



Federation of Chiropractic Licensing Boards
5401 W. 10th Street . Suite 101 . Greeley . CO 80634-4400 . USA
970.356.3500 ■ FAX 970.356.3599
e-mail: info@fclb.org ■ www.fclb.org

"Protecting the public and serving our member boards by promoting excellence in chiropractic regulation."

FCLB Board Minutes

January 10, 2003

PRESENT:

OFFICERS:

Wayne C. Wolfson, D.C., President
Richard L. Cole, D.C. Vice President (*present for Saturday meetings*)
N. Edwin Weathersby, D.C. Treasurer
David E. Brown, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

Oliver "Bud" Smith, Jr., D.C., Executive Board Chair & District IV Director
Patricia G. Conners-Allen, D.C., District I Director
LeRoy Otto, D.C., District II Director
Daniel Saint-Germain, D.C., District III Director
Steve Willen, D.C., District V Director

EXECUTIVE FELLOW DIRECTOR:

Kevin Earle, Executive Fellow Director

GUEST:

William Steinmiller, Prairie Star Technology (*present for Saturday meetings*)

LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson

STAFF:

Joan Carl, Bookkeeper (*present for Friday meeting*)
Julie Finn, Staff Assistant
Donna M. Liewer, Executive Director
Bridget Seader, CIN-BAD Administrator

I. **CALL TO ORDER / ROLL CALL** - Dr. Smith called the meeting to order at 1:15 PM and Donna Liewer called the roll. All members of the board, staff and guests present as listed. (*NOTE: Dr. Cole arrived later Friday night due to a schedule conflict and was present for the Saturday meetings.*)

II. **ANNOUNCEMENTS** - Dr. Smith made several announcements regarding the meeting schedule.

III. **APPROVAL - MINUTES FROM LAST MEETING** - Dr. Smith noted the board had already approved the minutes from the last meeting via electronic ballot. Dr. Weathersby noted several minor corrections which will be made.

IV. BUSINESS

1. **Finance Report** - Dr. Weathersby and Joan Carl reported on the current financial status and other items as noted.

A. 2003 Budget Discussions

Dr. Weathersby explained the budget had to address approximately \$90,000 in projected financial shortfall. The new efforts to generate sponsorships were noted, with appreciation to Dr. Willen for spearheading the project. Staff and board members were commended for ongoing efforts to cut expenses. The 2002 budget was projected to require support for the FCLB's modest reserves, but it appears we will end the year just barely in the black.

Overall budget for salaries has decreased 16% from the previous year, which already represented a 10% increase from the previous year. Primary saving has been from postponing filling a vacant staff position, with the duties assumed by other staff and board members. Mr. Atkinson commented that the percentage of the budget devoted to staffing is in line with other organizations of similar structure.

Board members are still requested to try to secure travel support from their jurisdictions if they are currently on a board - full expenses for all board members still cannot be covered.

Increased emphasis on e-communications has saved significant resources. Conference expenses were cut 18% last year.

A part-time PACE position is planned to begin later in 2003 to handle administrative tasks and will be combined with the bookkeeper position. The board noted that legal fees may also increase due to expanding our services through CIN-BAD and PACE. The development costs for PACE in 2002 exceeded the budget (twice the \$10,000 projected) with no development funds from other sources to date.

Computer projects - The board also asked about the status of various computer programming projects, including a possible maintenance agreement, and deferred further questions until Saturday when Mr. Steinmiller could be present.

The ALLDOCS database was reviewed, and the board directed staff to make completion and upgrading of the database a high priority. Discussion about raising fees for the first time in several years was postponed until Saturday when additional background information could be presented.

Dale Atkinson agreed to check on ways we might make the contribution toward staff health insurance non-taxable.

The board discussed polling members to determine the interest in compressing the agenda for regional meetings to try to cut a day off the schedule of the combined districts.

M/S Willen / Saint-Germain to adopt the 2003 budget as presented. Passed, no opposition

M/S Saint-Germain / Willen to direct staff to bring to the immediate attention of the board any items which exceed the budget by \$3500. Passed, no opposition

B. Dues Restructuring

Mr. Earle reported on the mixed responses received by the Federation in its recent straw poll of member boards regarding several dues structure alternatives. The board noted that member dues have not been increased in several years. After lengthy discussion, Mr. Earle offered to assist Dr. Weathersby in developing a possible revised dues structure for consideration by the board at the next meeting. In the meantime, staff was directed to release the dues invoices which have been on hold pending the results of the survey and board discussion. The board affirmed that adequate notice of any dues increase will be required by member boards to budget for their continued participation in the FCLB.

Dr. Saint-Germain noted the capitation basis under which the Canadian Federation of Chiropractic Regulatory Boards operates - \$12 per licensed doctor.

C. Audit

The board was informed the regular annual audit by the certified public accountant is scheduled for February 13 - 14, 2003.

2. PACE - update - postponed until Saturday so Dr. Cole could give the report.

Saturday report: Dr. Cole reported that the design seems sound, and criticism is primarily due to lack of understanding of the program. Discussion with various stakeholders has resulted in some possible modifications of the program:

A. Possible establishment as a separate entity of the credentials support service (Tentatively entitled Board Automatic Notification of Credentials - BANC).

B. Possible support to postgraduate departments for their assistance in maintaining attendance information

C. Need to address carefully any privacy concerns that educational institutions may have with regard to FERPA (Mr. Atkinson to research this.)

Dr. Cole noted the need to plan to engage staff time to gear up the program. He plans to have a five year general prospectus developed soon for the board's review. Educational materials need to be developed to more fully explain the PACE program to the profession. Information needs to be developed ASAP for the college presidents.

Dr. Cole also described the possible "departments" in the stable of program reviewers, to ensure we have expertise available in all areas and asked for board feedback on any areas which may be missing. College presidents will be asked to forward nominations to serve on the Review Teams.

The board authorized Mr. Atkinson to research necessary steps to register the PACE program as our intellectual property. Donna Liewer noted her web research resulting in over two dozen programs which use the PACE acronym in conjunction with continuing education.

The board noted the CCE is focusing on overseeing the diplomate and residency programs in postgraduate education, not the target content seminars.

Finally, the board learned the PACE project may run at a loss for about five years before it can begin to recover its development costs. Dr. Cole described some ideas to seek outside support to offset these costs.

Dr. Cole and the other members of the development committee were commended for their tireless efforts and visionary contributions to the PACE program.

Mr. Steinmiller then presented the template for the web component, demonstrating how information could be obtained and distributed. The information would flow directly into a master database, and would generate e-mail to reviewers and facilitate tracking applicant progress. A program search feature for practitioners was also reviewed.

3. NAFTA - request from ACA for comment - Mr. Atkinson provided a brief overview of the interface between NAFTA and regulation, which is limited to a directive that "states should work toward uniformity." There is no preemption of state regulatory laws by NAFTA, which is designed to facilitate movement across borders.

Mr. Atkinson also noted that residency requirements for licensure have been struck down by the Supreme Court. Immigration laws may affect regulatory boards. Individuals must be legally present within the country where they are seeking licensure.

M/S Brown / Weathersby to authorize legal counsel Dale Atkinson to respond to the American Chiropractic Association, in consultation with Donna Liewer and Dr. Wolfson.
Passed, no opposition

4. Proposal - Drs. Foreman and Stahl: A New Chiropractic Paradigm for Regulatory Boards to Use When Dealing with Sexual Misconduct - Dr. Wolfson presented a proposal to develop a publication for use by member boards in dealing with sexual misconduct issues. Because the research

has recently been conducted by the authors for an updated monograph for NCMIC for practicing doctors, FCLB could secure the work at a cost many times lower than could otherwise be feasible.

The board expressed interest in the project provided that it would retain final editorial input and decision-making, and that FCLB staff not be burdened with extensive support in the research aspects. It is understood the publication will be completed sometime in the fall of 2003, and copyright would be maintained by the FCLB.

M/S Weathersby / Brown to engage the services of Drs. Foreman and Stahl to develop the publication as presented, subject to satisfaction of the board. Passed, no opposition

5. Bylaws Changes - Dr. Brown presented a possible bylaws change regarding Fellows status for the board's consideration.

M/S Weathersby / Willen to support the concept of the proposed change pending further investigation into the idea by legal counsel. Passed, no opposition

NOTE: the proposed amendment was subsequently withdrawn.

6. 2003 Orlando Conference - Saturday Report: Dr. Wolfson provided an overview of the draft agenda being developed for the educational program for the board's review, which includes Dr. Scott Haldeman as Janse Lecturer, Becky Cherney as keynote speaker, and a focus on ethics by Dr. Joseph d'Oronzio. Scheduling maximum interface with WFC delegates is a board priority.

A. Sponsorship Program - Dr. Willen presented the draft letter to secure event sponsors on an "invitation only" basis, and the board reviewed the list of potential sponsors as developed by Drs. Willen, Weathersby and Wolfson. The ad hoc committee was thanked for their efforts to develop this new program.

B. Ideas to encourage more participation - Board members asked for regular updates regarding pre-registered attendance so they can make personal contacts to encourage greater attendance. Drs. Saint-Germain and Otto requested additional business cards.

Dr. Brown agreed to contact Drs. Jim Edwards and Daryl Wills to secure their support in encouraging SACA attendance.

Dr. Cole offered to contact Dr. Rademacher (IL) to encourage ICA support and involvement (of students as well as other leaders), and potential conference sponsorship.

Dr. Wolfson pledged a personal \$1000 President's Scholarship to support the cost of one student leader to attend the conference and learn more about regulation. The board will establish this special fund and encourage others to contribute as well.

It was agreed that the registration fee would be deeply discounted (by almost half) to encourage student participation.

C. District Elections - Districts III and IV will hold elections this year on Saturday morning during the district breakfasts.

D. New attendee training / orientation - Thursday morning - Dr. Julia McDaniel (VT) has offered

to present the program again in conjunction with her committee.

- E. ACBA** will host its all day educational program on Wednesday
- F. Friday night social event** - Guest tickets \$55 - Columbia's Restaurant
- G. Saturday Night WFC Gala** - all tickets \$50

In addition, the board reviewed the nominations procedures for the various FCLB awards, several PR ideas, and noted that on-line registration has been available since Friday, January 3, 2003. It is anticipated the conference registration fee will need to be increased next year.

7. Examinations - Dr. Wolfson gave an update on the National Board of Chiropractic Examiners, noting that the optional acupuncture exam will now be offered twice a year and requires 100 hours of education as a prerequisite. The certificate will certify successful completion of the exam, not necessarily competence in acupuncture.

The board took under advisement the request from the American Academy of Chiropractic Physicians to support an advanced practice examination.

The board discussed in broad terms whether regulatory boards might find useful an examination in ethics. It was agreed the overall conference theme focus on ethics is timely and we can see if any action items are generated by the conference.

8. Accreditation - Dr. Wolfson and Mr. Atkinson gave a brief overview of the various issues involving accreditation of chiropractic education. The agenda item was continued on Saturday when Dr. Cole could join. **Saturday report follows:**

A. Trois Riviere - Dr. Saint-Germain distributed a copy of the current status of this Canadian program with CE-Canada and gave permission for the statement to be posted on the FCLB website.

B. Mr. Earle reported on the **NJ Board visit** to Life University's College of Chiropractic.

C. Dr. Wolfson reported that the newly proposed **Doctor of Chiropractic program in Tallahassee** has hired Dr. Al Adams as its director.

D. The board noted several requests for **clarification of the Palmer lawsuit** against the CCE and agreed to ask the CCE to provide a summary that we can distribute to our member boards.

E. Possible CCE Bylaws and Standards Changes - the board reviewed a draft document for possible distribution at the Sunday annual meeting of the CCE Board of Directors, and postponed a final decision to Saturday, pending further review and the opportunity for Dr. Cole to participate. The issue of CCE's proposal to remove FCLB nominating authority to the CCE Board of Directors was discussed at length. Also discussed were the CCE's two year demonstrated compliance requirement for new applicant programs and proposal to require physiotherapy education as part of the core DCS curriculum.

9. Tech Report - Bill Steinmiller's report was rescheduled for Saturday.

Saturday report: Mr. Steinmiller described the progress in programming for on-line reporting by regulatory boards. He also noted the federal government has completely changed the file layouts and processes twice (so far) for data submission.

He explained that ALLDOCS data can easily be upgraded when obtained, now that an upload utility has been installed.

FRED (internal information management software) is almost ready for remote web access for the board and staff.

The conference registration program and website are also completed.

The board discussed developing a central database of laws and rules but concluded it would not be financially feasible, and that PowerPoll and searches of legal databases such as West law may be the best alternative. Mr. Steinmiller reported he has been thinking about how former PowerPoll data can be brought into current useful access, but no plans have yet been finalized for this.

Finally, he noted that the plans electronically conduct PowerPoll for access by member boards are well underway, at no charge to the FCLB as he has been working on polling programming for other business uses.

10. Committees - Saturday Report:

A. Role of the Nominating Committee - Dr. Conners-Allen noted the positive response at the regional meetings to her draft document to clarify the role of the FCLB Nominating Committee. Board members suggested several clarifications to the proposed interview process, including confirming that the interviews and deliberations of the committee should remain confidential.

M/S/ Conners-Allen / Brown to adopt the process as distributed and discussed at the 2002 fall regional meetings with clarifications. Passed, no opposition

B. Qualifications to Perform Spinal Manipulation - Dr. Smith provided an update, noting appreciation to Dr. John Triano for handling much of the research and work in this area. The board discussed distribution options for the project when completed, with a consensus that a web-based publication may be preferred.

The committee anticipates having a completed report (with references) for review by the FCLB board of directors in March.

C. New Distance Learning Task Force - Dr. Wolfson advised the board he has been considering developing a new committee to study this. Dr. Willen expressed interest in serving on the task force.

D. President's appointments to Standing Committees - In accordance with the bylaws, the board reviewed the president's proposed appointments to the Finance, Bylaws & Resolutions, and Nominating Committees.

M/S Conners-Allen / Saint-Germain to approve the president's appointments to Standing Committees. Passed, no opposition

E. Overview - additional Presidential appointments - the board agreed to give a courtesy review to the president's appointments to Special Committees via electronic consensus.

11. CIN-BAD report - Saturday: Bridget Seader described her written report, noting that CIN-BAD is currently very stable, and generating revenues which are very close to the previous year's. The board reiterated its encouragement to bring the revitalize the ALLDOCS database with more current data as soon as possible.

Ms. Seader noted that 29 states have elected to use FCLB as their reporting agent to the HIPDB. Constant programming upgrades have been required to accommodate changes in HIPDB policies and procedures, but the FCLB also gains data for CIN-BAD and performs a valuable member service by continuing to report for members.

Finally, on-line actions reporting is now the preferred choice of 32 US and one Australian states, reducing time and increasing accuracy.

The board reviewed the access fees for commercial and public access and noted they have not increased since the program was initiated. Access will continue at no charge for member boards.

M/S Conners-Allen / Weathersby to increase CIN-BAD fees as follows: \$25 for individual, staff-conducted queries, \$3 per general search and \$13 per generated report, effective March 1, 2003. Passed, no opposition_

12. Future conferences - Saturday Report:

A. 2003 regional meetings:

Districts I and IV - Oklahoma City, OK

District II - Louisville, KY

Districts III and V - New York

B. 2004 Annual Conference - Denver contract signed with the downtown Weston at Tabor Center for May 5 - 9, 2004.

C. 2005 Annual Conference - District III - The exchange value of the dollar as well as the potential draw of Montreal was discussed, as was the fact that the last time FCLB met in Canada was in 1984.

M/S Willen / Otto to explore Montreal, pending securing feedback from member boards. Passed, no opposition

13. Upcoming meetings: Saturday Report

A. CCE - Scottsdale - 01/12/03 - Drs. Wolfson, Cole and Weathersby to attend

B. ACC - New Orleans - 03/13-16/03

M/S Weathersby / Brown to authorize Dr. Rick Cole (and Dr. Wolfson if his schedule permits) to represent the FCLB at this meeting. Passed, no opposition

C. FARB - Austin - 02/06-09/03 - it was noted that Donna Liewer and Dr. Brown would be attending. Dr. Brown will lead one of the small group sessions and Ms. Liewer is on the FARB Board of Directors. A meeting with the regulatory officials from physical therapy and veterinarians is also scheduled to discuss the public protection aspects of animal care by other practitioners.

D. CFCRB - Quebec City - 03/7-9/03 - by consensus, the board authorized Dr. Cole to represent the FCLB at this meeting and to discuss the PACE program.

14. Personnel Update- Executive Session: Saturday

M/S Brown / Weathersby to ratify the personnel actions taken in executive session regarding the executive director's contract. Passed, no opposition

The board took additional action on personnel compensation during executive session.

15. Strategic Plan - Review, Plans to Update

The board suggested we work with Atkinson & Atkinson to explore a format for developing a new long range vision, since we've accomplished most of the goals which were identified during our last engagement. Mr. Atkinson was asked to prepare a formal proposal by May for serving as a consultant in this area as their firm performs this service for other associations of regulatory boards.

V. OTHER BUSINESS

1. On-Line License Renewal - Dr. Otto encouraged the FCLB to explore providing this service for member boards, offering cost saving through the economies of scale, and a potential income source for FCLB. Drs. Otto, Willen, Conners-Allen and Mr. Earle offered to lead a study effort into this project. Staff was directed to develop a PowerPoll to determine the level of interest of member boards in a combined effort of this nature.

Donna M. Liewer

Recording Secretary

For Questions Contact: info@fclb.org