MEETING
FCLB Board of Directors
Tuesday and Wednesday, May 5-6, 2009
Hollywood Renaissance Hotel
Hollywood, California

APPROVED MINUTES

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

PRESENT:

OFFICERS:
Oliver “Bud” Smith, Jr., D.C., President (attending both FCLB & NBCE meetings as possible)
Daniel Saint-Germain, D.C., Vice President (attending both FCLB & NBCE meetings as possible)
Lawrence O’Connor, D.C., Treasurer
N. Edwin Weathersby, D.C., Immediate Past President (attending both FCLB & NBCE meetings as possible)

EXECUTIVE BOARD OF DIRECTORS:
Ron Tripp, D.C., Executive Board Chair & District IV Director
Carol Davis, D.C., District I Director
Gary Pennebaker, D.C., District II Director
Ali Jafari, D.C., District III Director
Farrel Grossman, D.C., District V Director

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

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

LEGAL COUNSEL:
Dale Atkinson, J.D., Atkinson & Atkinson

I. CALL TO ORDER / ROLL CALL / ANNOUNCEMENTS

Dr. Tripp called the meeting to order at 8:45 a.m. May 5, 2009. Dr. Jafari gave the invocation. Donna Liewer called the roll, with directors present as listed and noted that Drs. Smith, Saint-Germain, and Weathersby would be floating between the FCLB meeting and the NBCE meeting as they fulfill their duties as members of both boards.

Donna Liewer announced that guest, Dr. Stephen Foreman, would be joining the meeting at approximately 11:00 a.m. to speak to the board about remediation courses, item #12 on the agenda.
II. CONSENT AGENDA

The board reviewed the process for the Consent Agenda.

M/S O'Connor / Grossman to approve the motions in the consent agenda as modified. Passed, no opposition

CONSENT AGENDA MOTIONS:

1. To approve the minutes of the January 30-31, 2009 FCLB board of directors meeting as amended.

To amend wording on page 3 of 14, #4, line 3 of underlined paragraph from “modifies” to “interprets.”

To amend the second motion on page 3 of 14, B, to read, “passed with Mr. Baker opposed.” The board agreed when a motion is passed with dissenting votes to routinely ask those voting against a motion if they would like their names recorded in the minutes.

To amend page 14 of 14, Announcements and Closing Comments, paragraph 1, to add “Dr. Davis volunteered to take the lead for the new director orientation project.”

To amend page 14 of 14, Announcements and Closing Comments, paragraph 1, to add “as funding is available” in relation to the outreach project.

2. To ratify the electronic ballots since the January 30-31, 2009 midyear meeting of the FCLB board of directors.

3. To approve the board of directors meeting agendas as presented and modify as needed to accommodate guests.

4. To approve the audit of the 2008 fiscal year as provided by Watkins & Schommer, Inc., Certified Public Accountants.

5. To reaffirm the board's traditional policy on attendance and participation at FCLB Board of Directors meetings.

6. To reaffirm the board's traditional policy on conference spokespersons.

7. To reaffirm the board's traditional policy regarding registration of delegates and alternates for FCLB official business meetings.

8. To reaffirm the traditional FCLB Committee Appointment Protocols as presented.

9. To correct a procedural error from the January midyear meeting to reflect that the members of the Resolutions & Bylaws Committee are as follows: Dr. Ron Tripp (OK) (chair), Drs. Paul Morin (ME), Lawrence Davis (NV), Beverly Foster (AR), Leslie Schmidt (NM).

III. LEGAL MATTERS

1. Non-profit Status

Dr. O’Connor thanked Ms. Liewer, the staff, and Dale Atkinson for their work to facilitate the change in IRS designation from 501(c)(6) to 501(c)(3). The new designation will open opportunities for grants and aligns the FCLB with the missions and goals of its membership.
There was discussion about opportunities for grants from both the government and private sector and the cost of hiring a grant writer. Grant writing will always require involvement of staff time. Dr. Saint-Germain requested Dr. O'Connor continue to lead in this area as this has been his passion.

Dr. Smith suggested FCLB put its emphasis on continuing to get PACE fully functional as it has the greatest potential for income.

2. **Trademark**

The PACE trademark is complete. The FCLB logo is in process with the Trademark Office.

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1. **Financial Report**

   **A. Budgetary Issues**

   Dr. O'Connor reviewed the financial reports as presented in the member notebooks, mentioning FCLB has $801,522.83 in cash and short term certificate of deposits. Of that total, $340,000 is currently in reserve funds.

   Dr. Wolfson added another $1,000 to the Student Scholarship Fund bringing the total in that fund to $4,000. One student each from Cleveland, Palmer West, and Southern California University of Health Sciences will attend the 2009 Annual Conference under this scholarship.

   Dr. Smith discussed the NBCE funding agreement noting the amount to be received in 2010 will be $500,000 before moving to a percentage. The board agreed FCLB must continue its policy of tight fiscal control.

   Dr. O'Connor noted that PACE is beginning to generate income from records fees. The board discussed the importance of boards’ acceptance of PACE and the need for direct communication with individual boards. Communication is sometimes abbreviated between what is received at conference and related at individual member board meetings.

   Legal costs were greater in 2008 as the details of the NBCE agreement were finalized.

   Dr. O'Connor referred to the job reports giving the board a snapshot view on how FCLB funds are being used. Dr. O'Connor and Joan Carl were complimented for their work to revamp the financial reports.

   Mr. Baker questioned why FCLB pays a registration to attend the FARF meeting as Donna Liewer represents FCLB on their board of directors. Ms. Liewer reported FARF is dependent upon these funds as they have very little other income.

   **B. Board Travel Policies**

   Dr. O'Connor reviewed the travel voucher encouraging members to submit for allowed reimbursements in a timely manner. He noted the mileage reimbursement rate is 55¢/mile as allowed by the IRS. There will be no per diem allowed for Monday at conference as all meals were provided by FCLB.

   Drs. Smith, Saint-Germain, and Weathersby will have their expenses paid by NBCE while attending conference.
C. Conference Finances

Dr. O'Connor noted that the Preliminary Report on conference attendance shows 118 in 2009 compared to 133 in 2008. Delegate attendance is 33 for 2009 compared to 40 in 2008.

Conference supporter funds totalled $34,000 for 2009. Recognition awards for supporters will be presented at the welcome reception.

The board discussed establishing a policy whereby FCLB would take the lead of offering to waive one registration fee for those organizations FCLB invites to participate in its annual or regional meetings.

M/S Baker / Jafari to waive one conference registration fee for any outside organization that FCLB invites to participate in an annual or regional meeting, to exclude those organizations that are already waived due to other arrangements including supporter agreements. Passed, no opposition

D. Financial Report to the Membership

The board reviewed the written report to the membership and the PowerPoint presentation to be given on Thursday morning.

2. FCLB Bylaws

Dr. Tripp noted the work done by Drs. Morin and Shilts. Some additional revisions that will be discussed in 2010 include: appointments to NBCE BOD, definition of quorum, and process for dropping membership and/or services for boards that do not pay their dues.

A bylaws forum was scheduled for members to address questions about the proposed bylaws amendments. Dr. Tripp encouraged the directors to talk with their district members with a reminder that additional issues can be addressed in 2010.

3. Membership Roster Report

Joan Carl reported that all registered delegates will have voting privileges except Georgia because this board is currently unable to pay its FCLB dues. There was discussion of continuing to provide FCLB benefits to boards who are unable or unwilling to pay member dues. The board agreed to add this issue to the agenda for the 2009 district meetings.

It was noted that 13 boards chose to pay the prepaid conference registration combined with member dues. Resolution 3-09 to be voted on by the membership will address the ability of member boards to have the option of paying their dues to including one prepaid annual conference registration fee or paying dues and registration fees separately.

IV. Operations

4. Contract for Centralized Database

M/S Jafari / Davis to go in to executive session. Passed, no opposition

M/S Jafari / O'Connor to exit executive session. Passed, no opposition

M/S Jafari / Davis to authorize the executive director to enter into a contract with ISSI / IMPAK pending counsel review. Passed, no opposition
5. **Personnel**

   **A. Executive Director's Contract**

   The board addressed this item on Saturday. Please see minutes for Saturday, May 9, 2009

   **B. Staffing Levels for June / July**

   Donna Liewer reported Kelly Webb will be on maternity leave which will leave FCLB short one of its five staff members. Some temporary workers will be used to help fill the gap.

6. **Policies**

   Following the January midyear meeting, a Policies Guidelines book was sent to the FCLB by Dan Cain. The FCLB personnel policies are under revision using Mr. Cain's Personnel Policies Guidelines book.

7. **Committees**

   **A. Committee Processes**

   Dr. Saint-Germain discussed the necessity for the board to be involved with all committees and requested the FCLB vice-president continue to take the lead in that endeavor.

   **B. Current Committees and Task Forces**

   1. **Model Practice Act**

      Dr. Cole (TN) joined the meeting as chair of the Model Practice Act Task Force. The task force members are Drs. Rada(NJ), Pennebaker (MN), Mathia (GA), Yamane (NV), Massey (TN), Hulteen (SC), Shills (MA), Rademacher (IL), Lecy (SD), and Natale (VT).

      The goal of the committee is to develop and publish best practice regulatory language for statutes / rules for reference by FCLB member boards and countries with emerging regulation.

      The document passed committee review and has been sent for attorney review. Attorney review is pending funding.

      Committee recommendations to the FCLB board:

      a. Move the current version of the code for attorney review

      b. Review committee members to determine any changes desired

      c. Advise the committee if there are areas that need to be addressed

      Dr. Cole noted that he has enjoyed being chair of this committee and is willing to continue if it's the pleasure of the board. Dr. Smith recommended that Dr. Cole continue to see the project through. Dr. Cole planned to convene the committee on Friday at conference.

      There was discussion as to whether scope of practice should be included in the document. Dr. Saint-Germain suggested the role is not to define the scope for all, but to have the best scope from which boards could draw. Perhaps samples from jurisdictions that are very descriptive as well as generic could be included. Dr. Cole reported that the CCEI definition
was well crafted and was recommended by the task force after studying numerous definitions.

After attorney review, the document can be expanded to any level the board desires. Subsequent efforts maybe directed toward developing detailed sample rules. Legal Counsel Dale Atkinson recommended that an explanatory column be included with notes about the intent of the various sections of the Model Act.

2. Task Force on Mandatory Informed Consent

Dr. Lubkin (CA) has agreed to serve as Chair with Dr. Pennebaker (MN) as board liaison.

M/S Jafari / Davis to defer to the task force chair to develop the committee with the guidance and direction of Dr. Pennebaker. Passed, no opposition

3. Task Force on Fraud Prevention & Identification

Dr. Natale (VT) has resigned from this committee. Dr. Saint-Germain will contact Dr. Natale to discuss the status of the committee and determine a new chair and allow new the chair to determine the committee members.

4. Conference Committee Appointments

M/S O’Connor / Grossman to give courtesy approval to Dr. Smith’s appointment of the following members of conference committees. Passed, no opposition

Minutes: Dr. William Rademacher (IL), Chair; Mr. Joe Baker, Jr. (FL); Dr. Shannon Gaertner-Ewing (ID)

Credentials: Dr. Valerie Hoffman (VA), Chair; Dr. David Hayes (QC); Dr. Gene Jenkins (FL)

Tellers: Dr. Hank Hulteen (SC), Chair; Dr. Karen Mathiak (GA); Mr. Brian Stiger (CA)

Dedication to Service: Dr. Ali Jafari (NY)

Installation of New Board of Directors: Dr. Ed Weathersby (AZ)

V. FCLB Programs & Services


A. Overall Schedule & Events

Donna Liewer referred the board to the Attendee Agenda in the attendee notebook noting times when board members need to be available. The Annual Business Meeting was scheduled for Thursday and Friday; the awards ceremony Friday; and installation of the new FCLB board of directors was planned for Saturday.

The District breakfasts and elections were slated for Saturday morning. Planned elections included District III alternate director and District IV director and alternate director.

Dr. Davis suggested the alternate directors be encouraged to attend the Saturday afternoon board of directors meeting. Additional board meeting books have been prepared for the newly elected board members.
B. Annual Business Meeting

Donna Liewer referred the board to the Annual Business Meeting Agenda noting elections for FCLB Board of Directors would be held on Friday and District Director election would take place on Saturday. There were three resolutions to be voted on by the membership, included in the attendee notebooks.

C. Focus Group

As recommended by consultant Dan Cain at the 2009 midyear meeting, a focus group was planned for Thursday at 1:30 p.m. with lunch to be served for 12 guests, by invitation of the board, plus the FCLB board members. The board reviewed the draft invitation and agreed to include 2 - 3 new attendees, 4 - 5 attendees who have attended more than one conference, and the balance veteran attendees. Questions were designed to aid the FCLB board in securing member feedback to help the board further develop its long range plan.

D. ACBA Meeting

Mr. Baker reported the ACBA meeting was scheduled for Wednesday. Elections will be held for vice president, treasurer, and secretary. Drs. Otto and Townsend will be presenting on the Duties of a Part IV Examiner. Joan Carl is helping to resolve their designation with the IRS. The ACBA scholarship recipient for 2009 is from Colorado. The ACBA meeting agenda was included in the board notebook.

F. NBCE Report

Dr. Temple spoke to the board on Wednesday morning, noting the NBCE is going through some exciting changes. Funding has been released to enable staff to participate in professional development opportunities for testing. Part III and Part IV tests are being revamped to include more critical thinking skills. More time has been focused on the students.

Dr. Weathersby reported on the restructuring of Part IV. Further advances have been made in security. He relayed the critical importance for NBCE board members to be at the test sites, in part to monitor the processes and policies governing test administration.

Groundbreaking for the new building at the NBCE headquarters will begin in mid July.

9. Future Conferences

The board discussed the need to choose venues where people are willing to cover their own travel expenses if necessary. In the past, Montreal had the highest attendance with Florida second. Dale Atkinson said FARW was considering several organizations contracting as a unit with a hotel to keep costs down.

Julie Finn reported the best proposals for 2010 are from Puerto Rico. Airfares are between $200 and $350 on average flying from different parts of the U.S.

M/S Jafari / Baker to hold the 2011 conference in Puerto Rico. Passed, no opposition

10. PACE

Dr. Davis reported that Pettibon has been re-approved as a Recognized PACE Provider. A meeting of the PACE Committee and Review team is scheduled for August 6-8, 2009 in Estes Park, Colorado with all members except one planning to attend. Twenty-three jurisdictions currently accept PACE approval of continuing education for relicensure.
Dr. Smith discussed funding for a representative to travel to colleges and regulatory jurisdictions to promote PACE. This responsibility needs to not be on FCLB staff. Drs. Lester Lamm (WSCC), Marc Gamerman (MD), and Laurel Cowie (NS) were recommended as possible representatives of FCLB to explain the PACE program to colleges and regulatory jurisdictions.

11. **CIN-BAD**

**A. Program Update**

Bridget Seader referred the board to their conference attendee notebook for a written report on the status of CIN-BAD. Currently all U.S. states report to CIN-BAD and 28 states use FCLB as their reporting agent to HIPDB. HIPDB reporting is now done in-house. An average of 12 - 20 reports are uploaded weekly.

**B. WFC Task Force**

Dr. Saint-Germain reported the WFC met in Montréal April 29-May 2, 2009. Discussions were good and included the 4/29/09 WFC/FCLB Task Force Forum on International Regulation. The United Kingdom and New Zealand are very organized and indicated are considering joining the Federation. The FCLB needs to move quickly find an avenue for the international community to report to CIN-BAD. There were a number of countries present where chiropractors are not recognized by the government.

The WFC leadership is dedicated to providing opportunities to discuss international regulatory issues even though WFC is by nature an association, not a regulatory group.

Dr. Smith recommended FCLB increase its involvement in the international community, bringing them in to CIN-BAD, and encouraging use of the Model Practice Act as a tool to help in their regulatory development. He suggested use of the FCLB International Committee with Dr. Saint-Germain as the chair, and noted that FCLB might begin by making CIN-BAD available to the international community. Additional ideas included creating an associate membership category for non-regulated countries within the current bylaws. He suggested alternatives to the current governance model such as adding one or more international districts or other concepts to ensure that the new members are fully empowered.

12. **Ethics Services**

Dr. Stephen Foreman of CEVantive University presented an online program developed by himself and Dr. Michael Stahl to provide remediation courses in ethics for disciplinary cases involving ethically challenged practitioners.

Later in the meeting the board discussed the issue at length. It was noted that FCLB has a policy of not endorsing commercial products or services, but that an additional policy may need to be drafted about entering into contractual relationships with outside parties.

**M/S O’Connor / Pennebaker** to ask staff to begin to design a policy to address which types of contractual relationships may be appropriate for the Federation. Passed, no opposition

The FCLB leaders will meet with Dr. Foreman to inform him of the board’s decision not to enter into a formal partnership for the provision of the remedial courses, but the program will continue to be included in the FCLB’s Ethics Resources reference publication.
13. **Member Outreach**

Dr. Jafari reported he planned to develop a calendar of each jurisdiction’s board meetings. He hoped to meet first with the New York board. Guidance is needed from the FCLB leadership regarding the message for the PowerPoint. PACE should be included.

When possible, the date of member board meetings will be added to the FCLB Official Directory.

*By consensus, the meeting was recessed at 4:17 p.m. with plans to reconvene at 8:30 a.m., May 6, 2009.*

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**Wednesday, May 6, 2009**  
**Hollywood, California: Hollywood Renaissance Hotel**

Dr. Tripp called the meeting to order at 8:30 a.m. Board members, legal counsel, as staff continued to be present as listed the previous day. It was noted that Mr. Baker would by attending both the ACBA and FCLB meeting as much as possible.

### VI. Regulatory Issues

14. **Chiropractic Therapy Assistants**

The draft model course components were further modified with input from the postgraduate deans at ACC-RAC and other experts who were in attendance at ACA’s NCLC and were able to participate in an extended worksession.

More details regarding the actual course syllabus, policies and procedures, and possible certification examination still need to be finalized. It was noted that some boards are already responding to the increasing need to assure the public that qualified individuals are assisting the doctors with therapies.

Dr. Saint-Germain suggested that NBCE survey which states / provinces would find a certification program and exam to be helpful, and recommended that directors continue this discussion during Saturday District breakfasts.

15. **Applicants to Chiropractic Colleges**

The board discussed the need for better evaluation of the moral, ethical, and legal fitness of applicants to chiropractic colleges and FCLB’s role in this process. Dr. O’Connor reported that New Jersey mandates fingerprinting and background check for any services that require licensure. Dale Atkinson reported that FARB’s Model Code asks questions concerning charges, convictions, pardons, and expungement. Dr. Smith requested FCLB obtain a copy of the FARB Model Code and Minnesota’s Model Code and send them to our member boards. This item is to be added to the agenda for the District Meeting. The board will continue to discuss whether there is a possible role for FCLB in the area of background checks.
16. **Accreditation**

Dr. Saint-Germain reported the CFCREAB meeting was held in Toronto in March, with broad representation by key Canadian organizations. A key issue continues to be how to define the profession for the public, with notable resistance to one idea of focusing on “back doctor.”

CCE-USA adopted a change in its governance structure in March, through amendments to its bylaws and articles of incorporation. CCE Board of Directors and Commission on Accreditation are joined into one body called the Council. The Council structure incorporates all members from the Board and Commission into one body that will address the Standards for Doctor of Chiropractic Programs, accreditation actions, and governance functions. According to the CCE, this change helps align it with the organizational structure of other accrediting agencies, allows for the same body to approve and apply the Standards, provides broader representation and input into accrediting actions, and allows for improved use of financial resources.

New language in the articles of incorporation allow CCE-USA to enter into international accreditation activities if decided by the Council.

CCEI is continuing to work to resolve issues relating to accrediting activities outside the geographic borders of its four member chiropractic accrediting bodies.

17. **Examinations**

   A. **NBCE Exams (US)**

Covered in prior reports.

   B. **IBCE (International)**

Dr. Saint-Germain reported the second meeting was held in March in conjunction with ACCRAC. The international committee of the NBCE met with representatives from Cyprus and New Zealand to aid in the continued development of the IBCE. There was a forum of 40 people from 15 countries. They will be meeting again in September and hope to have representatives from Asia and Europe. The idea of an IBCE is being well received. The international community is looking for regulation and they are interested in CIN-BAD.

VII. **Stakeholder Interaction**

18. **Upcoming Meetings**

   A. **FARB Leadership Conference**

Donna Liewer represents the FCLB and serves on the FARB board of directors. Joe Baker has also represented FCLB and Florida in the past. As budgeted, Dr. Saint-Germain and Donna Liewer plan to attend the July 23 - 25 leadership conference in Chicago.

   B. **FCLB PACE Meeting, August 6-9, 2009**

Dr. Davis will be attending and the budget also allows for an FCLB officer. Dr. Saint-Germain agreed to attend this meeting in Estes Park, Colorado, and hopes to combine this with tentatively planned NBCE business.
C. ACA House of Delegates, September 23-26, 2009

This ACA meeting is not budgeted and requires action from the executive committee or the board if FCLB wants to attend. Dr. Tripp volunteered to attend the meeting to represent FCLB if requested by the board. Dallas, Texas is about a two hour drive for him.

19. New Business

A. FCLB History Project

M/S O'Connor / Jafari to go in to executive session. Passed, no opposition

M/S Grossman / Jafari to exit from executive session. Passed, no opposition

There were no actions taken in Executive Session that required ratification.

Board members were reminded that the new board was scheduled to meet on Saturday, May 9th following the conclusion of the educational program.

M/S Smith / Weathersby to adjourn at 10:10 a.m. Passed, no opposition

Following the close of the board meeting, recognition awards were presented to Drs. Weathersby and Smith from the FCLB board members and staff.

Donna M. Liewer
Recording Secretary