



Federation  
of Chiropractic  
Licensing Boards

# MIDYEAR MEETING

## FCLB Board of Directors

January 18-19, 2013: Greeley, Colorado

NBCE Elliott Conference Center

### 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:

Lawrence O'Connor, D.C., President  
LeRoy Otto, D.C., Vice President  
Farrel Grossman, D.C., Treasurer  
Daniel Saint-Germain, D.C., Immediate Past President

#### EXECUTIVE BOARD OF DIRECTORS:

Donn Fahrendorf, D.C., District I Director  
Gary Pennebaker, D.C., Board Chair & District II Director  
Ali Jafari, D.C., District III Director  
Maggie Colucci, D.C., District IV Director  
Michael Coon, D.C., 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 & Meeting Planner  
Bridget Seader, CIN-BAD/Program Administrator  
Kelly Webb, Public Relations & PACE Coordinator

#### Legal Counsel:

Dale Atkinson, J.D., Atkinson & Atkinson - Friday, Jan 18<sup>th</sup> only

### MEETING DETAILS

#### I. Call to order, roll call, announcements

As chair, Dr. Pennebaker called the meeting to order at 8:35 a.m., January 18, 2013. Ms. Liewer noted board members, staff, and legal counsel present as listed.

Dr. Colucci presented personalized bowling balls to Drs. O'Connor and Jafari.

### CONSENT AGENDA

#### II. Consent Agenda

Dr. Pennebaker noted the following items were to be added to the board meeting agenda.

#### III. D Assign the General Chiropractic Council to District III 6.5 Palmer ASCT program

- 16.2 Ohio Doctor of Chiropractic Degree  
16.3 Wisconsin State Examination Update

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

**CONSENT AGENDA MOTIONS:**

1. To approve the board of directors meeting agenda for January 18-19, 2013, as amended and modify as needed to accommodate guests.
2. To ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in May 2012.
3. To increase the 2012 maximum FSA withholding limits from \$2,000 to \$2,500 per employee, in accordance with 2013 IRS Section 125 regulations.
4. To assign the the member board, General Chiropractic Council, (jurisdiction: United Kingdom of Great Britain & Northern Ireland) to FCLB's District III.

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**GOVERNANCE**

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**1. Financial Report**

**1.1 2013 Member Dues**

Dr. Grossman noted the dues report in the board materials. More boards are paying dues early with the secure, on-line option.

**1.2 2012 Budgetary Issues through 11/30/12**

Dr. Grossman reviewed the written reports in the board packet noting cash and reserved funds balances. Income from CIN-BAD and PACE was slightly above budgeted projections.

M/S O'Connor / Fahrendorf to transfer \$21,216 to the Operating Reserve Fund as budgeted, effective December 31, 2012, subject to any necessary adjustment by the auditor. *Passed, no opposition*

**1.3 2012 District Meetings Financial Report**

Dr. Grossman noted the report in the board materials. District meetings are subsidized by other income. There were no questions.

**1.4 2013 Budget**

The projected budget was reviewed by Dr. Grossman via a PowerPoint presentation. The final vote to adopt the budget took place on Saturday after all topics had been discussed. (See Saturday minutes #25.)

**2. FCLB Board of Directors**

There were no issues to report.

### 3. Personnel

**M/S Grossman / O'Connor to enter executive session at 8:55 a.m.** *Passed, no opposition*  
Staff was excused. Executive Director and legal counsel were invited to remain.

**M/S Grossman / O'Connor to exit executive session at 9:30 a.m.** *Passed, no opposition*

**M/S Coon / Spicer to ratify the decisions made in executive session regarding evaluation of the FCLB Executive Director.** *Passed, no opposition*

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## OPERATIONS

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### 4. FCLB Technology

Kelly Webb referred members to the report in the board materials noting the 9% increase in the website usage and pointed out some of the pertinent statistics, including the fact that she maintains over 800 pages of on-line content which saves FCLB over \$120,000 per year over outsourcing. The board commended Kelly for her work on the FCLB website.

### 5. Committees

#### 5.1 Current Committees & Task Forces

##### 5.1.A Fraud Prevention & Identification

Dr. Coon reported he has been in touch with an FBI agent who is also a chiropractor. He will report further at the May meeting.

##### 5.1.B Model Practice Act

###### 5.1.B.1 Committee Report on Standalone Sections

The chair referred to the report submitted by Dr. Shilts.

**M/S O'Connor/Jafari to use the term "chiropractor" and include a definition page defining "chiropractor" with an interchangeable terminology list.**  
*Passed, Drs. Colucci and Fahrendorf opposed*

###### 5.1.B.2 Updates to Recordkeeping Section

Tabled until Saturday morning (see Saturday minutes #24).

##### 5.1.C Informed Consent

The board reviewed several samples of Informed Consent forms. On Saturday morning, January 19, the board approved the following:

**M/S Fahrendorf / Grossman to approve posting on the website the Informed Consent form used by the Canadian Chiropractic Protective Association with a disclaimer that it is a sample resource only, subject to modification according to boards' legal counsel. FCLB does not endorse specific documents.**  
*Passed, no opposition*

By consensus, the board agreed to dissolve the Informed Consent committee as its task is complete. The board thanked Dr. Lubkin, chair of the committee for his leadership and dedication to the task of the committee.

#### **5.1.D Government Issues**

Dr. Grossman reported the US federal health care law is still being reviewed to determine its effect on regulation. He will be attending the upcoming NCLC and Summit meetings and will have a report to the board following the meeting.

#### **5.1.E Chiropractic Board Administrators**

Dr. Spicer reported the CBAC chair, Ms. Beth Carter, is continuing to look for ways to reach out to all the board administrators.

#### **5.1.F Sports Mobility**

Dr. Colucci reported the committee continues to be on hold at the request of the board.

### **5.2 Committee / Task Force Appointments**

Tabled until Saturday. (See Saturday minutes #23.)

### **5.3 Nominating Committee - for offices elected by the Delegate Assembly**

Dr. Saint-Germain listed the 2013 members: Dr. Saint-Germain, chair (QC); District I - Dr. Dwight Schmidt (ND); District II - Dr. Robert Daschner (MN); District III - Dr. Albert Stabile (NJ); District IV - Dr. James Badge (AZ); and District V - Dr. Randy Schilsky (NC).

The deadline for intent to run is March 5, 2013. Three letters have been received to date. The committee will conduct a telephone interview shortly after March 10<sup>th</sup> with all those submitting an intent to run.

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## **FCLB PROGRAMS & SERVICES**

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### **6. Certified Clinical Chiropractic Assistants (CCCA)**

#### **6.1 CCCA Program Demonstration**

Ms. Liewer presented a PowerPoint demonstration and outline of the program. The board discussed the office/staff logistics for accomplishing the work generated by the CCCA program. Temporary staff will be hired if necessary.

#### **6.2 CCCA - FCLB/NBCE Agreement**

**M/S O'Connor / Coon to enter executive session at 11:25 a.m. Passed, no opposition**

Staff and legal counsel remained.

**M/S Jafari / Spicer to exit executive session at 12:10 p.m. Passed, no opposition**

There were no actions taken.

*The meeting was adjourned for lunch where the board and staff met with the students attending the Student Leadership Forum at the NBCE. The chair called the meeting back to order at 1:00 p.m.*

**M/S O'Connor / Spicer** to enter executive session at 1:02 p.m. *Passed, no opposition*

Staff and legal counsel remained.

**M/S Fahrendorf / Saint-Germain** to exit executive session at 1:45 p.m.  
*Passed, no opposition*

There were no actions taken.

**M/S Spicer / Saint-Germain** to enter executive session at 1:47 p.m.  
*Passed, no opposition*

Staff and legal counsel remained.

**M/S O'Connor / Jafari** to exit executive session at 2:10 p.m. *Passed, no opposition*

**M/S O'Connor / Fahrendorf** to accept the CCCA agreement between FCLB and NBCE as written. *Passed with Drs. Colucci and Saint-Germain opposed, and Drs. Jafari and Coon abstaining*

### **6.3 Registered Chiropractic Clinical Assistants (RCCA) Model Act and Regulation**

**M/S O'Connor / Grossman** to adopt the FCLB Model Statute and Regulations for Registered Chiropractic Clinical Assistants as modified.  
*Passed, no opposition*

### **6.4 Policy Discussion - Non-PACE Providers**

**M/S Grossman / Saint-Germain** to clarify that only CCCA education programs offered through PACE may list their FCLB approved status, and in accordance with PACE requirements.  
*Passed, no opposition*

### **6.5 Palmer Program - Associate of Science in Chiropractic Technology (ASCT)**

In response to Palmer's request the board reviewed this 895 didactic hour plus 330 clinical practical hours program to determine whether it meets the CCCA program requirements.

The board noted that no approval was necessary as Palmer is a current PACE Recognized Provider. The board expressed its appreciation to Ms. Cathy Eberhart, Director of Undergraduate Studies, for presenting the detailed analysis that documented compliance with the CCCA requirements.

## **7. 2013 Annual Conference - San Francisco, California**

### **7.1 Overall Schedule**

Ms. Liewer reviewed the theme, schedule, deadlines and other logistics of the 2013 annual conference.

The board and staff will have an informal get together in Dr. O'Connor's room on Monday night. The board meeting is on Tuesday and will continue into Wednesday as necessary. By consensus the board agreed to cancel the board lunch on Wednesday. Board members should plan to arrive on Monday, April 29<sup>th</sup>.

Ms. Liewer has been in contact with NBCE to determine their program needs.

## 7.2 Conference Supporters

Dr. Coon referred the board to the chart of supporters and asked for volunteers to help with follow-up contacts. Letters requesting support have been mailed. Drs. Colucci and Dr. Otto agreed to help with some contacts. The board was reminded to invite the supporters to attend the conference and Gala. Dr. Coon asked that board members inform him and Joan Carl as they make supporter contacts.

The board noted past support from NBCE in the form of conference shared expenses. FCLB waives approximately 20 NBCE conference registrations.

## 7.3 Wolfson Scholarship

**M/S Jafari / Fahrendorf to offer a complimentary registration to one student each from Palmer West and Life West, and reimburse the students for mileage at the current IRS approved rate, and hotel parking.**  
*Passed, no opposition*

## 7.4 Educational Sessions

Dr. O'Connor reported that Dr. Brian McAulay has agreed to deliver the Janse Lecture and Dr. Keith Overland will be the Keynote Speaker.

## 7.5 Attendee / Guest Events

### 7.5.A Thursday Morning Guest Activity

Kelly Webb reported that in lieu of a Thursday morning guest activity, attendee guests will be provided with brochures, maps, etc. of San Francisco to aid them in discovering the city. New guests will be paired with seasoned guests as needed.

### 7.5.B Friday Evening - Auction & Gala

Dr. Colucci presented the auction program encouraging participation by all board members. She discussed the need to have underwriting support for the dinner.

Kelly Webb presented the Bidding For Good online program, a company that works exclusively with non-profits, and will be used to coach and administer the auction. This will expand potential participation beyond those in attendance at the San Francisco event.

Several chiropractic periodicals have been contacted and are willing to run articles about the CCCA program and benefit auction.

Dr. Colucci was complimented on her diligence in coordinating this function.

## 7.6 Awards

Dr. O'Connor asked for suggestions from the board for the conference awards.

## 7.7 Letters of Invitation / Promotions

Invitations have been sent by staff and promotions are on-going.

## 7.7 Alumni District

The board discussed how best to recognize the Honorary Fellows including those who are not able to attend the Alumni Luncheon at the 2013 conference.

## 7.8 Board Travel

Board travel is authorized for Monday, April 29. Board members may go home on Saturday, May 4 after 4 PM or Sunday, May 5. Dr. Grossman reminded the board to get their airline tickets early. Staff is to be notified of board itineraries as soon as obtained. Car rentals will be authorized by the Executive Committee as needed, and staff will help with organizing car pooling or shuttle options.

## 8. Future Annual conferences: 2014 & 2015

### 8.1 Annual Conference - April 27-May 4, 2014, Myrtle Beach Marriott Resort & Spa.

### 8.2 Annual Conference - 2015

Ms. Liewer will be doing a site visit January 28, 2013, at the Hyatt in San Diego while she is in the city for the the 2013 FARB Forum. Julie Finn reported hotel and logistical information she has obtained to date from Destin, Florida and Monterey, California.

## 9. Districts

### 9.1 District Meeting Reports

The board reviewed the district meeting evaluations, and discussed the Salt Lake City, Fort Walton Beach, and Charleston locations. Some attendees commented that official meeting time should be dedicated strictly to regulatory issues.

### 9.2 District Meeting Sites - 2013

District I & IV - Vancouver, WA: September 19 - 22  
District II - Fort Walton Beach, FL: October 17 - 20  
District III & V - Washington, D.C.: September 19 - 22

## 10. PACE

### 10.1 PACE Course Review Rubric

**M/S O'Connor / Colucci to adopt the PACE Course Review Rubric as presented.** *Passed, no opposition*

The board expressed appreciation to the PACE Review Team and Committee members who assisted with the development of this tool. No in-person PACE meeting is planned for 2013. Online and telephone training has been included in the budget.

### 10.2 PACE Provider Applications

There are currently 12 PACE Recognized Providers and several additional applications under review.

**M/S Grossman / O'Connor to approve American Chiropractic Foundation (ACA) for renewal, and to approve Team CME for initial recognition.** *Passed, no opposition*

### 10.3 PACE Committee Appointment - Public Member

**M/S Saint-Germain / Jafari** to approve the President's nomination of Mark Brengelman as public member of the PACE Committee for a three year term commencing in January 2013. *Passed, no opposition*

Donna Liewer will extend the invitation to Mr. Brengelman at the FARB Forum in San Diego.

### 10.4 PACE Programming

The current PACE website is a temporary site constructed by Kelly Webb as a short-term solution while waiting for the permanent module to be reprogrammed within the FCLB's central database. Completion of the module is expected in about six months. Ms. Webb was thanked for her excellent work in maintaining the website.

### 10.5 PACE Marketing

Dr. Otto led discussion about ways to market PACE to those boards who don't currently accept the program. There is much interest in PACE among other potential providers. Completion of the reprogramming for PACE module will aid greatly in processing additional providers.

## 11. CIN-BAD

Bridget Seader referred the board to the report in their materials. There are currently 42 subscribers including all 18 US chiropractic colleges. A sample of the proposed revision to the Query Report was provided. Ms. Seader attended an educational forum offered by the NPDB and included a report on the federal HIPDB compliance audits, for which FCLB offers support for member boards.

## 12. Official Directory

Bridget Seader reported on the annual project to update the *Official Directory*. Since FCLB sold only four hard copy books and received 43,000 hits on the *Directory's* web pages, the print version will be discontinued in 2013.

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## REGULATORY ISSUES

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## 13. Physical Examinations

The Chair noted the 12/3/12 date for doctors to begin registering to take the DOT exam for US Federal Motor Carrier Safety Administration's National Registry.

**M/S O'Connor / Grossman** to enter executive session to discuss legal issues at 3:55 p.m. *Passed, no opposition*

Staff and legal counsel remained.

**M/S O'Connor / Fahrendorf** to exit executive session 4:05 p.m. *Passed, no opposition*

No actions were taken.



## **14. Accreditation**

### **14.1 CCE-USA**

Dr. O'Connor reported that Dr. Tom Benberg was chosen to serve as CCE-USA's president.

On behalf of the FCLB, Dr. O'Connor was invited to attend the Consensus Meeting held in November 2012. The charge to the committee was to develop mutually agreeable language for incorporation into the Foreword (Preface) to the CCE accreditation standards that acknowledges the scope of practice and identity of the chiropractic profession. The committee unanimously agreed on the draft language recommended to be incorporated into the Preface to the CCE Accreditation Standards.

### **14.2 CFCREAB (Canada)**

Dr. Saint-Germain reported Dr. Lisa Richard of Nova Scotia is the new president. He appreciated Dr. Fahrendorf's representation of the FCLB at the 2012 meeting and would like to have him represent the FCLB at the 2013 meeting to be held in Toronto in April. Dr. Saint-Germain will provide him with additional information as it becomes available. Dr. Fahrendorf agreed to attend the April meeting. Dr. Jafari also offered to attend if needed.

## **15. International Issues**

### **15.1 International Chiropractic Regulatory Forum (ICRF)**

#### **15.1.A ICRF/WFC/ACC Educational Conf., Sep 26-29, 2012, Perth, AU**

Dr. O'Connor referred members to the written report in their materials. He had opportunity to tour Murdoch University and was impressed with its up-to-date equipment and the compatibility of the various health care professions working together. It was good to meet, in their home jurisdiction, with the Australian regulators who attend the FCLB meetings.

#### **15.1.B ICRF/WFC Biennial Congress, Apr 10-13, 2013, Durban South Africa**

Dr. O'Connor and Ms. Liewer will review the necessity of having the ICRF meeting in Durban, South Africa, since the meetings will have been just six months apart. Donna Liewer will contact the ICRF leadership to discuss feasible outcomes. The 2013 FCLB budget allows for two attendees (one board, one staff).

## **16. Member Boards: Specific Issues**

### **16.1 Federal Licensure / Temporary Licensure**

Dr. O'Connor referred to a written report that described a last minute piece of US federal legislation introduced on 12/30/2012 pertaining to telehealth. Although it did not make it out of this legislative session, it does remind member boards of the need for provisional licensure and better use of technology to reduce public access to health care services.

## **16.2 Ohio Proposed Rule Changes**

Dr. Grossman referred members to materials regarding Ohio's comment period for several updates to their regulations. The board noted the Federation's commitment to encouraging terminology that permits greater worldwide practitioner mobility. Dr. Grossman has spoken with Dr. Farabaugh of the Ohio board and has offered to help with this process.

## **16.3 Wisconsin State Examination Requirements**

Dr. O'Connor referred members to the summary of Wisconsin examination requirements and 2013 schedule.

## **17. Examinations**

### **17.1 NBCE Exams (US)**

Dr. Saint-Germain reported there is a new Part IV exam site on the Palmer, Florida campus.

### **17.2 IBCE (International)**

Dr. Saint-Germain reported Dr. Kollasch was scheduled to administer an IBCE exam in Tokyo this weekend. Additional opportunities are also under discussion to provide examination services in other countries.

## **18. FARB**

As current FARB president, Ms. Liewer reported that FARB will be launching a public service entitled "Look Up a License" to assist consumers in locating government regulatory board resources. The program logo has already been added to the FCLB and several other federations' websites.

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## **STAKEHOLDER INTERACTION**

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## **19. CCGPP**

At their last meeting, Dr. Grossman spoke with the CCGPP board regarding FCLB concerns, to a positive reception. New CCGPP practice algorithms have been published and will be emailed to Ms. Liewer.

## **20. Recent Meetings**

### **20.1 FARB Board of Directors & Attorney Certification Seminar, Oct 4-7, 2012**

Donna Liewer provided a written report that addressed the ACS program topics, including FARB's Model Consent Order that is nearing completion. FARB will also be offering videos of its educational sessions for Continuing Legal Education (CLE) credits via the FARB website, and the FARB exam security video is available to members now.

Several legal presentations of interest included the Missouri chiropractic board's liability case, and sexual boundary violations and sanction options coupled with practitioner characteristics.

## **20.2 NPDB Executive Committee Meeting, Nov 8, 2012**

Donna Liewer provided a written report that described the merge of the NPDB and HIPDB, current federal priorities, opportunities to streamline and standardize the registration and reporting process for FCLB member boards, and current federal confusion about where (within the state board structure) to send malpractice reports to the boards. 2011 statistical data is scheduled to be released to the public by the end of the year; search terms should be clarified to more clearly identify the profession.

## **20.3 Summit XVIII / COCSA Meeting, Nov 8-11, 2012**

Dr. Grossman addressed the COCSA general meeting and presented the CCCA program which was well received.

## **21. Upcoming Meetings**

### **21.1 FARB Forum, Jan 24-27, 2013**

Ms. Liewer will attend.

### **21.2 National Chiropractic Legislative Conference, March 6-10, 2013**

Drs. O'Connor and Grossman, and Ms. Liewer will attend.

### **21.3 Summit XIX, Mar 6, 2013**

Dr. Grossman will attend.

### **21.4 ACC/RAC, Mar 14-16, 2013**

Drs. O'Connor & Otto, and Ms. Liewer will attend.

### **21.5 CFCREAB Annual Meeting, TBA**

Dr. Fahrendorf will attend.

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## **NEW BUSINESS**

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## **22. New Business**

### **22.1 Clear Protocol**

Connecticut requested any information FCLB has on this protocol. The board of directors did not have any information to provide, and noted that FCLB does not endorse any products or services. A PowerPoll will be conducted to see whether any FCLB member boards have information to share.

### **22.2 Minnesota Board Concern About Referral Organizations**

Dr. Spicer discussed a MN board concern about referral organizations advertising on TV, billboards, etc. Accident victims are being solicited to call a number for referral.

**M/S Grossman / O'Connor to recess until 8:30 a.m. Saturday. *Passed, no opposition***

**SATURDAY, JANUARY 19, 2013**

As chair, Dr. Pennebaker called the meeting to order at 8:42 a.m. Ms. Liewer noted all directors and staff continued to be present as listed with the exception of legal counsel, Dale Atkinson.

**23. Committee / Task Force Appointments - Approval**

**M/S Spicer / Coon to approve the president's appointments to FCLB Standing Committees for 2013 as discussed. *Passed, no opposition***

By consensus the board offered a courtesy approval of the president's appointments to all other special committees and task forces as discussed.

Committee chairs will notify all members of their committees of any changes.

**24. Model Practice Act: Updates to Recordkeeping Section**

**M/S Jafari / Fahrendorf to update the FCLB Model Statute and Regulations for Chiropractic Recordkeeping as modified and post on the FCLB website. *Passed, no opposition***

**25. Finance: 2013 DRAFT Budget**

Dr. Jafari requested review of the board's current per diem and honorarium. The board noted that the 2013 budget did not support an increase. This item can be revisited at a later date if revenues permit.

**M/S Spicer / O'Connor to approve the 2013 budget totaling \$765,550. *Passed, no opposition***

**26. Long Range Goals**

The board reviewed and assessed the goals set at the July 2011 board meeting, and then prioritized current and future goals.

Staff was asked to provide an electronic copy to the board of the goals and priorities.

**M/S Grossman / O'Connor to adjourn at 11:05 a.m. *Passed, no opposition***

***NEXT FCLB BOARD MEETING: March 12, 2013  
6:30 PM Mountain Time via Teleconference***