



Federation
of Chiropractic
Licensing Boards

MEETING

FCLB Board of Directors

January 30-31, 2015: Las Vegas, NV

Mandalay Bay Hotel / Parker Seminars

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
Maggie Colucci, D.C., Treasurer
Lawrence O'Connor, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Carol Winkler, D.C., District I Director
William Rademacher, D.C., District II Director
Kirk Shilts, D.C., District III Director
Annette Zaro, D.C., District IV Director, Appointed
Michael Coon, D.C., Board Chair & District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Larry Spicer, D.C., Administrative Fellow Director

ALTERNATE DIRECTORS:

Ned Martello, D.C., Alternate District V Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Vicki Young, Finance & Benefits Manager
Bridget Seader, CIN-BAD/Program Administrator
Julie Finn, Executive Assistant & Meeting Planner

MEETING DETAILS

I. Call to Order, Roll Call, Announcements

Serving as chair, Dr. Coon called the meeting to order at 8:41 a.m., January 30, 2015. Roll call was taken with noted board members and staff present as listed.

Dr. Coon reminded the board that we have agreed to close down our meeting from 1:30 to 3:00 p.m. in order to attend a plenary session in conjunction with Parker Seminars.

Dr. Schwartzbauer commented that Ms. Teresa Wright from Parker University will join our meeting at some point today to share her experience in becoming a PACE provider.

Dr. Coon announced that Dr. Zaro has relocated to South Carolina and disclosed that they are now married.

II. FCLB Master Calendar

Available on-line at BOD private section of the website.

III. Housekeeping

A. Standing Rules

M/S Grossman / Winkler to adopt standing rules to include recording the meeting and following procedure for motions. *Passed, no opposition*

B. Board Meeting Agenda

M/S Otto / Spicer **to approve the board of directors meeting agenda for January 30-31, 2015, as presented (amended) and modify as needed to accommodate guests.** *Passed, no opposition*

Dr. Shilts requested to talk briefly about a conflict of interest document.

C. Ratification - Electronic Minutes and Ballots

M/S Spicer / O'Connor **to ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in May 2014.** *Passed, no opposition*

IV. November Minutes

Minutes for the November 11, 2014 meeting were approved previously via e-ballot and posted on the FCLB public website.

GOVERNANCE

1. Financial Report

1.1 Member Dues

A. 2015 Dues Schedule

Dr. Coon asked if our membership dues were going up. Ms. Young informed the board that the dues increase 5% each year automatically. Ms. Young said she sent out an FYI last year notifying the boards of the 5% increase to allow for their budget planning. There were no other questions.

B. Member Benefits

The only discussion included notice of a \$50 increase in CIN-BAD annual access fees.

1.2 Finance Report

Dr. Colucci referred members to the written reports in their materials.

1.3 2014 Draft Budget

The projected 2014 budget was presented by Dr. Colucci via PowerPoint.

The final vote to adopt the budget took place on Saturday after all topics had been discussed. (See Saturday Minutes #20.5.)

2. FCLB Board of Directors

2.1 Annual Statement of Commitment

All board members read and signed the Statement of Commitment to be filed in the Greeley office.

2.2 Board Policies & Procedures Manual

A. Rental Car Policy

Dr. Grossman spoke to the policy for renting a car, referring to Chapter 9, Item #27 in the policy book. He felt this current policy was unreasonable and time becomes an issue waiting for approval.

M/S Grossman / Rademacher **to drop the last sentence of the current policy ("Renting cars must be approved in advance by FCLB executive committee or full board") and maintain the remaining policy.**

Discussion: Dr. Spicer felt there should be some level of accountability and suggested having the Executive Director approve the request instead. Dr. Coon suggested the Treasurer and Executive Director could approve after the fact. Dr. Shilts suggested that there be a prudent expenditure, whatever the number, and that would be the amount that would be reimbursed. Dr. Zaro suggested we amend the motion to say "with approval of the Executive Director if budget allows".

M/S Grossman / O'Connor **Dr. Grossman retracted his original motion and amended his motion to read "renting cars must be approved by the FCLB Executive Director."** *Passed, no opposition*

B. Credit Cards

Dr. Otto commented that he and Dr. Grossman have discussed an option of providing a VISA card for each of the members of the Executive Committee. He directed Dr. Schwartzbauer to look into this project. Dr. Schwartzbauer will speak with the auditors and bring information to the next meeting with suggestions.

C. PerDiem/Honorariums

Dr. Otto said that in 2005 we considered increasing per diem and honorariums. With food costs and travel, he would like the board to consider raising the per diem by \$25 and an honorarium increase of \$25 to offset costs. Dr. Otto felt it would not be an issue for approval with the delegates (about a \$4,500 increase in per diem.) Dr. Rademacher felt that it is exceedingly generous that they get what they currently get and would like to see us wait and roll that money into the FCLB.

M/S Otto / Shilts **to increase the Per Diem and Honorarium by \$25 each, effective with this meeting.** *Passed; Dr. Colucci abstained, Dr. Rademacher opposed.*

2.3 Review Financial Protocol for Board of Directors

Dr. Colucci reminded the board to book air fare six weeks out if possible, especially for the big meetings: annual conference and district meetings. And Dr. Grossman reminded the board to check on www.rentalcars.com when a meeting is coming up. Dr. Spicer also suggested that the cheapest airfares are supposedly on Tuesdays.

2.4 Other Issues as Needed

No discussion.

3. Personnel

M/S Grossman / O'Connor **to enter into Executive Session.** *Passed, no opposition*

M/S Grossman / O'Connor **to exit Executive Session at 11:00 a.m.** *Passed, no opposition*

Compensation of FCLB Staff was reviewed.

OPERATIONS

4. FCLB Technology & Communication

4.1 Website Usage Report

Dr. Coon referred board members to the written reports in their materials.

4.2 Social Media Report

Dr. Schwartzbauer reported on FCLB's social media efforts and invited the board to invite as many of their friends as they can.

4.3 Regulatory Corner

Dr. Schwartzbauer commented that we need some help down the road with submission of articles. If any board member is interested in submitting an article we can help fine-tune it for you. We would also welcome topics. We will be contributing to a "Regulatory Corner" spot in the American Chiropractor magazine on a regular basis.

5. Committees & Task Forces

5.1 Current Committees and Task Forces

A. Model Practice Act

Dr. Otto took what Drs. Pennebaker and Shilts and the committee had done plus Mr. Atkinson's comments and tried to go through where things were duplicated. We took what the attorney felt needed to be moved here and there, what our Task Force suggested but didn't change the substance at all. We captured at least some of what ACA and ICA wanted in the document.

M/S Grossman / Otto **to approve this Model Practice Act document as a reference for use by our member boards.** *No vote*

Dr. Shilts asked for an amendment to the motion for editorial changes. He asked the chair to table this until the next meeting. Dr. Coon, hearing two issues to move this document forward, felt he should give the extra time. After discussion regarding the motion on the floor:

M/S Shilts / Rademacher **to table this discussion on the MPA document until the May meeting.** *Motion failed; Drs. Shilts & Rademacher in favor, Dr. Grossman opposed and remaining board abstaining.*

There was a call for the vote on the original motion:

M/S Grossman / Otto **to approve this Model Practice Act document as a reference for use by our member boards.** *Passed, Drs. Rademacher, Zaro and Shilts opposed.*

Dr. Rademacher requested for the record that his pending documents be submitted as appendices.

The meeting agenda was suspended to accommodate Dr. Riekeman, who gave a brief report on activities at the Life campus.

~~The board recessed for lunch and reconvened at 1:05 p.m.~~

B. Chiropractic Board Administrators

Dr. Spicer reported that they are completing their agenda, they have asked Dale Atkinson to be a speaker and they will again use time for Round Table discussion.

C. Practitioner Mobility Task Force

Dr. Colucci reported that the trademark and software is in place and the policy book is complete. We will need to start thinking about states that offer temporary licensure, need website framework or model language for states to use, and then get states on board to make this happen. The technology funds could be approved by Dr. Schwartzbauer without an action plan from the board and he thought the badge creation process would be ready within the month. The initial fee will be \$250 with a \$100 annual renewal fee.

There was discussion regarding the initial fees and whether it should be a bi-annual renewal instead of annually. There was also a question if a practitioner's malpractice insurance would recognize the Passport program to be the credentialing component for temporary licensure.

M/S Rademacher / O'Connor **to launch the Passport Program.** *Not voted on at this time*

The meeting agenda was suspended to welcome Dr. McCauley from Parker to the room. Thanked the FCLB for holding their meeting in conjunction with their seminar. The Board thanked Dr. McCauley for having us, for being a part of PACE and CCCA as well as offering the booth space.

Dr. Coon adjourned the meeting for the day at 1:30 p.m. to allow our board to attend the afternoon plenary session, to reconvene Saturday morning, January 31, 2015.

SATURDAY, JANUARY 31, 2015

Dr. Coon called the meeting to order at 8:39 a.m.

5. Committees and Task Forces

5.1 Current Committees & Task Forces

C. Practitioner Mobility Task Force

Dr. Shilts asked to revisit the pricing of the Passport program, as he is concerned with the price of the product. Dr. Colucci commented that we've put a lot of money into this so far, with man hours to review the application, the software program and putting them in CIN-BAD. Dr. Grossman asked Ms. Young to do a cost analysis of what it would cost us before we make a decision. Dr. Schwartzbauer commented that we've done a preliminary analysis with \$50 in background checks and two "man hours" comes out to about \$115, so \$150 would be a profit. He also said the badge system would be ready by the May meeting. This will be put on the agenda for the March meeting.

D. Fraud Prevention & Identification

Dr. Coon discussed education hours in regard to things that are questionable: Where do we get CE hours, treating neuropathy with ultrasound, manipulation with anesthesia three times a day. He should have something around the May meeting.

E. Government Issues

Dr. Grossman said the Veterans Administration wanted to have some type of qualification program for those doctors. Dr. Grossman told them we may make it fit with our Passport program. Further discussions will be necessary.

5.2 Potential New Committees

A. Chiropractic Ambassador Program (CAP) Task Force

B. Legacy Task Force

Dr. Schwartzbauer reported on the CAP Program and the Legacy Task Force. The CAP program is up and running and we have had a few responses. We are just starting to recruit people into the program designed to enlist people that are interested in going to their boards/associations to share information about our FCLB services: PACE, CCCA, CIN-BAD. Dr. Schwartzbauer is looking for a couple of our board members to serve on an ad hoc committee for brainstorming and information sharing. Regarding the Legacy board, he is trying to find some passionate people for everything FCLB stands for, trying to get some funds donated to us to start an endowment fund to be utilized for whatever this board chooses, an emergency fund per se. Looking for names of people that may want to contribute philanthropically. Dr. Schwartzbauer explained that right now we are just trying to build a list of names—maybe it takes 10 asks over the course of five years before we get \$1.

5.3 Committee/Task Force Appointments - Approval

A. President's Appointments to Standing Committees

Dr. Otto announced his appointments to Standing Committees:

–Finance & Audit Committee

Dr. Robert Daschner (MN) replaces Dr. Carol Winkler (ND)

Dr. Harvey Garcia (SC)

Dr. Maggie Colucci (NV), Chair

–Resolutions & Bylaws Committee

Dr. Kevin Fogarty (FL) replaces Dr. Robert Daschner (MN)

Dr. Mark Bledsoe (ND) replaces Dr. Lawrence Davis (NV)

Dr. Joel Weiss (ND) replaces Dr. Gary Pennebaker (MN)

M/S Grossman / O'Connor

to accept the President's recommendations for Standing Committees. *Passed, no opposition.*

B. President's Appointments to Special Committees & Task Forces

There were no changes to any Special Committees or Task Forces.

M/S O'Connor / Winkler

to accept Special Committees as stands, with no changes. *Passed, no opposition.*

5.4 Upcoming Committee Meetings

A. Nominating Committee

Dr. O'Connor reported that the deadline for candidates running for a position with the FCLB to submit their Intent to Run is March 10, 2015. The Nominating

Committee will be preparing questions for all of the candidates, bringing them together for an interview process and then will be making their recommendations for the board.

FCLB PROGRAMS & SERVICES

~~6. Certified Clinical Chiropractic Assistants~~

6.1 CCCA Program

Dr. Schwartzbauer referred members to the written reports in their materials.

7. 2015 Annual Conference - New Orleans, Louisiana

7.1 Theme: Big Ideas in the Big Easy

Dr. Schwartzbauer announced the theme of this year's annual conference – "Big Ideas in the Big Easy".

7.2. Overall Schedule / Program / Related Meetings

Dr. Schwartzbauer commented that we need to decide when we want the attorney to be present, what involvement do we want from him. The consensus was they would rather have him there for Wednesday. We will invite him to arrive on Tuesday (travel day), attend the board meeting on Wednesday morning, then be a presenter for the CBAC group on Wednesday and he could fly out on Wednesday night.

7.3 Annual Business Meeting

A. January Membership e-mailing/Election Information

There was discussion regarding the positions that were up for election:

- President
- Vice President
- Treasurer
- Administrative Fellow Director
- District IV Director and Alternate
- District V Director and Alternate
- Nominating Committee

B. Deadlines

Dr. Otto reported that the deadlines are posted on our website.

C. Resolutions

Dr. Shilts suggested we should move the deadline up from Friday at 5:00 to submit resolutions, allowing the committee to have a chance to deal with it. The board felt that the website can be updated informing attendees of a policy change and then advise the membership of the policy change via e-mail that the new deadline to submit resolutions will be Wednesday at 5:00.

D. Bylaws

No proposed amendments to date.

7.4 Meeting Registration

A. No fee increase for 2015

B. Registration fee increase for 2016

Dr. Schwartzbauer reported that we have not increased our registration fees since 2009 to our current rate of \$495 early bird and \$595 at the door. We're proposing to increase that by \$50. By consensus, the board decided against raising registration fees at this time.

7.5 A. Conference Supporters

Dr. Coon reported that he has enlisted the help of Dr. Zaro. Vicki has not sent out the letters yet until she knew who the chairman was. Dr. Coon let the board know that Dr. Zaro will be chairing this committee and she will be asking members of this

board to contact other colleges, Foot Levelers, etc. If you know someone and have a relationship with them it makes it easier to have some success in getting supporters. The list should be emailed to everyone on the board and members can see who they might know and be willing to make a phone call.

Dr. O'Connor introduced Theresa Wright from Parker University saying she is here to talk about their PACE involvement. She was instrumental in securing their PACE recognition. She has the best handle on PACE from the administrative level at a college. Ms. Wright thanked the Board for inviting her to our meeting. She is aware of some states that still do not participate in PACE but urged the board to be patient. If she were speaking to another college considering the PACE program she would tell them not to worry, it's an easy process, you will learn and grow and you will be able to do other things knowing this is being handled by a competent organization. Dr. Schwartzbauer thanked Ms. Wright for coming and sharing her story.

Dr. Coon called for a 5-minute break at 9:55 a.m.
Reconvened at 10:01a.m.

B. Conference Supporter Levels Increase

Dr. Schwartzbauer asked for direction as we consider increasing the levels of supporters. We are suggesting a Silver Supporter level be \$1,500 (which includes the complimentary registration) (previously \$1,000) and \$3,000 (previously \$2,500) for gold. No increase in platinum level. Hopefully this increase would help offset the cost of the conference.

M/S Grossman / O'Connor to increase conference supporter silver and gold levels by \$500. Passed, no opposition.

7.6 Wolfson Scholarship

M/S Grossman / Zaro to allow, at the discretion of the Executive Director, up to two students to attend the meeting in New Orleans. Passed, no opposition.

7.7 Educational Sessions

- A. Janse Lecturer**
- B. Keynote - NBCE Decision**
- C. All other sessions**
- D. NBCE Day**

Ms. Finn reported that all of these topics are done.

7.8 Attendee / Guest Events

- A. Friday Evening Activity - NBCE**

Ms. Finn reported that this is being taken care of by NBCE.

7.9 Awards

- A. George Arvidson Award**
- B. Earl L. Wiley Outstanding Board Award**

Dr. Otto requested renaming the Outstanding Board Award to the "Pennebaker/Wiley Outstanding Board Award".

M/S O'Connor / Shilts to change the name of the Outstanding Board Award to the Pennebaker / Wiley Outstanding Board Award. Passed, no opposition.

C. President's Awards

1. Special Presidential Recognition

Dr. Otto recommended that we offer Dr. Grod an opportunity to attend the conference at no cost.

M/S Grossman / Winkler to cover registration, airfare, room charges for three nights for Dr. Grod to attend this year's conference. Passed, no opposition.

7.10 Letter of Invitation / Promotions Planned

Dr. Coon requested information regarding the letters of invitation. Julie reported that Kelly has the letters prepared and they will be mailed on Tuesday.

7.11 Alumni District

A. Luncheon, Thursday, May 7

Dr. Coon wants to make sure we keep some of these people around, giving them some incentive to continue to attend. Offering CE credit may help.

7.12 Board Travel

Dr. Otto reminded the board to get airline tickets in advance, schedule to arrive in New Orleans by 4:00 on Monday, May 4, 2015.

8. Future Annual Conferences 2016 & 2017

8.1 2016 Annual Conference: Phoenix, AZ, April 27 - May 1, 2016

Informational

8.2 2017 Annual Conference

Ms. Finn reported that we are no longer looking at Tampa or Sarasota. Currently looking at Orlando and Miami. Consensus was Orlando or Miami were fine, left it in the hands of Ms. Finn and Dr. Schwartzbauer.

8.3 2018 Annual Conference: Denver

Dr. Grossman commented that we need to consider a different location than Denver. San Francisco or anything on that side of the country would be nice. Dr. Colucci suggested San Diego, Carmel, Pebble Beach or Palm Springs. Ms. Finn will look into it. Denver is no longer on the table.

9. District Meetings

9.1 2014 District Meetings

No discussion

9.2 Highlights

Ms. Webb will be sending the District Meeting highlights out in February.

9.3 2015 District Meeting Sites

No discussion.

9.4 District Meeting Scholarship

No discussion.

9.5 District Meeting Support

No discussion.

10. PACE

10.1 PACE Update

Dr. Colucci reported that we are pushing hard to get a lot of the vendors here interested in PACE and will continue to work on it this weekend. Dr. Winkler asked about the circumstances surrounding the Oklahoma situation. Dr. Schwartzbauer said that they have a new attorney that's interpreting the language differently. Ms. Webb has sent Ms. Carter all the information. They had a board meeting regarding the subject and is now on the agenda for their next regular meeting. Dr. Shilts suggested we give them the language and make it easy for them.

11. CIN-BAD

11.1 CIN-BAD Report

Dr. Coon referred members to the written reports in their materials.

12. Directory

12.1 Directory Update

Dr. Coon referred members to the written reports in their materials.

REGULATORY ISSUES

13. Accreditation

~~13.1 CCE USA~~

A. CCE-USA 2014 Annual Meeting, January 9-10, 2015

Dr. Schwartzbauer emailed the board with the selection for their new President, Dr. Craig Little.

14. International Issues

14.1 International Chiropractic Regulatory Collaboration (ICRC)

A. Minutes of May meeting

There was a conference call two days ago where Dr. Shilts, Dr. Kolasch and Dr. Schwartzbauer participated on the call. Discussed having CIN-BAD on the agenda for their upcoming meeting. Dr. O'Connor suggested sending them a written report so they will have the information.

15. Member Boards: Specific Issues

15.1 NBCE requested PowerPoll

Dr. Coon referred members to written report in materials.

15.2 State requested PowerPolls

Dr. Coon referred members to written report in materials.

16. Examinations

16.1 NBCE Exams (US)

Dr. Grossman updated the numbers – last year Stephen Tracy gave us estimated numbers for testing revenues for NBCE. He reported that our budget will be enhanced in 2015. Dr. Zaro commented that we should talk to the boards about using EBAS.

16.2 CCEB Exams (Canada)

No report from CCEB.

16.3 IBCE (International)

Dr. O'Connor reiterated that there are two different ideologies and ours is very different from the foreign groups. Internationally, they have now divided into their own districts, and it is now up to them to bring something back to the table.

STAKEHOLDER INTERACTION

17. Chiropractic Organizations

17.1 Summit

Dr. Grossman spoke regarding Summit membership. We have served as an adjunct member. He suggested renewing membership to the Summit and enlist as a full member at the cost of \$1,000. Dr. O'Connor suggested we get the advice from our tax attorney to verify we would not jeopardize our 501(c)(3) status.

M/S Zaro / Shilts **to join the Summit as a full member pending verification of 501(c)(3) status from our tax attorney.** *Passed, Dr. Shilts opposea.*

17.2 CCGPP

M/S Grossman / O'Connor

to enter into Executive Session due to a personal character discussion at 9:42 a.m. *Passed, no opposition.*

Exited Executive Session at 9:50 a.m.

17.3 CFCREAB Update

No report.

18. Recent Meetings

18.1 FARB Forum

Dr. Schwartzbauer reported that it was a good meeting, and he will be submitting his written report for an upcoming board book.

19. Upcoming Meetings

19.1 General report

A. ACC/RAC

Dr. Otto spoke about ACC/RAC Dr. Colucci volunteered to attend the ACC/RAC meeting.

M/S O'Connor / Grossman

to amend the budget to reflect finances for three board members to attend ACC/RAC. *Passed, no opposition.*

B. FARB Leadership Conference

Dr. Schwartzbauer referred the board to page 26 of the meeting materials for a list of all meetings there. There was discussion about sending additional board members to the FARB Leadership Conference.

M/S Grossman / O'Connor

to amend the budget to allow a board member to go to the upcoming FARB Leadership Conference. *Passed, no opposition.*

C. Mid-Year Meeting 2016

Dr. McCauley has asked us back to Parker next year, so we will need to think about it and cost compare flights, food, hotel and expenses, etc. and weigh the pros and cons.

NEW BUSINESS

20. New Business

20.1. Auditor

Dr. Schwartzbauer reported that auditors have been on campus working through the audit process. An auditor has brought attention to several designated funds that need official recognition by the board.

M/S Spicer / Grossman

to recognize the following board designated funds:
--General Operations (established originally in 2000)
--Technological Development (established originally in 2004)
--PACE Development (established originally in 2004)
--Equipment Upgrade (established originally in 2004)
--Student Leadership (established originally in 2004)
--Chiropractic Board Administrator's Fund (established originally in 2010)
--Certified Clinical Chiropractic Assistant's Fund (established originally in 2012).
Passed, no opposition.

20.2. Telehealth

Dr. O'Connor reported that a Telehealth email was being distributed, asking us to research and move forward to have this topic included in future conversations. Dr. O'Connor is concerned with this concept because it puts us in a position of trying to influence our boards to tell our licensees they need to go to outside sources to backup or verify the diagnosis of our practitioners. It's an anti-trust thing. He feels we are doing

licensees within our districts and states a disservice by promoting this. It will come up again in May so he advised the board to keep an eye on it. Dr. Colucci commented that she has contacted Dr. Sportelli and said NCMIC will be coming out with their position on this in the next couple of weeks.

20.3. Per Diem

Dr. Coon reminded the board that we have raised the per diem effective today so they can reflect the new amounts on their travel expense sheets.

20.4. Conflict of Interest

Dr. Shilts passed out information regarding conflict of interest in response to questions brought to him by his district. What he presented was a disclosure document in draft form. Because it was printed on FCLB letterhead, Dr. Zaro and Dr. Spicer recommend that the documents be returned to the executive director to be destroyed and redistributed on plain paper. Dr. Zaro commented that she didn't mind a conflict of interest document, and that after looking at board policy there may be some room to clarify the document.

Dr. Zaro gave her appreciation to the board for bearing with her in answering her questions and thanked them for their hospitality. She understands that there will be questions in the districts and is not asking for support from the board – doesn't think the board should get involved with district issues and won't put the board on the spot for that – but that they appreciate the situation that she's in. She is here to serve.

Dr. Coon expressed his appreciation to serve on this board. Appreciates the support and thanked them for their time.

20.5. Budget

Dr. Coon reminded the board we need a vote on the budget.

M/S O'Connor / Spicer to accept the budget as amended. *Passed, no opposition*

21. Recap & Adjourn

M/S Grossman / Winkler to adjourn at 11:28 a.m. *Passed, no opposition*

NEXT FCLB BOARD MEETING
Tuesday, March 10, 2015
4:00 PM Mountain Time - Via Teleconference