MEETING
FCLB Board of Directors
Tuesday, July 14, 2009
Via telephone conference  ■  6:30 p.m. MDT

APPROVED MINUTES

PRESENT:

OFFICERS:
  Daniel Saint-Germain, D.C., President
  Lawrence O'Connor, D.C., Vice President
  LeRoy Otto, D.C., Treasurer
  Oliver “Bud” Smith, Jr., D.C., Immediate Past President (unable to attend)

EXECUTIVE BOARD OF DIRECTORS:
  Farrel Grossman, D.C., Executive Board Chair & District V Director
  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

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

ALTERNATE DIRECTORS:
  Marc Gamerman, Alternate Director, District III

STAFF:
  Donna M. Liewer, Executive Director
  Joan Carl, Finance & Benefits Manager

I. CALL TO ORDER / ROLL CALL / ANNOUNCEMENTS

Dr. Grossman called the meeting to order at 6:41 p.m. Donna Liewer called the roll, with directors present as listed and noted that Dr. Smith was unable to attend.

Dr. Grossman reminded members of the necessary protocols to ensure an effective telephone meeting and requested that discussions remain relative to the topic under review.

II. CONSENT AGENDA

The board reviewed the process for the Consent Agenda.

As a point of order, Drs. Spicer, Otto, and Colucci abstained from voting on the minutes of the May 5-6, 2009 Board of directors meeting as they were not in attendance.

As a point of order, Dr. Marc Gamerman, Alternate Director, District III abstained from all voting as Dr. Jafari, District III director was available to vote.

M/S Spicer / Jafari to approve the motions in the consent agenda as written.
  Passed, no opposition - Drs. Colucci, Otto and Spicer abstained.
CONSENT AGENDA MOTIONS:

1. To approve the minutes of the May 5-6, 2009, FCLB board of directors meeting as written.

2. To approve the minutes of the May 9, 2009 FCLB board of directors meeting as written.

It was noted there were no electronic ballots since the May 5-6, 2009 meeting.

III. LEGAL MATTERS

3. Non-Profit Status, Grant Writer

Dr. O’Connor reported he and Donna Liewer participated in a telephone call with a noted grant writing firm. He suggested the FCLB Government Affairs Committee be re-activated with a limited number of members to identify FCLB’s needs concerning grants, and research the methods and costs of obtaining grants. Some grant sharing may be available to organizations with combined interests.

Dr. Pennebaker reminded the board that Dan Cain (Cain Consulting Group) who led the board in its strategic planning meeting also offers grant writing services.

Some grant writers work on a commission basis; however, those companies registered as lobbying organizations are prohibited from performing grant writing services based on commission.

4. Legal Services Analysis

Donna Liewer referred members to the report in their meeting packet for a comparison of June 2008/2009 legal services. There were no questions.

5. Pending Litigation

M/S Davis / O’Connor to go into executive session at 6:47 p.m. Staff and Alternate Directors were invited to remain. Passed, no opposition

M/S O’Connor / Spicer to exit executive session at 7:12 p.m. Passed, no opposition

M/S Spicer / Otto to direct staff to develop a draft agreement by September 2009 with reporting parameters by and between the US boards and FCLB for the purpose of reporting to HIPDB and NPDB. Passed, no opposition

Dr. Spicer agreed to work with FCLB staff to review the initial draft prior to sending it to the Board of Directors.

6. Trademark

Donna Liewer reported the trademark process for the FCLB logo is still in process and FCLB is responding to questions received from the Trademark Office.

IV. Governance

7. Financial Report

A. Budgetary Issues

Dr. Otto referred members to the financial reports as presented in the member notebooks, noting the meeting expenses budget represents all meetings FCLB both presents and attends.
He also noted the PACE expenses in the job reports. The NCMIC technology grant is generally received in December.

Donna Liewer explained the overtime expenditure for 2009 is due in part to short staffing during the first half of the year, and also for work on the CIN-BAD database. Some short-term contract labor has been used to help fill the staffing needs. The combined payroll expenditures are expected to be within budget for 2009.

Dr. Otto directed members to the list of those jurisdictions that have not paid member dues for 2009. Donna Liewer pointed out that most of the unpaid dues are the result of the governors’ restrictions on spending. The executives in those jurisdictions are continuing to push to have the funds released. The FCLB board may need to address in the future how long the FCLB carries a member board that does not pay dues.

M/S O’Connor / Pennebaker to withdraw $454.12 from the Wayne C. Wolfson Student Scholarship Fund to reimburse the FCLB general account for student sleeping room expenses to attend the 2009 Conference, with students’ registration fees waived. Passed, no opposition

8. Committee Processes

In May, the Board agreed that a key responsibility for the FCLB vice president will be to maintain close communication with FCLB committee chairs.

Dr. O’Connor reported he has spoken with Dr. Cole, chair of the Model Practice Act Committee concerning the definition of chiropractic. Dr. O’Connor recommends inclusion of the definition of chiropractic as stated in the ACC Paradigm.

Following presidential appointments, Dr. O’Connor will be convening the Government Affairs committee and will also be in touch with the Fraud committee.

IV. Operations

9. FCLB Tech Update, Website Report

Donna Liewer reported two representatives from Integrated Software Solutions, Inc. (ISSI) traveled to Greeley and met with Fowler programmer, Max Tyler, and Greeley staff to do an assessment for the conversion of FCLB databases to a single, centralized system. The contract with ISSI was signed July 8, 2009, following review by attorney and previous approval by the board of directors.

The software is expected to be operational by the end of 2009. The total cost of the software, the conversion, installation, training, and support is budgeted at $100,000. This includes necessary funding for Fowler Software to develop the tools for importing information from member boards and subscribers.

FCLB has saved for many years in anticipation of this purchase. Stabilized funding from NBCE as well as grants from NCMIC have also contributed to FCLB’s ability to move forward with this project.

10. Personnel

Kelly Webb has returned from maternity leave and will be working reduced hours to accommodate her time with family.
V. FCLB Programs & Services

11. A. Future Conferences

Dr. Grossman referred members to the report in their meeting materials noting the board approved in May the selection of Puerto Rico as the site for the 2011 conference.

Dr. Spicer questioned if the member boards have been polled regarding out of country restrictions. Discussion followed about the Montreal conference attracting the largest draw of membership and the need for an attractive venue for those who necessarily pay out of pocket to attend.

M/S Saint-Germain / Otto to authorize the FCLB executive director to visit the top candidate hotels in Puerto Rico with NBCE’s representative in order to recommend an appropriate facility to the Board for the 2011 annual conference. Passed, no opposition

Discussion continued about potential host locations for 2012. Discussion is was tabled until the January 2010 board meeting.

B. Fall Regional District Meetings

Dr. Grossman reviewed the dates and locations for the three regional meetings. A draft agenda will be ready shortly, and Kelly Webb is presently working on posting the new conference registration site.

Donna Liewer announced that staff needs to know quickly about any organized activities that involve processing money. A no-host dinner is a nice alternative to an organized dinner and can be done spontaneously at the meeting.

Dr. O’Connor suggested District III & V attendees be reminded that a passport is necessary if they wish to visit the Canadian side of Niagra Falls.

The board directed staff to add site location suggestions for the 2012 conference to the agenda for the regional meetings.

12. PACE

A. PACE Committee and Review Team Meeting

Dr. Davis referred members to the agenda for the PACE meeting to be held August 6 - 9 in Estes Park, Colorado. She and Dr. Saint-Germain will be in attendance. They will be reviewing the PACE processes and any need for improvement.

B. Providers and Applicants

Drs. Otto and Spicer initiated discussion about attracting for-profit vendors who do not wish to apply to PACE under the Recognized Provider status of another organization such as a post-graduate department of a chiropractic college. Currently CCMC and WSCC are the only colleges approved by PACE.

Staff was directed to add this topic to the PACE meeting agenda and also to the regional meetings agenda.

C. California Proposed CE Regulations

Dr. Grossman referred members to the report in their meeting materials. Donna Liewer informed the board the decision to adopt the CE regulations would be made by the California Board on July 30th. The current California draft does not include an avenue to recognize the centralized PACE approval program.
M/S Otto / Spicer to approve travel expenses for an FCLB representative, to be selected by the FCLB executive committee, to attend the July 30th meeting of the California Board of Chiropractic Examiners to testify about the proposed CE regulations. Passed, no opposition

13. CIN-BAD

A. Possible Fee Structure Policy Change for High Volume Users

   Donna Liewer reported she had spoken with ISSI about the technological feasibility for offering discounted query rates for high volume subscribers.

M/S Spicer / Davis to table this discussion for a later date. Passed, no opposition

B. Invitation to Join NPDB Executive Committee

   Members were referred to the report in their meeting materials. Discussion followed.

M/S Spicer / Otto to accept the NPDB Executive Committee invitation to the FCLB to become a member of this advisory committee. Passed, no opposition

14. Speakers Bureau - Value of the Chiropractic License

   Drs. Jafari and Gamerman presented the idea of FCLB creating a leadership training workshop to perhaps be given in the schools and as a part of the educational conference. The goal would be to raise leaders for the future.

   Drs. O’Connor, Jafari, and Gamerman were asked to obtain more specific information regarding costs, logistics, and grant funding possibilities.

   Staff was requested to add this topic to the regional meetings agenda.

15. FCLB History Project

M/S Jafari / Davis to go into executive session at 8:42 p.m. Passed, no opposition

M/S O’Connor / Otto to exit executive session at 8:52 p.m. Passed, no opposition

   The board agreed by consensus to table this item until the January 2010 meeting for budget consideration.

16. Chiropractic Therapy Assistants

   Donna Liewer related the history behind the need for credentialing of chiropractic assistants, emphasizing this is a certification not licensure program. There will be a work session in Greeley August 4-6 to include some key volunteers with significant interest in the program. Dr. Saint-Germain will be in attendance.

   Dr. Colucci commented that Nevada has had a successful program for CA testing and certification for twenty years. The Nevada program will be reviewed by the volunteers.

   Dr. Saint-Germain reported that CA certification is becoming an issue in Canada also.

17. Examinations: NBCE / IBCE

A. Part IV Test Committee and New Director Orientation

   Dr. O’Connor attended this meeting and felt it was time well spent in becoming familiar with the program and NBCE processes.
B. Equivalence Examinations for International Mobility

Dr. Saint-Germain referred to the e-mail letter received from Dr. Don Nixdorf of British Columbia and said he will present the concerns to CFCREAB.

Canada’s Agreement on Internal Trade permits doctors of chiropractic mobility to travel across all Canadian provinces.

18. Physical Examinations

Donna Liewer reported the issue behind not allowing chiropractors to do entry level exams is a claim that they cannot write prescriptions, so they cannot evaluate patient medications. This issue is affecting Boy Scouts, Department of Transportation drivers, high school athletics in some jurisdictions, and LDS missions. The DOT model is good because it says that if there is something unique, the specialist must give a viewpoint. ACA is continuing to talk with various organizations about the ability of chiropractors to do entry level exams.

Donna Liewer has developed a draft survey for possible distribution among the chiropractic colleges, NBCE, and FCLB member boards. The goal will be to provide succinct documentation that chiropractors have the education, testing, and scope of practice to perform entry level exams. It was suggested she include information from a recent e-mail distributed by Dr. Guerrero about the level of DC training in NMS conditions.

19. OIG Report

M/S O’Connor / Spicer to table this item. Passed, no opposition

VI. Stakeholder Interaction

20. Recent Meetings

A. WFC/FCLB Montreal Meeting

Dr. Saint-Germain commented that Donna Liewer has sent a letter on his behalf to 40 attendees at the Montreal meeting, asking for their perspectives on how the FCLB of the future can best be of service to a broad international community. Brazil is the first to reply. New Zealand and England are considering joining FCLB and have asked for input and support. Attendees are asking for an annual meeting like the one held in Montreal to discuss regulatory issues.

B. Alaska Board Meeting

Dr. Davis attended the Alaska board meeting in Fairbanks and distributed material provided by the FCLB. She answered questions regarding PACE and discussed the upcoming District meetings. She noted that Alaska was one of the first FCLB member boards to accept PACE.

21. Upcoming Meetings

A. FARB Leadership Conference

Donna Liewer will be attending the meeting to be held in Chicago in July.

B. CCE-COA Semi-Annual Meeting

Due to time conflicts, FCLB will not attend but will send a written report. Although he will not be FCLB’s official spokesperson, Dr. Gamerman will be in attendance on behalf of CCE and agreed to report back to the FCLB.
C. Chiropractic Summit

M/S Saint-Germain / O'Connor to authorize Dr. Grossman to represent FCLB at the Summit VI meeting, August 27, 2009 in Orlando, Florida. Passed, no opposition

D. CLEAR Annual Conference

Donna Liewer will represent FCLB at the Sept 10-12, 2009 meeting in Denver, Colorado, as budgeted.

E. ACA House of Delegates

Donna Liewer will ask Dr. Tripp if he will represent FCLB at the September 23-26, 2009 meeting in Dallas Texas, as per his previous offer.

F. FCLB Board of Directors Midyear Meeting

FCLB will coordinate a date with NBCE. The consensus of the board was to aim for a date in late January.

VII. New Business

22. Connecticut Declaratory Ruling

The board agreed to follow the progress in this matter and continue to stay informed. It was noted that the FCLB Informed Consent task force has not yet convened, so it would be premature to comment on this issue.

VIII. Adjourn

M/S Davis / Jafari to adjourn at 9:25 p.m. Passed, no opposition

The next telephone conference call meeting of the Board will be Tuesday, September 8, 2009 at 6:30 PM Mountain Time.

Donna M. Liewer
Recording Secretary

Joan B. Carl
Recorder