MEETING
FCLB Board of Directors
Tuesday and Wednesday, April 27-28, 2010
Marriott Inner Harbor, Baltimore, Maryland

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:
Daniel Saint-Germain, D.C., President (attending both FCLB & NBCE meetings as possible)
Lawrence O’Connor, D.C., Vice President (attending both FCLB & NBCE meetings as possible)
LeRoy Otto, D.C., Treasurer
Oliver “Bud” Smith, Jr., D.C., Immediate Past President (unable to attend)

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

ADMINISTRATIVE FELLOW DIRECTOR:
Larry Spicer, D.C., Administrative 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

MEETING DETAILS

I. Dr. Grossman called the meeting to order at 8:42 a.m., April 27, 2010. Ms. Liewer noted board members, staff, and legal counsel present as listed.

Dr. Saint-Germain addressed the group about team building and working together, and presented a gift to each member of the “team.”

Guests Drs. Temple and Weathersby arrived mid-morning to greet the board and staff wishing them a great meeting. They expressed their thanks to FCLB for organizing the conference and invited everyone to join the NBCE for dinner at the hotel that evening.

II. Dr. Grossman noted the minutes of the January 22-23, 2010 meeting were previously approved by e-ballot.
CONSENT AGENDA

M/S Spicer / O'Connor to approve the motions in the consent agenda with the exception of item 7B Registration of Delegates and Alternates for Official Business Meetings of the FCLB. Passed, no opposition

CONSENT AGENDA MOTIONS:

1. To ratify all electronic minutes and ballots since the last in-person meeting in January 2010.

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

3. To approve the audit of the 2009 fiscal year as provided by Watkins and Schommer, Inc., certified public accountants.

4. To reaffirm the following conference policies:
   A. The board's traditional policy on attendance and participation at the FCLB board of directors meeting.
   B. The board's traditional policy on conference spokespersons.

5. To approve request by Colorado board to designate a “replacement delegate.”

6. To reaffirm the traditional FCLB committee appointment protocols as presented.

M/S O'Connor / Jafari to modify the policy for Registration of Delegates and Alternates for Official Business Meetings of the Federation of Chiropractic Licensing Boards, Eligibility Criterion, to include the words “and duly registered for the annual conference” as presented. Passed, no opposition

LEGAL MATTERS

I. Contract Issues

M/S Davis / Otto to go in to executive session 8:55 a.m. Passed, no opposition

Staff and legal counsel were invited to remain. The board exited executive session at 9:12 a.m.

M/S O'Connor / Davis to sign the Memorandum of Agreement Number 150 between the Florida Department of Health and the Federation of Chiropractic Licensing Boards. Passed, no opposition

II. Trademark - The FCLB trademark has been re-filed. A July 1st approval is anticipated.

GOVERNANCE

I. Financial Report

1. Budgetary Issues

Dr. Otto reviewed the financial reports as presented in the member notebooks, highlighting changes since the January board meeting. He explained the $40,000 added to the technology reserve fund effective December 31, 2009, was money that had been earmarked...
to be spent in 2009. The complexities of building the new database pushed the expenditures forward to 2010, and the 2010 budget allots tapping this fund if needed. The auditor continues to suggest FCLB keep no more than $100,000 in any one depository.

2. Board Travel

A. Travel Expense Reimbursements and Policy Revision

The board reviewed the travel voucher discussing expenses that are covered. Staff will modify the voucher for better clarification of covered expenses. There was discussion about covering the cost of internet service while traveling.

M/S Spicer / Otto to not reimburse board members for internet service while traveling on behalf of FCLB. Passed with Drs. Jafari and O’Connor opposed

M/S Otto / Saint-Germain to modify the travel voucher to clarify the mileage policy and baggage fees. Passed, no opposition

M/S Davis / Saint-Germain to table the motion until Wednesday morning to allow staff to revise the travel voucher and protocol for clarification. Passed, no opposition

B. Board Per Diem & Honorarium Report

The board reviewed the report for 2009 travel.

C. Dr. Saint-Germain announced per diem would not be paid for Tuesday, April 27, 2010, as breakfast and lunch were provided by FCLB and dinner would be provided by NBCE.

3. Conference Finances

The board reviewed the registration summary. Ms. Liewer commended Julie Finn and Kelly Webb for their extraordinary marketing efforts for conference. Many attendees have paid their own costs as member boards cut travel expenses. There was discussion of ideas for obtaining more conference support. Dr. Saint-Germain recognized Dr. Colucci for her work in obtaining support funds for the 2010 conference.

4. Finance Report to Members

Ms. Liewer discussed the many new policy changes by which auditors are required to abide. The board agreed they would like to continue to distribute the simplified report based on the audit to members. The official audit report is available to any member upon request. Dr. Grossman commended Joan Carl for her work in putting these reports together.

The board reviewed the financial report in the member notebook and the presentation to be given at the annual meeting. The finance committee was scheduled to meet on Thursday afternoon.

2. Board / Staff Communication

The board was encouraged to watch their e-mails and phone messages and respond as quickly as possible. This helps the staff keep the many tasks and projects moving.
3. **Proposed Bylaws Amendment**

There was one amendment previously proposed by the board, concerning Article X, Section 2 of the bylaws, to clarify the FCLB appointees to the NBCE.

4. **Membership Report**

1. **Policy to Remove FCLB Member Boards from the Roster for Non-payment of Dues**

   M/S Spicer / O'Connor to adopt the Policy to Remove FCLB Member Boards from the Roster for Non-payment of Dues as modified. Passed, no opposition

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**OPERATIONS**

5. **Personnel**

M/S Saint-Germain / Spicer to go in to executive session. Passed, no opposition

The board entered executive session at 10:55 a.m. and exited executive session at 11:15 a.m. The executive committee agreed to meet Wednesday at 2:00 p.m. to discuss the executive director’s contract. Counsel was requested to attend.

6. **FCLB Tech Update, Website Report**

The board reviewed the written report, and noted they did not feel it was necessary to have a software demonstration by ISSI CEO, Pam Taylor.

7. **Committees**

1. **Committee Meetings**

   A. **Model Practice Act**

      Dr. Saint-Germain planned to meet with the committee on Thursday following the CCTA luncheon. Board members were invited to attend. Dr. O’Connor commended the committee for their depth of research.

   B. **Fraud Prevention and Identification**

      The board deferred discussion to Wednesday morning.

   C. **Governmental Issues Task Force**

      The board noted the committee did not plan to meet during conference week.

   D. **Informed Consent Task Force**

      The board deferred discussion to Wednesday morning.

2. **Conference Committee Appointments**

   M/S O’Connor / Davis to approve the president’s conference appointments as modified. Passed, no opposition
Minutes: Dr. Kathleen McConnell (PA), Chair; Dr. Rosemary Zimmerman (AK); Dr. Gary Counselman (KS)

Credentials: Dr. Lance Earhart (NE), Chair; Dr. Ned Martello, (LA)

Tellers: Dr. Renae Rogers, (CFCREAB) Chair; Dr. John Webster (NC); Dr. David Hayes (QC)

International Pledge: Dr. Jerry Grod (ON)

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

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**FCLB PROGRAMS & SERVICES**

8. Baltimore 2010 Conference

1. Overall Schedule & Events

   Ms. Liewer referred to the directors’ special agenda noting times when board members need to be available. She commented that Thursday is the busiest day with the morning educational sessions, many meetings in the afternoon, and the welcome reception / pirates ball in the evening.

   She announced that elections are slated for Saturday morning for Districts III and V, and that the post conference board meeting will take place immediately following the annual business meeting.

2. Annual Business Meeting

   A. Review Business Meeting Agenda

      Ms. Liewer reviewed the agenda for the annual business meeting to be held on Saturday. There were no resolutions submitted to date to be voted on by the membership.

   B. Nominating Committee Elections

      The nominating committee received no candidate applications. After reviewing the qualifications for service, the board discussed possible candidates to be nominated from the floor to fill the nominating committee. District directors were requested to speak with potential candidates and those who will nominate them regarding procedures for nomination.

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**GUEST PRESENTATION - TRAVEL TO TREAT**

Prior to breaking for lunch, the board received a presentation from Dr. Jay Greenstein representing the ACA Sports Council to discuss some of the border challenges doctors of chiropractic encounter when traveling to treat. He distributed a letter to the board from Dr. Ted Forcum, ACA Sports council president, and information on each state’s rules concerning travel to treat, and encouraged the development of standardized and open travel to treat legislation to align chiropractic with other healthcare professions. Dr. Greenstein agreed to relay the board’s concerns and questions to Dr. Forcum for further dialogue.

M/S Jafari / Colucci to allow Dr. Greenstein to distribute to the conference attendees ACA's information on each state's rules concerning travel to treat for review and updates. Passed, no opposition
Following the lunch break, Dr. Grossman called the meeting back to order at approximately 1:15 p.m.

8. **Baltimore conference discussion - continued**

The board reviewed the FCLB awards program, and expressed appreciation to both board and staff members for increasing the promotion of the conference.

Dr. Spicer explained that ACBA will be discussing possible dissolution in favor of becoming an FCLB committee in light of complex IRS requirements for a relatively small organization. The board agreed it would receive such a request positively if proffered.

9. **Future Annual Conferences**

1. **The 2011 conference** will be held in Marco Island, Florida. The contract was signed previously pending a site visit by Ms. Liewer and Mr. Horace Elliott.

2. **The 2012 conference** is tentatively scheduled for San Antonio, Texas at the Hyatt on the Riverwalk. Site inspection is scheduled for summer 2010.

3. **2013** - The board discussed potential sites.

10. **District Meetings**

Districts III and V will be holding elections at the Saturday morning breakfast meetings. Promos for upcoming fall regional meetings will be distributed. District directors were given a guide for recording the highlights of their district meeting and were encouraged to maintain contact with their members.

11. **PACE**

1. **The PACE Committee & Review Team meeting** is scheduled for August 5-8, 2010, in San Francisco. Members have been notified.

2. **PACE vacancies**: Dr. Grossman noted that Southern California University of Health Sciences and D'Youville College have both been invited to nominate representatives to the PACE Review Team. Dr. Saint-Germain nominated Patti Pritzl (AZ) for a second term on the PACE Committee.

M/S Spicer / O'Connor **to approve the presidential nomination of Patti Pritzl to serve as the Administrative Fellow member of the PACE Committee.**

*Passed, no opposition*

3. **Increasing PACE Participation**

The board deferred discussion to Wednesday morning.

12. **CIN-BAD**

Board members reviewed the written report, with highlights presented by Ms. Seader.
13. Physical Examinations

The DOT / FMCSA NRCME regulations have been delayed until at least December 2010. Dr. Spicer described an incident with the Minnesota media concerning incomplete DOT examinations. The DOT national registry is being created to avoid this type of behavior.

14. Accreditation

The board deferred discussion to Wednesday morning when CCE guests would be available.

15. Certified Chiropractic Therapy Assistants

The board noted that a private luncheon will be held Thursday for those who have experience or interest in regulating those who assist chiropractors in the delivery of therapies, for the purpose of reviewing the draft program. A presentation to the members will be made on Saturday.

16. Member Boards: Specific Issues

1. Washington State - The board discussed the complaints received by the WA board concerning patients told to bring spouses in to discuss conclusion of exam findings, observing that federal privacy laws would likely be applicable unless waived by the patient.

2. Indiana - Mr. Atkinson discussed the issues arising from electronic verification of licenses. This will continue to be monitored through FARB resources.

3. D'Youville College representatives will be meeting with California to learn about the process necessary to apply for board recognition in that state.

17. International Issues

The WFC / FCLB Forum on Mobility will be convened in conjunction with the European Chiropractors’ Union meeting in London, May 11-15, 2010. There will be approximately 30 - 35 people in attendance at the half-day May 15 Forum. Dr. Saint-Germain and Donna Liewer will present the regulatory issues along with WFC co-hosts.

18. Examinations

There were no specific reports. IBCE plans to give an exam in Japan.

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STAKEHOLDER INTERACTION

19. Recent Meetings

ACC/RAC - Dr. O'Connor, Dr. Saint-Germain, and Ms. Liewer attended the recent meeting and were impressed with all that is being done. Participation in this meeting continues to be valuable to chiropractic regulation.

20. Upcoming Meetings

Dr. Grossman referred members to the agenda for a list of meetings and dates. He deferred until Wednesday discussion of FARB travel.
NEW BUSINESS

21. **FCLB History Project**

Ms. Liewer reported the history project is in its final stages and is being formatted for publication. She has been in continuous correspondence with Dr. Sportelli.

**M/S Spicer / O'Connor to recess at 3:30 p.m. and reconvene at 8:00 a.m. Wednesday, April 28, 2010. Passed, no opposition**

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**Wednesday, April 28, 2010**
**Baltimore, Maryland: Marriott Inner Harbor**

Dr. Grossman called the meeting to order at 8:45 a.m. Board members, legal counsel, and staff continued to be present as listed the previous day. It was noted that Dr. Spicer would be attending both the ACBA and FCLB meetings as possible. Staff will be attending to additional conference duties as necessary.

1. **Accreditation**

The board invited guests from CCE, Drs. Lee Van Dusen, David Wickes, Lance Blackshaw, Brian McAulay, Charles Sawyer, and Richard Cole, to discuss the proposed revisions to the CCE-US Standards and other areas where regulation and accreditation interact.

2. **Revised Travel Voucher and Policy**

A revised travel voucher and policy incorporating Tuesday’s discussion was distributed to the board. The staff will further refine the forms after conference, but the concepts of the previous day’s discussions were included.

**M/S Pennebaker / O’Connor to adopt the revised forms. Passed, no opposition**

3. **Fraud Prevention Task Force**

The board addressed the need for a chair of this committee. Dr. O’Connor agreed to meet with the committee members and encourage them to elect a chair.

4. **Informed Consent Task Force**

Drs. O’Connor and Pennebaker will meet with Dr. Lubkin, chair, to discuss the committee’s plans.

5. **Nominating Committee**

District directors were reminded to speak with potential candidates and those who will nominate the candidates regarding procedures for nomination.

6. **PACE**

The board discussed the need to have more colleges apply for PACE recognition, and some of the obstacles member boards are finding in accepting PACE. Drs. Saint-Germain and O’Connor were recognized for their work with college representatives at the recent ACC/RAC meeting to bring more colleges on board with PACE.
The board decided to invite conference attendees from California, Texas, and Pennsylvania to an informal meeting on Friday to discuss the opportunities available to their boards with the PACE program. Drs. Davis, Spicer, O’Connor, Saint-Germain, and Tripp will attend the meeting.

The PACE fees were reviewed and discussion followed concerning the procedure for changing the fees, which requires 100% approval by the currently recognized providers if immediate changes are to be adopted.

**M/S O’Connor / Pennebaker** to reduce the annual recognition fee for the for-profit organizations from $10,000 to $2,000, and to abolish the application fee and recognition fee for the non-profit organizations. Passed, no opposition

7. **FARB**

Dr. Grossman accepted Dr. Saint-Germain’s request to attend the FARB Leadership Forum July 29 - 31, 2010, in Chicago, along with Ms. Liewer. NBCE has also been invited to send representatives in light of the agenda’s additional emphasis on testing. [UPDATE - Dr. Grossman advised the FCLB he is unable to attend due to a schedule conflict.]

8. **ACA Documentation Manual**

ACA has requested the FCLB board review their documentation manual from a regulatory standpoint to recommend possible improvements. Each board member was asked to select 8 - 10 pages to review. ACA will be asked to send copies directly to the board members. Comments should be given to Ms. Liewer as soon as possible or may be forwarded directly to ACA.

9. **New Business**

1. **Indian Health Services**

Ms. Liewer distributed a letter from several parties to Dr. Yvette Roubideaux, Director of the Indian Health Service, explaining the growing role of chiropractic in Native American health care. The board accepted the letter as information only. Ms. Liewer has encouraged the authors to publish an article in Dynamic Chiropractic to better identify Native American chiropractors or doctors with significant Native American patient populations.

2. **ACA Draft Letter to BCBS of Minnesota**

The board reviewed the letter for information only and determined that commenting on insurance issues is more appropriately the role of professional associations.

10. **Announcements**

Board members were reminded that the new board was scheduled to meet on Saturday, May 1, 2010, following the conclusion of the annual business meeting and educational program.

**M/S O’Connor / Davis** to adjourn at 10:20 a.m. Passed, no opposition

**Donna M. Liewer**
Recording Secretary

With appreciation to Joan Carl and Bridget Seader for assistance with the Minutes