

# REGULAR MEETING

FCLB Board of Directors

Tuesday, July 8, 2003

Via telephone conference call

6:00 p.m. MDT

## MINUTES

### PRESENT:

#### OFFICERS:

Richard L. Cole, D.C., President  
N. Edwin Weathersby, D.C. Vice President  
Oliver "Bud" Smith, Jr., D.C., Treasurer  
Wayne C. Wolfson, D.C., Immediate Past President

#### EXECUTIVE BOARD OF DIRECTORS:

Steve Willen, D.C., Executive Board Chair & District V 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  
Ronald Tripp, D.C., District IV Director

#### EXECUTIVE FELLOW DIRECTOR:

Kevin Earle, Executive Fellow Director

#### LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson

#### STAFF:

Donna M. Liewer, Executive Director

- I. **CALL TO ORDER / ROLL CALL** - Dr. Willen called the meeting to order at 6:02 PM MDT. Donna Liewer called the roll - all present as listed (Dr. Wolfson joined the meeting during the financial report and Dr. Otto joined during accreditation issues.)
- II. **ANNOUNCEMENTS** - Dr. Willen noted the board's concern for Joan Carl, whose husband David recently passed away. The board also expressed sympathy for the family and friends of Dr. Fred Barge who died suddenly last week. Dr. Ron Tripp was welcomed to his first full board meeting as the newly elected District IV director.
- III. **MINUTES FROM RECENT MEETINGS**

*1. Orlando - 4/30/03 and 5/3/03 - meetings of the full board of directors*

**M/S Smith/Weathersby to approve the 4/29/03 minutes as presented.**

*Passed, no opposition*

**M/S Smith/Tripp to approve the 5/3/03 minutes as corrected by Mr. Earle.**

*Passed, no opposition*

## 2. Executive Committee Conference Call 6/24/03

**M/S Smith/Cole to approve the Executive Committee minutes as presented.**

*Passed, no opposition*

## IV. BUSINESS

### 1. FINANCIAL ISSUES

Dr. Smith reported on highlights from the current Financial Status and Income / Expense Reports, which were distributed via fax. He noted the NBCE general support grant had been received and explained the funds will be transferred to short-term interest bearing accounts very soon. He also explained that the conference analysis will be complete for the September board meeting, as additional income and a few expenses are pending.

Dr. Smith also drew the board's attention to improvements in the design of the current voucher used by board members and other volunteers for reimbursement for expenses, if they do not have other funding options.

The directors discussed the draft policy guiding the utilization of outside consultants, and the underlying rationale to help maintain sound financial controls.

#### **POLICY: FCLB Utilization of Outside Consultants**

In order to control costs most effectively, engaging the services of outside consultants (such as legal counsel, computer consultant, accountant, or others where an hourly fee may be charged) shall be approved by the board.

In the event this is not logistically feasible, the Executive Committee or the President or the Treasurer may also authorize such access. The Executive Director may also engage such services directly provided the President or the Treasurer are informed.

**M/S Smith/Tripp to approve the policy as presented.** Passed, no opposition

Discussion regarding support for member boards with a centralized on-line license renewal service as a possible revenue source was postponed, but the board expressed an interest in re-surveying the membership to help determine whether it would be cost-effective to undertake this project.

Dr. Saint Germain commended Dr. Smith for his overall approach to the financial report, which Dr. Smith noted is a general continuation of past practice by previous treasurers. Detailed analyses will be presented when the board convenes in person, while financial highlights will be the focus during telephone conference calls.

### 2. COMMITTEES

A. **Reports** - The board reviewed reports submitted from committee / task force chairs:

- *Long Range Planning*
- *Governmental Affairs & Legal Advisory*
- *Ethics*
- *Clinical Competence*
- *Model Practice Act*

- B. **Maximizing the contributions of FCLB committees** - the board discussed how to better facilitate member participation on committee projects. The board noted the high level of involvement by many FCLB Fellows, Executive Fellows, and other stakeholders.

Dr. Cole explained that soliciting regular committee reports for the board meetings will help the board and committees stay in better communication, and noted not every group will have a report for every board meeting.

The committees have expressed interest in having more guidance and direction from the FCLB board of directors. The board discussed having liaison members from the BOD serve on some of the committees where such direct input might be helpful.

The board will review the current committee list for additional discussion in September, and with an eye toward soliciting ongoing involvement at the regional meetings, and assisting with the new appointments scheduled for January 2004.

### 3. TRAVEL UPDATE / REPORTS

- A. **Board Midyear Meeting in January, 2004 - Westin Hotel at Tabor Center** - members selected January 15 - 18, 2004 as the date for the Denver meeting. Sadly, it is unlikely Mr. Earle will be able to participate due to academic conflicts, but all other directors felt the schedule was workable. The formal board meeting will convene at 1:00 PM on Friday, January 16, 2004. Additional relevant meetings may also be scheduled in conjunction with the midyear meeting.

Directors may arrive either Thursday evening or Friday morning, and may depart after the meetings conclude at 5 PM Saturday or on Sunday morning, in accordance with their schedules and best flight connections. A \$99 room rate has been secured with the Westin Hotel, and the board will have an opportunity to preview this as the location of the spring annual conference.

*NOTE: Dr. Cole has requested that the Executive Committee plan to meet Friday morning, which will likely necessitate Thursday evening arrival for EC members.*

### 4. TECHNOLOGY REPORT

- A. **Update on tech projects** - Dr. Cole and Donna Liewer reported on meetings in Greeley with Bill Steinmiller. The updated central database (Super FRED) is now on line, and data is being converted from the old system to this current, more powerful tool. Super FRED will accommodate conference registration, multiple affiliations, e-mail, word processing merge, and other applications.

Donna Liewer also reported that as a result of Dr. Cole's Greeley visit and brainstorming sessions about FCLB's current and future needs, Mr. Steinmiller is now developing an Internet-based data access and participation program called "*Board Room.*"

Among other features, this software interface will support PowerPolls, provide "rooms" for committees to post work documents and chat with each other, monthly user support groups for CIN-BAD subscribers, news boards, posting policies and often-used forms, ListServe type services for board administrators and other identified interest groups, and a calendar-project tracking module. It is expected the program will be accessible for initial testing later this summer, with board access projected by fall.

Any type of Internet access, Internet Explorer 5.5 or higher, and appropriate password access to various modules (to be assigned by FCLB staff) are the sole requirements to participate in *Board Room*.

Dr. Willen noted the possible future application of this software to help member boards meet their increasing demands for Internet presence and controlled information exchange.

Because Mr. Steinmiller has done extensive programming in the past for us and for other clients, and because he is able to knit together some public domain modules, the time estimated to be billed to FCLB to bring the program online will be about 150 hours. Similar high power, multi-use software for corporate communications would take 12 - 18 months to develop and cost \$30,000+.

## 5. PACE UPDATE

- A. **General status and program needs** - Dr. Cole noted that extensive conversations with many different stakeholders has reduced a lot of the confusion and misunderstanding surrounding PACE. The Orlando forums also elicited several significant program improvements and policy language clarifications.

The next steps include rewriting several sections of the *Criteria* for clarity, refining the processes involving the review teams, securing staff support, developing necessary computer programming, and identifying funding to support the startup costs.

Dr. Cole described his vision that the vice president always be heavily involved in PACE to insure continuity and leadership expertise, which the board supported by consensus.

Target date to roll out for applications from program vendors is May 2004 during the Denver annual conference.

- B. **Small Associations** - Dr. Cole also reported on a request by Dr. Hal Bowen that the PACE design be structured to accommodate participation by small associations. He pointed out that state associations can either secure relicensure credits directly from the regulatory board, or they can partner with a PACE-approved provider if they wish to capitalize on the multi-state recognition benefits of the PACE program. The board is committed to continued dialogue with state associations to learn more about how PACE might be able to respond to their special needs.
- C. **Funding** - some possible sources of support were reviewed, noting the need for solid financial prospectus to facilitate discussions.
- D. **Trademarking** - the board discussed the possibility of hiring a professionally designed graphic logo for PACE (and possibly also an updated logo for FCLB.) Mr. Atkinson advised the board to budget one to two thousand dollars to handle trademarking through an intellectual property law firm. He can recommend a firm if needed.

## 6. ACCREDITATION ISSUES

- A. **LUCC** - Dr. Cole and Dale Atkinson reported that CCE and Life University have reached a settlement, and apparently the Court has ordered the details not to be disclosed. Dr. Cole reported this apparently restores the status of Life University College of Chiropractic to the level it had prior to revocation, which would be probation, but the details are not totally clear yet.

The board questioned whether member boards need more information in order to continue to rely on the accreditation process and how to handle LUCC program graduates. Without designated regulatory seats on the CCE board and/or Commission, the Federation is limited in being able to support our member boards. Dr. Cole has been invited to meet with CCE leadership this fall to discuss issues of mutual concern. The board hopes that additional information may be forthcoming to give guidance to the regulatory community.

Mr. Atkinson explained that this whole situation illustrates the importance of having statutes appropriately drafted to avoid problems.

- B. **Nominations** - The board also discussed the fact that the CCE has invited nominations to be submitted for the COA by the July 28 deadline.

The board was advised that successful nominees have both exceptional writing skills and recent site team experience. The directors discussed various options for enhancing the participation of level of licensing board members on site teams, including orientation workshops which could be held in conjunction with the regional and annual meetings.

The CCE contacts all regulatory boards via fax to let them know of opportunities to submit direct nominations for openings on the CCE board or commission.

Donna Liewer will contact the CCE to learn more about the organization's current needs for site team members, which will allow the FCLB board to determine an appropriate notification strategy for member boards.

## 7. REQUESTS FOR BOARD REVIEW, POLICIES OR SUPPORT

- A. **Quebec diagnosis issue** - Dr. Saint-Germain reported on the current ramifications of the court's ruling that the diagnosis obligations for DC's is outlined in the equivalent of regulations but not in statute. Possible appeals, patient demonstrations, discussions with newly elected government officials, and press conferences are all under consideration as this is considered a patient-protection issue.

**M/S Smith/Weathersby to support the Quebec document as presented. *Passed, no opposition***

The Federation will sign the request for support and send it either directly to the Quebec board office through Dr. Saint-Germain.

Dr. Saint-Germain also announced there will likely be a press conference around September 18-19 to discuss the public protection aspects of the diagnosis ruling, and requested an FCLB representative be authorized to attend. Outside funding for travel expenses will be identified.

**M/S Smith/Tripp to authorize an FCLB representative to attend and participate in the Quebec press conference. *Passed, no opposition***

- B. **Specialty Certifications or Diplomate programs** - Dr. Willen asked for the board's input on whether diplomate status from specialty councils can be removed from a DC with subsequent use of the credential reported to boards as advertising violation.

Mr. Atkinson advised that private sector processes are not bound by the same requirements as licensure and regulation. He noted that regulatory boards deal with

establishing and assuring minimum competency, where advanced education falls outside that standard. However, boards have a public protection interest in assuring that advertised credentials are accurately represented.

The board agreed that the Federation has confidence in individual boards to investigate and prosecute in accordance with their statutes and regulation.

They reviewed the recommendation of the North Carolina board legal counsel which affirms the rights of persons who previously earned status with a particular specialty council to continue to use that status, but which also support the council's requirement of current membership for people presently in the program, or for those who may participate in the future.

The board also noted interest in inquiring of the CCE about any progress made toward recognition of specialty councils by an objective accreditation or other review process.

Dr. Saint-Germain pointed out that the Canadian Federation of Chiropractic Regulatory Boards was empowered by its provincial members to review and award recognized status for specialty councils in Canada. It was suggested that Donna Liewer contact Peter Waite to learn more about this process.

Mr. Earle described the process used by medical doctors in recognizing specialty education, through a special board of specialty councils.

Donna Liewer will also contact David O'Bryon of the Association of Chiropractic Colleges to learn whether the ACC has taken any positions or action relating to specialty education and certification.

- C. **Collaborative Practice Document** - Dr. Cole reported that the boards of directors of the federations of all three professions (chiropractic, physical therapy, and veterinary medicine) have now agreed on the draft language for the collaborative document. The document was further refined to reflect concerns brought up by the FCLB board of directors. It is now headed toward the delegate assemblies for review and (hopefully) endorsement of the defined process.

Although changes can still be made, it becomes somewhat difficult logistically to change the document at this advanced stage. It was agreed to present the concept for discussion at the regional meetings to begin to familiarize the members with this approach to collaborative practice, with a formal resolution planned for May 2003 in Denver.

8. **2003 ORLANDO CONFERENCE** - Dr. Wolfson was commended for developing the overall program, which received outstanding evaluations from the participants. Dr. Smith expressed an interest in working with the annual meeting process to make it appear a little less formal.

The board discussed the generally positive reaction of most boards to the possible selection of Montreal as the host city for the spring 2005 conference. It was agreed to discuss this again at the regional meetings, but that hotel negotiations will need to be finalized shortly thereafter.

Dr. Wolfson expressed his willingness to work on the conference program for Denver. Investigational practices was suggested as a possible topic by the Louisiana Board of Chiropractic Examiners - the board felt this might be an excellent overall conference theme.

## 9. MEMBERSHIP ISSUES

- A. **Gaining greater participation by boards outside of North America** - Dr. Cole noted that some of the problems emerging in other countries are happening because they did not develop a regulatory framework before the chiropractic profession developed a significant presence. The board discussed how the FCLB can offer support in this type of development while affirming the right of nations to retain their own unique cultures.

The board encouraged Dr. Cole to extend the issue for consideration by the FCLB Long Range Planning Committee, and to include discussion in September and January of possible bylaws changes or other structural modifications which might position the FCLB to be more responsive to the international community.

## 10. REGIONAL DISTRICT MEETINGS

- A. **Update on locations, programs, poll regarding shorter meetings, deadlines, attendance**

District Directors reported most boards like the regional schedule as it is currently established. District II plans to add a half-day of meetings on Friday in addition to the Saturday schedule. Directors noted the roundtable sharing is one of the most popular features of the fall meetings, and that adequate time needs to be scheduled to accommodate this networking.

Various social event plans were also presented. It was noted that members would be invited to review the FCLB bylaws in the fall for recommended revisions.

Directors were advised to e-mail possible discussion topics to Donna Liewer. Dr. Cole will also suggest topics for the agendas.

## 11. STAFF / PERSONNEL ISSUES

- A. **Benefit Package for Hourly Staff** - Dr. Cole reported that during his field inspection of the Greeley work site, he discovered a need for a comprehensive benefit package analysis, as well as for some immediate addition of personal time off days as no sick leave is currently provided.

**M/S Cole/Conners-Allen to adopt the recommendation of the Executive Committee to add four additional days of PTO immediately for qualifying hourly staff. PTO will be re-evaluated pending the results of a comprehensive benefit study. Passed, no opposition**

- B. **Executive Director's Evaluation** - Dr. Cole asked Mr. Earle and Drs. Weathersby and Wolfson to serve on a work group to merge some written tools into a unique instrument which may be appropriate for evaluating the executive director. Mr. Earle agreed to fax the sample tools to Dr. Weathersby, as Drs. Cole and Wolfson already received them. It is hope the workgroup would have a report in about a month.
- C. **Non-taxable options for FCLB contributions toward private purchase health insurance** - Donna Liewer reported that investigations are continuing with various providers as recommended by Mr. Atkinson. It appears to be more difficult than originally anticipated, although some creative alternatives may emerge.

## 12. OTHER OLD BUSINESS

- A. **Dr. Stephen Foreman's work on sexual boundaries** - Dr. Cole reported that he is reviewing the final document prepared by Dr. Foreman as contracted by NCMIC. The intellectual property rights have been transferred to Dr. Foreman, who has expressed interest in making some minor transitional modifications and substituting this for the separate document the FCLB had tentatively contracted earlier this year. The outlook appears promising and this would result in substantial cost-savings to FCLB, while also allowing us to get valuable information into the hands of our member boards. A suitable publisher will need to be identified.

Dr. Foreman has also expressed interest in developing an on-line course of study for the FCLB, targeted toward ethics violators (not a license renewal program) for remediation and intervention by member boards. This would dovetail nicely with the NBCE ethics exam under development, and could provide a very helpful tool for our member boards.

Dr. Cole commented he will be working with the Ethics Committee, Dr. Foreman, and Dr. Wolfson (our representative to the NBCE ethics exam committee) to help coordinate all these efforts.

- B. **American Academy of Chiropractic Physicians** - Dr. Smith reported he had some excellent conversations with Dr. Reiner Kremer of AACP and his questions were resolved satisfactorily.

## V. NEW BUSINESS

There was no new business to come before the board.


## VI. ADJOURN

Next board meeting: *Tuesday, September 9, 2003*

Next Executive Committee Meeting: *Tuesday, August 26, 2003*

Deadline to submit topics: changed to *August 19, 2003* to allow preparation for the Executive Committee meeting.

The meeting was adjourned at 8:04 p.m.

  
Donna M. Liewer  
Recording Secretary