



Federation
of Chiropractic
Licensing Boards

MEETING
FCLB Board of Directors
Tuesday & Wednesday, May 2 & 3, 2017
Hyatt Regency Orlando
Orlando, Florida

MINUTES

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

PRESENT:

OFFICERS:

Farrel Grossman, D.C., President
Margaret Colucci, D.C., Vice President
Kirk Shilts, D.C., Treasurer
LeRoy Otto, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Carol Winkler, D.C., District I Director & Board Chair
William Rademacher, D.C., District II Director
Keita Vanterpool, D.C., District III Director
Cynthia Tays, D.C., District IV Director
Ned Martello, D.C., District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Patricia Oliver, Administrative Fellow Director

ALTERNATE DIRECTORS:

James Buchanan, D.C., District I Alternate Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Vicki Young, Finance & Benefits Manager
Julie Finn, Executive Assistant & Meeting Planner
Kelly Webb, Public Relations & PACE Coordinator

LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson

GUESTS:

No guests present

MEETING DETAILS

I. Call to Order, Roll Call, Announcements, Integrity Check

Dr. Winkler called the meeting to order at 1:36 p.m., Tuesday, May 2, 2017. Dr. Schwartzbauer noted board members and staff present as listed. He also asked members to silence their cell phones.

Dr. Winkler reminded the Board of the Thursday night reception from 5:30-7:30 p.m. in the Orchid Veranda Room. This reception is sponsored by the NBCE.

Dr. Schwartzbauer called for an integrity check: Dr. Grossman disclosed that publications were distributed to FCLB member Board offices that were adverse to himself and the FCLB. Dr. Colucci and Dr. Otto added that their pictures were included in that publication. There were no other disclosures.

II. FCLB Master Calendar

Ms. Webb reminded the directors that this resource is available on the Board of Directors private section of the website.

III. Consent Agenda

Dr. Winkler stated that there were no additions to the Consent Agenda.

M / S Oliver / Tays **to approve the master motions in the consent agenda as written, and modify as needed. *Motion passed, no opposition.***

- A. To approve the Board of Directors meeting agenda for May 2-3, 2017 as presented (amended) and modify as needed to accommodate guests.
- B. To ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in January, 2017.
- C. To adopt standing rules to include recording the meeting and following the procedure for motions.
- D. To approve the audit of the 2016 fiscal year as provided by Andersen & Whitney, LLP, Certified Public Accountants.

E. Board Policy Manual 1. Investment Policy

Dr. Shilts reminded the Board that in January we established a new board-designated fund called the Investment Fund. The purpose is to use money to make money and he felt it was important to have a dedicated investment fund, which is now in board policy. Dr. Shilts identified monies currently classified as savings for potential transfer to the Investment Fund.

M / S Shilts / Rademacher **to transfer into the Investment Fund \$646,133.85. *Motion passed, no opposition.***

Dr. Shilts reported that the board policy states that we consider hiring a professional to manage anything over \$250,000. He is recommending we go with an investment advisor. We asked for three bids and we have a sample contract for the lowest bid.

M / S Shilts / Grossman **to execute the contract today with Mr. Warren Baker from Wells Fargo. *Motion passed, no opposition.***

M / S Shilts / Martello **to amend the board policy 5.10-a to strike the sentence "For accounting purposes, the operating reserve fund will house the working capital reserve." *Motion carries, no opposition.***

IV. FCLB Mission

1. Affirming FCLB's Mission

Dr. Winkler affirmed the FCLB Mission Statement, with no opposition.

V. Possible Guests

Dr. Grossman reported that there were no guests present.

LEGAL ISSUES

VI. Legal Issues

Dr. Winkler postponed legal issues discussions until the Wednesday session when Attorney Atkinson will be present. She reminded the Board about issues of confidentiality and what we are charged to do. Our policy and procedures manual includes a conflict of interest statement. We are given a directive about professional conduct outside of meetings. We are always board members even outside the board room and must represent ourselves in a professional light. The expectation is that every board member will maintain the highest standards of conduct at all times. She also directed the Board to the appendices of the manual where the Code of Conduct lists what we will and will not do – we will respect the majority decisions, we will not be critical of other board members, will not discuss confidential decisions or release executive session information.

GOVERNANCE

1. Financial Report

1.1 Membership Dues Report

A. 2017 Dues Invoice Schedule

Ms. Young referred the board to the meeting materials.

B. Membership Dues Chart as of 3/31/2017

Ms. Young indicated that since the dues chart was published, Indiana has paid their dues.

1.2 Finance Report as of 3/31/2017

A. Status Report

B. Income & Expenses Report

C. Job Cost Reports

D. Board of Directors Designated Funds

1.3 Conference Finances

A. Registration/Finances to Date

Dr. Schwartzbauer reported that the total attendance this year was 132, same as last year.

Dr. Grossman thanked the NBCE for providing additional board administrator scholarships. He said their participation is critical. He would like to see our bylaws change so that board administrators on our board could serve as Chairman and on the Executive Committee.

B. Conference Support

Dr. Colucci reported conference support is up to \$38,000. Dr. Vanterpool was recommended to take over this task next year.

1.4 Finance Report to Members

A. Review written Financial Report in Annual Report Section

Dr. Shilts commended Ms. Young for providing a very nice report that is easy to read.

B. View and Approve PowerPoint Presentation for Annual Business Meeting

Dr. Shilts reported that the PowerPoint is in the same format as last year and past years. The amount of money we took in is higher than originally budgeted but that's the conservative nature of our organization. Expenses were fewer compared to the budget. Numbers were up based on increase in CIN-BAD income, increase in PACE income as well as Dues and Supporter income. Also employee costs were down as was large equipment for the office and the information technology has not yet been purchased. Meeting expenses are also down.

M / S Shilts / Oliver to approve the Finance Report presentation for our members. Motion carried, no opposition.

1.5 Finance Committee Meeting - Thursday, May 4, 2:00 p.m.

Dr. Winkler said the Finance Committee Meeting will be on Thursday at 2:00. Dr. Grossman commented that Dr. Cavanaugh will not be able to be there.

Dr. Winkler called for a break at 2:45 p.m.

Dr. Winkler called the meeting back to order at 3:00 p.m.

2. FCLB Board of Directors

2.1 Review of Rental Car Policy

Dr. Schwartzbauer stated that we review policies regularly, especially the ones we use frequently. He referred the Board to page 48, the back of the voucher and referred to policy 9.5.

2.2 Hotel Points / Airline Miles / "Perks"

Dr. Schwartzbauer reported how the hotel points work for us as an organization. The hotel points can't be given to the organization directly, they go to the meeting planner. We try to use those points for FCLB needs as we can.

Dr. Schwartzbauer also disclosed that staff does acquire airline miles. FCLB also pays for a staff lunch quarterly as well as purchasing coffee for the office.

2.3 Mid-Year Meeting - November 3-4, 2017

EC Planning Meeting - November 2, 2017

Ms. Finn reported that she has been working with COCSA and they have our meeting space and rooms set aside.

Dr. Winkler reminded the Executive Committee that they will be meeting on Thursday for a working dinner from 5:00 to 8:00 p.m. so to make travel arrangements accordingly. The full Board meeting on Friday will start at around 8:00 a.m.

2.4 Chiropractic in Texas

Dr. Colucci gave us an update on the Texas battle to keep diagnosis in their scope of practice.

3. Personnel Issues

3.1 No Personnel Issues

4. Membership Issues

4.1 No Membership Issues

5. FCLB Technology & Communications

5.1 Website Update

Ms. Webb reported that she is continuing to administer the website, saving the FCLB money.

5.2 Software System Update

Dr. Schwartzbauer shared that we are in the process of transitioning our software system with Ms. Webb serving as the liaison. She has been working hard on reformatting CIN-BAD and it's getting pretty involved. He expressed his thanks to Ms. Webb.

5.3 FCLB Official Directory

Dr. Winkler referred the Board to page 56 in the meeting materials.

6. Committees

6.1 Resolutions & Bylaws Committee

A. Bylaws Amendment Submitted

B. Resolutions Submitted

Dr. Winkler referred the Board to page 57 of the meeting materials.

6.2 Fundraising Committee

Dr. Colucci reported on the status of the raffle tickets tied to this week's launch of the FCLB Passport Program. She asked that everyone reach out to their colleagues here and remind them of the raffle. The cruise is set for next March and tickets are available online or from the FCLB staff.

6.3 Vision Statement - AdHoc Committee

Dr. Vanterpool thanked the committee for all their work on this project. The final vision statement reads "The FCLB is the premier international resource for information and consolidated services for ensuring the safe, ethical practice of chiropractic."

M / S Grossman / Vanterpool to accept the FCLB Vision Statement. Motion carries, no opposition.

6.4 CCCA Committee

Dr. Shilts reported that a steering committee (consisting of him, Dr. Fedorczyk and Mr. Paul Andrews) will be meeting this weekend. Dr. Grossman added that he just signed the renewal certificate with NBCE for the CCCA program's examination.

6.5 CBAC

Ms. Oliver expressed concern that she sees the CBAC board meeting is scheduled at the same time as the NBCE luncheon. Ms. Finn said it was discussed at the Board Administrator's meeting and that's what was decided. Ms. Finn said that we can always change it for next year and she would talk to Ms. Carter about it.

6.6 Nominating Committee

Dr. Otto reported that the committee was satisfied and has slated all the candidates who filed to serve in time.

7. New Programs

7.1 Clinical Remediation for Licensees

Dr. Otto suggested this is a topic to keep on the table if the Board decides there might be an opportunity to be of service to member boards and their licensees when someone fails the SPEC or EBAS exams or whatever the doctor has been ordered to do.

7.2 Specialty Boards

Dr. Otto asked how we get our board administrators to know when, how and where to use the specialty exams. He sees CBAC as a very important venue. He felt we should put reminders on the CBAC agenda every year. Dr. Shilts said that in Canada they spoke about who has specialty training and are on specialty boards. He said chiropractic specialists are establishing case law where they are the expert opinions in court proceedings, which is significant for regulators to understand.

8. Orlando, Florida - 2017 Conference

8.1 Overall Schedule / Program / Related Meetings / Thursday Reception

Dr. Schwartzbauer asked the Board to become familiar with the pocket agendas.

8.2 Annual Business Meeting

Dr. Schwartzbauer reported that all proposals for modification of dues, according to Section 9 under Article 11 in our Bylaws, are to be submitted to the delegate body for a vote, so we'll be sure to have that on the agenda.

8.3 Conference Committee Appointments

A. Credentials Committee

Mr. Justin Bohall (AZ), Chair
 Dr. Patricia Schumacher (WI)
 Dr. Glenn Taylor (OR)

B. Dedication of Service / International Pledge

Dr. Karlos Boghosian (CT)

C. Finance Committee

Dr. Kirk Shilts (MA), Chair
 Dr. Michael Cavanaugh (LA)
 Dr. Robert Daschner (MN)

D. Installation of New FCLB Board

Dr. Lawrence O'Connor (NJ)

E. Minutes Committee

Dr. Greg Palkowski (OH), Chair
 Dr. Lisa Kouzes (OR)
 Ms. Lisa Blanchard (ND)

F. Tellers Committee

Dr. Hank Hulteen (SC)
 Ms. Beth Carter-Kidd (OK)

8.4 District Breakfasts - Saturday

A. Elections: District I Director & Alternate

District II Director & Alternate

B. Finalize a Group Activity

C. Confirm 2018 Location for each District Meeting

District I & IV - Palm Springs, Reno, Las Vegas and Salt Lake City

District III & V - Palm Beach, Savannah and Charleston

District II - Undecided

D. Promotions for 2018 Annual Conference and 2017 District Meetings to be distributed

E. Reminder: Directors to Track Board Meeting Highlights and Share with your District Members

8.5 Thursday Afternoon Workshops

8.6 NBCE Day

8.7 Awards

A. Janse Lecture: Dr. Fab Mancini

B. George Arvidson Award

C. Pennebaker / Wiley Outstanding Board

D. President's Awards

8.8 Honorary Fellows Luncheon: Thursday, May 4th (Invitation Only)

Dr. Winkler referred to page 4 and asked about the honorary lunch for Fellows. Ms. Finn commented that we have had more people attend in the past.

Dr. Otto asked if we are marketing to them. Ms. Finn said they get newsletters and a special invitation, but if we had a point person, they could do something extra. Dr. Otto suggested Dr. Hank Hulteen and Dr. Michael Coon may wish to co-chair.

8.9 Related Meetings

A. Summit

Dr. Winkler referred to the Summit Agenda if anyone wanted to look at it

B. CBAC

C. CBLAC

Dr. Winkler mentioned related meetings: Summit, CBAC and CBLAC as well and also mentioned the Wolfson scholarship. She also recognized NBCE for helping us out with the Liewer-Cohen scholarships.

8.10 Scholarships

A. Wolfson Scholarship

Ms. Carrion Paul - Palmer Florida

B. Liewer-Cohen Scholarships:

Ms. Laura Carrillo (AK)

Mr. Robert Puleo (CA)

Mr. Tom Ryan (WI)

Mr. Tom Sullivan (NC)

Dr. Brian Zachariah (IL)

9. Future Annual Conferences: 2018, 2019, 2020

- 9.1 2018: Dallas, TX – May 2-6, 2018
- 9.2 2019: Mission Bay, CA – May 1-5, 2019
- 9.3 2020: Denver, CO – Site Tours to be Scheduled

10. PACE

10.1 PACE Program Status

A. Providers

Dr. Colucci and Ms. Webb reported that there are currently 41 providers (up by four) and seven more in process. Dr. Colucci stated that Ms. Webb has prepared special board packets for states that are lacking board services, individually crafted to help states have the information they need to help their boards.

B. Boards - PACE Action Steps

Dr. Shilts stated last year we had a significant resolution that all member boards would work towards codifying PACE within their regulatory framework. He suggested the District Directors take the opportunity this weekend to remind people that they voted on this.

C. Utilization Chart

Dr. Shilts said that we pulled together all the jurisdictions who are coming this weekend. The list shows you who they are, whether they regulate CAs, if they have PACE and if they allow temporary licensure. In that special packet we figured out what they need and have provided the information specific to each board, giving them everything they need to go back to their board.

10.2 District Directors to have reached out to State Associations in their region regarding PACE

Dr. Winkler referred the Board to page 69. Ms. Finn reported that everyone got this information at the Mid-Year meeting and the task was for everyone to reach out to their associations.

10.3 CE for Naturopathic Physicians

Dr. Schwartzbauer said this was a suggestion that one of our PACE providers brought up.

Dr. Rademacher expressed a concern whether Naturopaths are learning adjusting without appropriate training. Dr. Shilts felt it is a good idea to send a letter to the states making them aware of our programs. Dr. Grossman wants to leave the door open for consideration in the future but that no immediate action should be taken.

10.4 Complaint against PACE Provider

Ms. Oliver, and Drs. Otto and Colucci have recused themselves.

M / S Shilts / Grossman to enter into Executive Session at 4:50 p.m. for the purpose of addressing a PACE complaint. Motion passed, no opposition.

M / S Grossman / Tays to exit out of Executive Session at 5:10 p.m.. Motion passed, no opposition.

M / S Grossman / Rademacher in consideration of the Committee's recommendation, to apply the following sanctions to Milestone CE:

- 1) a one-year probation
 - 2) require change in policies and procedures of corrective action
 - 3) a quarterly monitoring by the PACE Committee
 - 4) full disclosure on Milestone's website and FCLB's website
- Motion passed, no opposition.*

Dr. Winkler called a recess at 5:13 p.m. to resume Wednesday, May 3, 2017.

Wednesday, May 3, 2017

Dr. Winkler called the meeting to order at 8:38 a.m.

Drs. Grossman, Colucci and Otto have recused themselves.

M / S Oliver / Martello to enter into Executive Session at 8:38 a.m. for the purpose of discussing adverse publication. Motion carries, no opposition.

M / S Rademacher / Vanterpool to exit out of Executive Session at 10:21 a.m. Motion passed, no opposition.

Dr. Winkler called for a break. Meeting resumed at 10:41 a.m.

11. Certified Clinical Chiropractic Assistants

11.1 Update

Dr. Schwartzbauer referred the board to the update on page 75 of the meeting materials.

12. Chiropractic Passport Program

12.1 HR 921 (now 302) - Travel to Treat

Dr. Colucci gave an update on HR 921 saying this allows doctors to travel with teams but they can only treat their teams. Dr. Schwartzbauer said the Bill is in the Senate Committee.

Dr. Shilts said we are introducing the Passport Program to our member boards this weekend via the Passport Power Point and reviewed the presentation.

Dr. Winkler called for a lunch recess at 11:50 a.m.

Dr. Winkler called the meeting back, to order at 1:06 p.m.

12.2 Passport Program Insurance Coverage

Our broker reviewed the Passport program to see if we need to update or add a rider and she felt that we probably do and thought it might be beneficial to re-shop all our policies and possibly get a better deal. Dr. Schwartzbauer said we should expect an insurance premium increase for the Passport program.

13. CIN-BAD

13.1 CIN-BAD Program Update

Dr. Winkler referred the Board to page 83 of the meeting materials.

REGULATORY ISSUES

14. Accreditation

14.1 CCE-USA Update

Dr. Schwartzbauer said he will let Dr. Little give the update later this week.

15. Member Boards: Specific Issues

15.1 State Requested Power Polls

Dr. Winkler referred the Board to page 85 of their meeting materials.

16. Examinations

16.1 NBCE Exams (US)

Dr. Colucci reported that NBCE is working on refining computer-based testing. They want to make sure things are ironed out before the next launch. She expects it to be a big success.

16.2 IBCE (International)

Dr. Colucci reported there is a big conference scheduled in Cypress. Some members were going to go but because of the political climate they felt it not safe to go.

17. Other Regulatory Bodies

17.1 FCC (Formerly CFCREAB)

Dr. Shilts attended this meeting. He expressed Canada is unique in that their regulatory apparatus are three groups that meet simultaneously and interact (CCE-Canada, FCC and Specialty Councils in Canada). They have ten provinces but three are not members of their own organization. They have provincial members as well as non-voting associate members. Dr. Shilts expressed an interest in exploring that concept in the future.

17.2 ICRC / ICRS

A. Update

Dr. Schwartzbauer said they have changed their acronym to reflect that they are a society, not a collaboration. They met in Washington, D.C. in 2017 and Dale Atkinson was the keynote speaker. Dr. Schwartzbauer did a presentation on Passport that was well-received. They are also planning to incorporate in Canada, currently submitting bylaws.

They are going to start charging dues (\$1,000) to join.

STAKEHOLDER INTERACTION

18. Requests from Other Organizations

18.1 None to Date

19. Professional Associations

19.1 None to Date

20. Recent Meetings

20.1 FARB Meeting: January 5-8, 2017, San Antonio, TX

Dr. Schwartzbauer referred the Board to page 86 of their meeting materials

20.2 Parker Seminars: February 23-26, 2017, Las Vegas, NV

- 20.3 ACC - RAC / NCLC / WFC: February 15-19, 2017, Washington, D.C.
- 20.4 Connecticut Dept. Of Health & Chiropractic Regulations: April 6, 2017
- 20.5 FCC Annual Meeting: April 7-8, 2017, Toronto, Ontario

21. Upcoming Meetings

21.1 Dates, Locations, Budgeted Attendance

Dr. Winkler reported that a WFC meeting in Cypress is upcoming and CCE will be in Minneapolis this summer. Dr. Schwartzbauer reminded the board that no one was budgeted to attend these meetings.

NEW BUSINESS

22. New Business

22.1 Attending Life West Wave: August 4-6, 2017, San Francisco, CA

Dr. Schwartzbauer reported that he met with Dr. Ron Oberstein and Dr. Mark Zeigler in Washington, D.C., and in discussions we were asked to send someone to the Life West Wave, their homecoming event. The dates are August 4-6, 2017 in San Francisco, CA. If we want to send someone we need to amend the budget.

M / S Grossman / Rademacher to appropriate funds in the amount of \$1,500 to \$2,000 to the budget for Dr. Schwartzbauer to attend the Life West Wave event. Motion passed, no opposit ion.

22.2 Dr. Grossman to Greeley to Meet with Investment Broker, FCLB & NBCE Staff

Dr. Grossman requested the necessary funds (hotel, airfare and three days per diem) for him to travel to Greeley to meet with the investment broker to facilitate the investment policy deal. Ms. Young noted that only the President would be able to actually sign the contract with the investment broker.

M / S Grossman / Tays to appropriate funds for Dr. Grossman and possibly one other to go to Greeley to facilitate the completion of the Investment Fund contract. Motion carries, no opposition.

Drs. Grossman and Colucci have recused themselves.

M / S Rademacher / Grossman to return to Executive Session at 2:02 p.m. for the purpose of discussing adverse publication. Motion passed, no opposition.

M / S Rademacher / Tays to exit Executive Session at 2:05 p.m.. Motion carries, no opposition.

ADJOURN

Dr. Winkler thanked Dr. Rademacher and Dr. Otto for their service. Dr. Otto has been with the Federation for 22 years and applauded the board for operating with integrity.

Dr. Rademacher thanked everyone for their friendship and collegiality and wished everyone the best along with his prayers.

Dr. Grossman thanked everyone for giving him an incredible opportunity to work with the best our profession has to offer and allowing him to accomplish our goals. He said he's seen the demographics of our board change significantly and he would like to see the bylaws change so anyone can serve as chair.

M / S Rademacher / Martello to Adjourn the meeting. *Motion passed, no opposition.*

Meeting was adjourned at 2:12 p.m.

A handwritten signature in blue ink that reads "Jon Schwartzbauer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jon Schwartzbauer, DC
Executive Director

With appreciation to Kelly Webb for assistance with the Minutes