and PACE has been identified by the feds as meeting this criterion for the chiropractic profession.

Concurrently, California is trying to regain the right for DCs to perform DOT physicals on bus drivers under 65 - a DMV ruling disqualified chiropractors in 2001, but does not affect their eligibility to perform physicals on interstate truck drivers.

6. **COMMITTEES** - Dr. Weathersby sought courtesy approval by the board of his mid-year special committee appointments.

M/S Cole / Saint-Germain to offer courtesy approval of the president's midyear appointments to special committees as presented. *Passed, no opposition*

7. **NEW LOGO**

M/S Smith / Davis to approve the new FCLB logo as designed and to authorize the color change from burgundy to a darker blue. *Passed, no opposition*

8. **FBI** - Dr. O'Connor reported on the positive working relationship between the FCLB and FBI Supervisory Special Agent Angela Byers, who has expressed in continuing to dialogue with our member boards. Dr. O'Connor will be assisting her to develop an "anti-fraud" checklist to help boards in turn better advise their licensees.

Also, fraud expert Daniel Osborne has volunteered to speak with our members whenever schedules and locations can be coordinated. He hopes to be able to attend the District III and V meeting in Jersey City if he's in the area.

The board discussed other ideas to encourage stronger partnerships between the FCLB and the FBI, including access to CIN-BAD's convenient repository of public information and encouraging them to communicate public actions with our member boards.

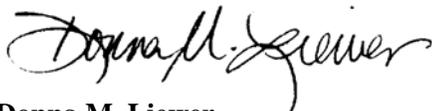
M/S Smith / Cole to offer the FBI's designated key representative access to CIN-BAD at no charge to facilitate efficient investigations and to encourage them to inform the FCLB and our regulatory boards about federal actions when they achieve public status. *Passed, no opposition*

9. **NEW BOARD MEMBER TRAINING PROJECT: Update** - Donna Liewer noted that a lot was learned about filming and the digital world. Much will be redone to improve the product, which was favorably received in beta format in Montreal. Slight refinements to the script will also be made. The board expressed appreciation to Dr. Mary-ellen Rada of New Jersey for her leadership on this project, and to Dr. Saint-Germain's son Olivier for his exceptional support in editing.
10. **ETHICS ISSUES** - Dr. Weathersby reported that initial presentations have been requested for Parker - Cincinnati and Las Vegas seminars.
- "Trust Me, I'm Your Doctor" is being developed by Kelly Webb for use by our boards.
- Foreman & Stahl boundaries book - plan to distribute the complimentary copies that Dr. Foreman secured for our members (if Lippincott delivers them!) at our fall regional meetings. The resource has been most helpful in designing the ethics PowerPoint.
11. **REGIONAL MEETINGS:** District Directors reviewed the upcoming meetings. There were no questions about the meeting dates or facilities. Mr. Baker asked about the Federation's history or policies relating to rotating districts, and to the selection of meeting sites. Dr. Cole described the flexible options for districts meeting with one another or on their own. It was agreed that in times of strict budget limitations the topic would be brought up at the regional district meetings to secure the input of the members, and also scheduled for the board's midyear meeting in Denver.
12. **INSURANCE ISSUES** - and public protection - Dr. Weathersby reported on the Arkansas Board's recent letter to an insurance provider regarding public health risks inherent in certain business protocols. The Georgia board has also done some work in this area. He also noted the Association of Chiropractic Colleges has requested information about patient waivers as potentially in violation of professional responsibilities. The board agreed that additional research and information is needed from our member boards.
13. **DIAGNOSIS STUDY - Updated Report** - Drs. Cole and Weathersby reported on Dale Atkinson's progress on the study of legal responsibility of doctors of chiropractic to diagnose their patients. The ACC is also interested in this project. Several documents are likely to evolve from the study with various applications for publication.
14. **EXECUTIVE DIRECTOR'S REPORT** - Donna Liewer reported on major upgrades underway to the CIN-BAD system to enable it to handle data imports and international records. The board reviewed the draft design of the revised on-line report form.
- Mr. Steinmiller is working to convert our contact management to Microsoft Outlook.
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V. NEW BUSINESS - none

Next board meeting: September 13, 2005 via telephone conference call.

The meeting was adjourned at 8:24 PM MDT.



Donna M. Liewer
Recording Secretary