



Federation
of Chiropractic
Licensing Boards

MEETING

FCLB Board of Directors

Friday, July 22, 2011

NBCE Elliott Building, Greeley, Colorado

MINUTES

Approved via e-ballot

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 (Unable to attend)
Maggie Colucci, D.C., District IV Director (Unable to attend)
Michael Coon, D.C., District V Director

ADMINISTRATIVE FELLOW DIRECTOR:

Larry Spicer, D.C., Administrative Fellow Director

ALTERNATE DIRECTORS:

Kirk Shilts, D.C., District III Alternate 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

GUEST:

Dan Cain, Cain Consulting Group, Inc.

MEETING DETAILS

I. Call to order, roll call, announcements

Dr. Pennebaker called the meeting to order at 2:05 p.m., July 22, 2011. Ms. Liewer noted board members, staff, and legal counsel present as listed. Dr. Pennebaker noted Dr. Shilts, District III Alternate Director, would be representing the District in the absence of Dr. Jafari.

Dr. Pennebaker commended everyone for being present on time and welcomed Mr. Dan Cain who observed the meeting in preparation for the planning meeting the next day.

Dr. Grossman thanked the board for allowing him to serve as chair the past two years and wished Dr. Pennebaker the best in his new role as board chair.

II. Agenda

M/S Grossman / O'Connor to approve the agenda modifications. *Passed, no opposition*

III. Minutes

By consensus, the board corrected the minutes from Saturday, May 7, 2011, to change references to "executive board chair" to "board chair."

CONSENT AGENDA

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

CONSENT AGENDA MOTIONS:

1. To approve the Minutes for the May 3, 4, & 7, 2011, board meetings as modified.
2. To approve the president's nomination of Dr. Kendra Holloway from Life West to the PACE Review Team for a three year term from August 2011 - July 2014.

GOVERNANCE

1. Financial Report

1.1 Budgetary issues

Dr. Grossman reviewed the finance report in the board materials. Dr. Wolfson was thanked for his contribution to the student scholarship fund.

The board reviewed the annual conference statistics, income, and expenses noting the increase in paid attendance for 2011.

Dr. Grossman explained the mid-year audit protocols to be conducted as part of the ongoing financial accountability. A successful test run of the two step process was conducted at the Greeley office earlier in the day.

M/S Grossman / O'Connor to adopt two additional steps as audit protocols to include a monthly treasurer review of the general journal entries and a surprise review of current fiscal year accounting entries. *Passed, no opposition*

There were no questions about the financial reports.

1.2 Fund raising guidelines for non-profits

Ms. Liewer presented a PowerPoint outlining the rules and regulations concerning fund raising for 501(c)(3) corporations. Dr. Colucci has experience in this area and has volunteered to coordinate a fund raising auction for the 2012 annual conference.

M/S Grossman / Coon to enlist Dr. Colucci's services as chair and to provide support for a fund raising auction in conjunction with the 2012 annual conference. *Passed, no opposition*

The board noted that the auction will take place in conjunction with the conference's off-site event.

2. FCLB Board of Directors

2.1. Use of BOD website

Kelly Webb is available to give individual tutorials in using the secure BOD website.

2.2. Board policy manual

Dr. O'Connor reviewed the FCLB Board Code of Conduct.

M/S Spicer / Fahrendorf to establish a committee to review the Board Policy Manual.
Passed, no opposition

Dr. O'Connor appointed Drs. Spicer, Pennebaker, and Fahrendorf to the committee with Dr. Spicer serving as chair. The committee is to complete their review and report back to the board at the September 13th board meeting. Comments on the Board Policy Manual should be e-mailed to Dr. Spicer with a copy to Ms. Liewer.

2.3. Adjusting table at 2012 conference

The board discussed the legalities and logistics of having an adjusting table and offering chiropractic services at conference.

3. Legal issues

M/S Spicer / O'Connor to enter into executive session. *Passed, no opposition*

Staff was invited to remain. Mr. Cain was excused.

M/S Grossman / Saint-Germain to exit executive session. *Passed, no opposition*

There were no actions taken in executive session.

4. Committees

4.1 Model Practice Act

Dr. O'Connor welcomed Dr. Shilts, task force chair, to the meeting. Dr. Shilts reviewed the history of the document and discussed the current status requesting direction from the board.

By consensus, the board directed the task force:

Overall Document:

- to strike the entire sentence referring to legend pharmaceuticals and operative surgery in the current draft under the statutory definition of chiropractor
- to retain the title "Model Practice Act" be kept and to add the following subtitle: "A Reference Guide for Regulatory Language"
- to retain the Disclaimer as drafted following the Introduction

Chiropractic Assistants Model Language:

- to move forward with model language for the chiropractic assistants program
- to clarify that clinical chiropractic assistant interns must be under Direct Supervision as defined elsewhere in the draft model language
- to ensure that the definition of Direct Supervision is compatible with current ICD codes
- to propose approximately 24 hours of didactic training in the model regulations

- to propose a minimum of three hours of continuing competence over each biennium

Dr. Shilts commented that travel to treat is the remaining component of the MPA to be addressed this year, and that it will relate closely to the work of the sports mobility task force.

4.2 Membership issues

Dr. Grossman reported he is in dialogue with the Georgia board and requested the FCLB board to delay any action regarding its their membership status at this time. By consensus, the board agreed.

Dr. Grossman will also contact the Puerto Rico board.

FCLB PROGRAMS & SERVICES

5. District meetings

Ms. Liewer reported all hotel contracts have been signed for the district meetings. The meeting structure will be designed for more interactive participation than in the past. The staff will provide a uniform agenda in coordination with district directors and incorporate any additional topics as requested for individual meetings.

6. Annual conference

Kelly Webb referred the board to the conference evaluations in their board materials. There was positive feedback in all areas. Staff uses the comments when making decisions about future meetings.

REGULATORY ISSUES

7. Certified clinical chiropractic assistants

Progress is underway by NBCE to develop an examination to be used as part of a national certification program.

STAKEHOLDER INTERACTION

8. Recent meetings

8.1 Summit XIII: Marietta, GA - June 2, 2011

Dr. Grossman referred members to his written report. Dr. O'Connor thanked Dr. Grossman for representing FCLB at the Summit meetings. Staff noted that invitations to district and annual meetings continue to be sent to the Summit partners.

9. Upcoming meetings

9.1 FARB Leadership Forum: Chicago, IL - July 27-30, 2011

As FARB's current president, Ms. Liewer will also represent FCLB. She reported that the agenda includes a variety of testing issues and NBCE will be in attendance to address this topic.

9.2 PACE: Park City, UT - August 4-7, 2011

Ms. Liewer, Kelly Webb, Dr. Colucci, and Dr. O'Connor will attend. Ms. Webb referred the board to the written report about the upcoming meeting in their materials, noting the emphasis will be on developing the course review rubric.

9.3 Summit XIV: Orlando, FL - August 25, 2011

Dr. Grossman will represent FCLB.

NEW BUSINESS

10. Regulatory agencies test score requirements

Dr. Saint-Germain discussed the issue of differing requirements by various regulatory agencies for a passing score on NBCE exams. Dr. O'Connor will continue dialogue with ACC on this matter.

11. CAC Annual Meeting: Washington, D.C. - October 20-21, 2011

M/S Otto / Grossman to approve Ms. Liewer to attend the CAC meeting and present about disciplinary issues on FCLB's behalf. *Passed, no opposition*

12. Application for honorary fellow status

Board members who are not currently serving on their board were requested to complete the application for Honorary Fellow status.

13. Travel vouchers

Dr. Grossman announced the IRS has increased the business travel rate to 55¢/mile as of July 1, 2011. Travel vouchers with the new rate have been distributed and are also available on the board's secure website.

M/S Otto / Grossman to recess the meeting at 5:25 p.m. and reconvene the next morning at 8:30 a.m. for the planning session. *Passed, no opposition*

Saturday, July 23, 2011 Greeley, Colorado

Dr. Pennebaker called the meeting back to order at 8:30 a.m.

Board members, legal counsel, and staff continued to be present as listed the previous day. Guest, Mr. Dan Cain, was present to facilitate the planning session.

Dr. Spicer asked when district meeting registration would be available. Ms. Liewer reported it should be approximately a week as some of the data is being refined.

The board then went into its planning session, facilitated by Mr. Dan Cain. By consensus, the focus was on implementation of FCLB's current priorities in addition to outlining long range plans.

ACTIONS

PACE

Dr. O'Connor offered to contact the current PACE recognized providers to prepare a vote on amending the PACE annual recognition fee.

The board established a goal of having a minimum of three more jurisdictions accept the PACE program by the January 2012 midyear board meeting, identifying an initial priority list. Board members will report any information they know about the priority states, to include contact people and known issues. Staff will provide information about the PACE program to assist the board members.

M/S Saint-Germain / Grossman to initiate the process to allow the board of directors to change the PACE annual recognition fee for its for-profit providers from \$10,000 to \$1,000; and for non-profit providers from \$1,000 to \$0. *Passed, no opposition*

M/S O'Connor / Coon to initiate the process to amend PACE Policies and Procedures to give authority to determine the PACE fee structure to the board of directors. *Passed, no opposition*

Project reports

Dr. Saint-Germain asked the staff to investigate software that would provide project reports for the board for review at the September 13, 2011, BOD meeting. If possible, the software should coordinate with FCLB's various on-line platforms.

Grants / other outside funding

The board reviewed the status of current projects and grants, and agreed that Dr. O'Connor will initiate outreach for several possible funding projects.

Certification for Clinical Chiropractic Assistants

The board discussed the components of a certification program that could be relied upon by regulatory boards and others to ensure that CAs who assist with therapies are uniformly and appropriately credentialed, to include a national examination. Drs. Otto and Shilts agreed to work with Mr. Atkinson and Ms. Liewer to outline the core components of a national certification program in time for the September 13, 2011, board meeting. States with existing CA certification will be included in the design discussions.

Promotion of the Honorary Fellows program

Dr. Coon volunteered to outline a program to recognize and involve FCLB Honorary Fellows no later than the January 2012 midyear board meeting. This will include developing a mailing / contact list of Honorary Fellows and designing a recognition system. One possibility may be to promote this as an "Alumni District." Discussions about this general concept will be held at the 2011 fall regional meetings.

Model Practice Act

Dr. Shilts and his task force will complete the two sections of the Model Practice Act (CA regulation and provisional licensure for temporary mobility) for the board's review at the September 13, 2011, telephone conference call meeting. The board established a goal of adopting the entire document by July 2013.

Midyear meeting

Staff will coordinate with NBCE to set the date for the January 2012 midyear board meeting, with every attempt to schedule the meeting to coincide with the annual student leadership meeting hosted by NBCE.

Member board awareness of the value of FCLB services

Dr. Pennebaker volunteered to outline a program to help orient member boards and their new board members about the Federation's services, with the details to be presented at the January 2012 midyear board meeting. Part of the emphasis will be on how to involve the delegate and alternate throughout the entire year, to include a delegate responsibility sheet. District directors will oversee their delegates. A DVD or other electronic educational program may be developed.

FCLB branding

Drs. Grossman and O'Connor offered to investigate options for professional branding of the FCLB for the January 2012 midyear board meeting. Two specific target audiences: chiropractic regulatory board members and potential PACE providers. The investigation will include reviewing what other federations have done and identifying costs, and how this will clearly help FCLB.

Additional sources of funding

Dr. O'Connor will spearhead exploring a variety of grant sources, reviewing what other federations do to generate income and for fundraisers, and taking a fresh look at every FCLB project for its potential to generate income.

Meeting format

The board agreed that the current telephone conference format is preferred over Skype or webinars at this time.

Mission statement

By consensus the board agreed that the FCLB's current mission statement should continue without amendment.

Bringing directors up to speed

Dr. Shilts and Dr. Fahrendorf agreed to contact Dr. Jafari and Dr. Colucci respectively concerning the discussions and outcomes of the board meeting and planning session.

Mr. Cain presented concluding remarks, complimenting the board for their participation, thoughtful discussion, and goals set to move the FCLB forward.

The board expressed its appreciation to Mr. Cain for facilitating the discussion.

Dr. Grossman announced there would be a maximum of four travel days per diem and honorarium approved for this meeting.

M/S O'Connor / Spicer to adjourn the meeting at 3:05 p.m. *Passed, no opposition*



Donna M. Liewer
Recording Secretary

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

Next Meeting

**Tuesday, September 13, 2011
6:30 p.m. MDT**

via telephone conference call