



Federation
of Chiropractic
Licensing Boards

Mid-Year Meeting FCLB Board of Directors January 15-16, 2016

Mandalay Bay Hotel, Las Vegas, NV

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
Maggie 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., Board Chair & District I Director
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, D.C., Administrative Fellow Director

ALTERNATE DIRECTORS:

Corey Rodnick, D.C., Alternate District V Director

STAFF:

Dr. Jon Schwartzbauer, Executive Director
Bridget Seader, CIN-BAD/Program Administrator
Kelly Webb, PR & PACE Coordinator

MEETING DETAILS

I. Call to Order, Roll Call, Announcements

Serving as chair, Dr. Winkler called the meeting to order at 8:33 a.m., January 15, 2016. Roll call was taken with noted board members and staff present as listed.

Dr. Winkler reminded the board that there may be guests stopping by throughout the meeting.

Integrity Check: Dr. Schwartzbauer asked the question regarding any outside influences that should be disclosed. There were no conflicts disclosed.

II. FCLB Master Calendar

Available on-line at BOD private section of the website.

III. Consent Agenda

M/S Oliver / Tays to accept the consent agenda as written (modified). *Passed, no opposition*

A. Standing Rules

to adopt standing rules to include recording the meeting and following procedure for motions. *Included in Consent Agenda motion.*

B. Board Meeting Agenda

to approve the board of directors meeting agenda for January 15-16, 2016, as presented and modify as needed to accommodate guests. Included in Consent Agenda motion.

C. Ratification - Electronic Minutes and Ballots

to ratify all electronic minutes and ballots since the last in-person meeting of the FCLB Board of Directors in May 2015. Included in Consent Agenda motion.

D. Board Policy Manual

1. Conflict of Interest Disclosure Procedure

Dr. Shilts commented that there are three steps to conflict of interest disclosures:

- 1) Having an integrity check at the start of each meeting for items on the meeting's agenda.
- 2) We need a bonafide conflict of interest statement within our policy manual.
- 3) We need to revamp our written conflict of interest disclosure form/policy, giving individuals the opportunity to disclose conflicts.

Dr. Grossman said he is in favor of this form and would like to review it within 90 days.

Dr. Rademacher questioned Item 3 on the proposed disclosure form that talks about if the Director is making application for employment with the FCLB they need to be removed from their responsibilities as Director – he recommends eliminating that statement. He asked if it could be re-worded to be better understood that should you go from directorship to direct employment your tenure as director is concluded, and the alternate automatically fills the obligation. Dr. Colucci said we could amend this to also include any officer.

2. Financial Policy on Independent Contractors

Dr. Shilts provided new language regarding a policy for independent contractors. Dr. Grossman requested we drop the six-month waiting period before a former board member could be hired as an independent contractor. Dr. Shilts agreed to removing the six-month restriction. Dr. Winkler asked Dr. Shilts to clean it up and the board will vote on it in May.

The meeting agenda was suspended to accommodate Dr. George Curry, President of ICA.

3. Financial Policy on Board Member Travel Days

Dr. Grossman reminded the board to get your vouchers in ASAP, saying it makes it much easier for the staff if you can get them in within a week.

Dr. Shilts provided draft language to clarify what constitutes a travel day, and what level of commitment is reasonable that the FCLB should pay you for your time away from the office? Dr. Grossman felt we should give our directors the discretion to make the decision. Dr. Winkler asked for a consensus of the board on how to proceed with this and said we'll revisit this in May.

IV. November Minutes

Minutes for the November 10, 2015 meeting were approved previously via e-ballot and posted on the FCLB public website.

LEGAL ISSUES

V. Legal Issues

1. Conflict of Interest

Dr. Winkler reviewed Board counsel's draft edits to the FCLB conflict of interest policy. Dr. Rademacher commented regarding the statement that if a director is seeking employment at FCLB they need to end their duties as director. He asked why this would preclude them from fulfilling their duties. He felt we were taking away their ability to serve their district. He also commented that the time period proposed in the draft is nebulous, that it doesn't specify when the leave of absence needs to start and when it ends. Drs. Grossman and Shilts commented that the language could be better and it could be cleaned up. Dr. Shilts said it is common for people to go from directorship to employment. This would include officers. He will make those amendments.

Dr. Winkler directed attention to Page 13 regarding the FCLB Board Policies & Procedures Manual. She stated she was unclear what the definition of "participant" is. Dr. Shilts explained it was any board member, committee member, or employee – anyone who participates with the FCLB. Dr. Rademacher suggested including a parenthetical series of inclusions of participants followed with an etc. He also suggested including the executive committee member and/or executive director next to "presiding officer" as well for clarification.

GOVERNANCE

1. Financial Report

1.1 Member Dues

- A. 2016 Dues Schedule
- B. Member Benefits

1.2 Finance Report

- A. Status Report
- B. Reserve Funds
- C. Restricted Funds
- D. Income/Expense
- E. Job Reports

Dr. Schwartzbauer referred members to the written reports in their materials.

Dr. Shilts pointed out that we have a surplus this year, which is unusual. We didn't take monies from our reserve fund and we put in 3% to the operating reserve.

The meeting agenda was suspended to accommodate Dr. Ray Tuck (VA) who gave an update on ACA.

There is \$144,000 sitting in cash reserve savings. He said the reason for the large surplus in 2015 was attributed to: PACE income (for-profits are applying but that will diminish); supporter income went up; Expenses and Payroll went down as well as payroll taxes and health insurance arrangements; Equipment and Maintenance was lower because staff chose a refurbished copier rather than buying a new one; Information Technology (IT) also went down (although this was a one-year reduction); Meeting expenses have gone down significantly and scaling back on the number of board members going to meetings has had an impact; Legal fees were down because we didn't have a lawyer at the Annual Meeting; the surplus also occurred because we tightened our belts.

1.3 2016 Preliminary Draft Budget

The projected 2016 budget was presented by Dr. Shilts via PowerPoint.

Dr. Schwartzbauer reported that looking at the 2016 budget, we anticipate that we'll be taking in less money and are considering taking money from the reserve fund to do

some software upgrading. Revenues are expected to be down next year and expenses will be down as well, projecting that we'll have an unallocated surplus again next year and still fund the operating fund again next year. Board reviewed a breakdown of actual vs. projected budgets.

Information Technology Discussion:

The system we currently use, called IMPAK, decided they will no longer support the system moving forward. Ms. Kelly Webb informed the board what this new program, Impexium, will be able to do for us moving forward. Impexium has bought our existing software company and is phasing out what we have to use their own software, which is from a user standpoint, significantly better. By sticking with this company they can take all the customizations that we have, which are significant, and absorb those so we don't have to pay for this customization to be re-programmed. Because we are an existing customer, they have offered us a 35% discount for the transition (which expired last August) but because we wanted to present this to the board in person they have extended that deadline until the end of January to give them our decision. Compared to other similar programs that we looked at, we found that all of those were significantly higher because all the custom programming would have to be re-programmed (CIN-BAD, PACE, CCCA). Dr. Schwartzbauer said staff spoke to references that were using IMPAK and made the transition to Impexium and they were all pleasantly surprised. Dr. Otto was comfortable with the staff's due-diligence and research they have done.

Dr. Shilts recommended moving in this direction to the point of transferring the money from tech support fund into the operating budget as well as increasing our budget every year to cover the ongoing maintenance. He said the Board needs to establish a final 2016 budget this weekend so be aware that the Board will be voting later in the meeting on this as well as moving money from our resources into the 12-month reserve fund and he said he will be making a recommendation for opening a Passport Reserve Fund.

1.4 To approve reallocation of \$25,465 of projected 2015 revenues to the Operating Fund effective 12/31/2015

Dr. Winkler called for a vote on reallocating a fund transfer to the operating fund.

M/S Shilts / Oliver to move \$25,465 (approximately 3%) of the projected 2015 revenue to the Operating Fund effective 12/31/2015. Motion passed, no opposition.

This will bring the total in the 12-Months Operating Fund to \$328,551 which would be approximately 39% of our 12-month goal.

The final vote to adopt the budget took place on Saturday after all topics had been discussed. (See Saturday Minutes page # 10)

2. FCLB Board of Directors

2.1 Statement of Commitment Form

Forms were passed out and signatures collected.

2.2 Review Financial Protocol for Board of Directors

A. Travel Voucher approval language

Dr. Shilts commented on travel voucher approval, stating he spoke with Ms. Oliver in regard to the language on the back of the voucher form addressing when the Treasurer will pay the bills (upon submitting properly executed paperwork that includes attachments and signatures.) He stated he wants to pay every single bill ASAP but needs specific information to be able to do so.

2.3 Other issues as needed

No report

3. Personnel

3.1 Cost of Living Adjustment

3.2 Paid Holidays

Dr. Schwartzbauer asked the Board to go into Executive Session for the purpose of discussing matters related to staff personnel.

M/S Grossman / Otto to enter into Executive Session at 1:50 pm to discuss staff personnel matters. *Passed, no opposition.*

Meeting resumed at 2:35 pm

M/S Grossman / Oliver to offer staff a one-time bonus of \$2,000 to be distributed at the Executive Director's discretion, a 5% salary increase and an annual additional paid holiday for Veterans Day. *Motion passed, no opposition.*

OPERATIONS

4. FCLB Technology & Communication

4.1 Website Usage Report

4.2 Outreach: Social Media & Regulatory Corner

Dr. Schwartzbauer commented that Ms. Webb is doing a great job with the website as well as Outreach via Social Media and her professional publication, "Regulatory Corner" articles.

5. Committees & Task Forces

5.1 Current Committees & Task Forces

A. Chiropractic Board Administrators

Dr. Schwartzbauer directed the Board to page 35 of the meeting materials for Ms. Carter's report.

B. Practitioner Mobility Task Force – Passport Credentialing

Dr. Shilts spoke about the possibility of exploring or redeveloping a temporary licensing component that we don't currently have, and he would also like to add temporary licensing language within our Model Practice Act. Dr. Otto would also like to revitalize the Passport Program.

M/S Shilts / Martello to reconstitute the Model Practice Act Task Force tasked with two issues: NC Board Exposure issue relative to the NC Supreme Court decision including suggested regulatory language from Board counsel Atkinson on this issue and develop a new section on temporary licensure. *Motion passed, no opposition.*

Dr. Grossman will make the appointment.

Dr. Colucci is proposing to the board to consider having a fund raiser in 2017 to benefit the Passport project. She is requesting two work groups: one for the mobility project to get out to the national level; the second one for fund raising and she would like the directors to be involved at some level to get it set up.

M/S Shilts / Grossman to establish a task force under the direction of Dr. Colucci to move forward with the proposed fund-raising event in Orlando in 2017, promoting the FCLB Passport Program and that there be two task force committees – one being a fund-raising element and the other being the regulatory Passport Project. *Motion passed, no opposition.*

C. Fraud Prevention & Identification & Governmental Issues Task Force

1. Merge or dissolve the two task forces

Dr. Grossman addressed the possibility of putting these two task forces together or not. He also spoke about the new Medicare enabling language being proposed by the ACA and chiropractic Summit group. He asked the board for their support of this position to move forward with the new Medicare language.

M/S Grossman / Shilts to support changing the Medicare enabling language reflective of the proposed Chiropractic Patient Freedom of Choice Act. *Motion passed, no opposition.*

5.2 Committee / Task Force Appointments - Approval

A. President's Appointments to Standing Committees

B. President's Appointments to Special Committees & Task Forces

The Finance & Audit Committee needs a new member as Dr. Harvey Garcia (SC) is no longer on his board, and one for the Resolutions & Bylaws Committee as Dr. Joel Weiss' (ND) term ends in August.

Dr. Grossman said he would like to appoint Dr. Michael Cavanaugh (LA) to the Finance & Audit Committee and Dr. Ben Lurie (NV) to the Resolutions & Bylaws Committee.

M/S Shilts / Rademacher to approve the slate of appointments to the Finance & Audit and Resolutions & Bylaws committees as a requested by Dr. Grossman. *Motion passed, no opposition.*

5.3 Upcoming Committee Meetings

A. Nominating Committee

There was nothing to report.

FCLB PROGRAMS & SERVICES

6. Certified Clinical Chiropractic Assistants

6.1 CCCA Program

Dr. Schwartzbauer referred the board to the written report on page 37.

6.2 CCCA video presentation proposal

Dr. Shilts commented that we need to put more advertising/promotions into our programs to get them to be successful. At the COCSA meeting he ran into Dr. Mark Mandel from the Parker Experience and Dr. Mandel mentioned that they offer videotape production services to the various state associations for promotional purposes. He had hoped we would be able to make that happen here in Las Vegas but it didn't work out. Dr. Shilts says having an explanatory video on our website is still something we need to do.

7. 2016 Annual Conference - Phoenix, Arizona

7.1 Theme: Regulating with Clarity

7.2 Overall Schedule / Program / Related Meetings; Lawyer attendance

Dr. Schwartzbauer suggested switching to a new model, starting our board meeting on Tuesday after lunch and then a full day on Wednesday. By moving forward with this plan some staff wouldn't have to report as early and there would be some cost savings there. He also felt it would add more continuity. He noted that the rest of the schedule is in the book. He said this change would also help accommodate board members who also participate on the NBCE board.

There was discussion on having Board Counsel Richardson there longer. Dr. Schwartzbauer said that there is money budgeted for a Tuesday travel day plus Wednesday through Saturday stay for Ms. Richardson.

7.3 Annual Business Meeting

A. January Membership E-mailing / Election Information

B. Deadlines

Dr. Winkler referred board members to the information on the Agenda.

C. Resolutions & Bylaws Committee Report

M/S Grossman / Tays to accept the Resolutions & Bylaws Committee recommendations. *Motion passed, no opposition.*

Dr. Grossman will contact Dr. O'Connor regarding the submission from the New Jersey state board.

M/S Vanterpool / Martello to recess until Saturday morning, January 16, 2016. Motion passed, no opposition.

SATURDAY, JANUARY 16, 2016

Dr. Winkler called the meeting to order at 8:36 a.m.

M/S Shilts / Vanterpool to reimburse Dr. Schwartzbauer the cost of beverages for the previous night's group dinner in the amount of \$312.23. Motion passed, no opposition.

7.4 Meeting Registration

7.5 Supporters

- A. Conference Supporters
- B. Conference Supporter levels increase
- C. Appointment of a Board Member to organize supporters

Dr. Schwartzbauer reported on new levels of conference supporters: Silver raised to \$500, gold to \$1,000. There has been no negative feedback. He said we need to have someone serve as chair of the support committee, working with him and Ms. Young. Dr. Grossman felt that Dr. Colucci has had great success in this area, and Dr. Vanterpool volunteered as well. Dr. Colucci asked the entire board to look over the list and see who they might know personally and have that connection. She said a letter is sent out but the follow-up is the key. Ms. Oliver suggested the formal letter needs to be refreshed. Dr. Schwartzbauer will send her a draft for her suggestions.

7.6 Wolfson Scholarship

Dr. Schwartzbauer reported that the board voted to allow the executive director to choose up to two students to attend our annual conference.

M/S Grossman / Rademacher to give the executive director the authority to appoint up to two students to attend the annual conference as Wolfson Scholars. Motion passed, no opposition.

The meeting agenda was suspended to accommodate Dr. Brian McAuley from Parker.

7.7 Educational Sessions

- A. Janse Lecturer - Wayne Wolfson, D.C.
- B. Friday Keynote - NBCE Decision
- C. All other sessions
- D. NBCE Day (Friday, April 29, 2016)

Ms. Oliver brought up a concern in Louisiana, stating that her board feels there is not enough regulatory board training at the conference lately. They feel like especially the new board members don't know what is going on and not enough training on "how to be a board member." Dr. Schwartzbauer said we can easily put together a program for this meeting, pull together a panel including Ms. Oliver, Dr. Hulteen and Dr. Spicer. Dr. Grossman asked Dr. Schwartzbauer to develop an educational program targeting new licensing board members for this May's meeting.

Dr. Otto, in summarizing the conference agenda, asked if we could name the Sunday wrap-up session something different. Maybe "Review of the Week"? "Highlights"? "Weeks Issues in Review"? He asked for a volunteer to participate – Dr. Rademacher volunteered.

7.8 Attendee / Guest Events

- A. Thursday reception - FCLB's 90th Birthday Celebration
- B. Friday evening activity - NBCE

7.9 Awards

- A. George Arvidson Award
- B. Pennebaker/Wiley Outstanding Board Award

- C. **President's Awards**
 - 1. **Special Presidential Recognition**
 - 2. **Pillars of Chiropractic Regulation**

No decisions have been made yet

- 7.10 **Letters of Invitation / Promotions planned**
Dr. Schwartzbauer will forward to Ms. Oliver for review.

- 7.11 **Alumni District**
 - A. **Luncheon - Thursday, April 28**

- 7.12 **Board Travel**
Dr. Grossman advised the board to get their plane tickets early. The Friday night NBCE event will be at the ball field in the Club Lounge.

8. Future Annual Conferences 2017, 2018 & 2019

- 8.1 **2017 Annual Conference: Orlando, FL – May 3-7, 2017**

- 8.2 **2018 Annual Conference: Austin, TX – May 2-6, 2018**

- 8.3 **2019 Annual Conference: San Diego, CA; Seattle, WA; Salt Lake City, UT**

Dr. Grossman commented that San Diego was a great place. He wasn't sure the Marriott was big enough to accommodate but felt Salt Lake City and Seattle was a whole different scenario, besides being more expensive.

M/S Grossman / Rademacher to give Ms. Finn the latitude to begin the process to meet in San Diego for the 2019 Annual Conference.
Motion passed, no opposition.

9. Districts

- 9.1 **2015 District Meetings**

- 9.2 **District Meetings Policy and Scheduling**

Dr. Shilts reported that we currently have two different processes in how we run our district meetings. Dr. Shilts recommended that we determine which is the better of the two and have a standard process and promote that one, choosing a format that is the most ideal. After brief discussion, no decisions were made.

- 9.3 **Next Highlights**

- 9.4 **2016 District Meeting Sites**

- A. **District I & IV: Colorado Springs, CO – October 13-16, 2016**

- B. **District II: Fort Walton Beach, FL – October 13-16, 2016**

- C. **District III & V: Nashville, TN – September 15-18, 2016**

- 9.5 **District Meeting Support**

Dr. Schwartzbauer encouraged the directors to look at where your meetings are going to be held, think about involving the association in that state. The support that we get can enrich or support us financially for these district meetings.

- 9.6 **District Meeting Group Activities**

Regarding group events, it was suggested that during your caucuses at the annual conference, explain to the members the process and come out with a group event/activity that will then give the staff time to put something together.

10. PACE

- 10.1 **Pace Update / Pre-Check**

Dr. Colucci reported that we're trying to reach having 37 states accepting PACE by conference time. She said that she and Dr. Shilts visited the vendors yesterday trying to get more CE vendors. Dr. Shilts said Massachusetts is going to do away with approving CE, similar to how CE is currently handled in Colorado. Dr. Grossman thanked Dr. Colucci for chairing this committee.

- 10.2 **Budget**

No in-person PACE meeting is planned for 2016; online and telephone training are budgeted.

10.3 PACE Provider Applications

Dr. Schwartzbauer referred to Page 53 of the board book. Dr. Shilts provided a resolution with talking points for PACE. The concept of having a PACE resolution before the membership this spring ties to Dr. Grossman's focus.

M/S Shilts / Grossman **to send the proposed resolution on PACE to the Resolutions and Bylaws Committee as drafted. Motion passed, no opposition.**

11. CIN-BAD

11.1 CIN-BAD Report

Ms. Seader referred the board members to the written report in their materials.

12. Official Directory

12.1 Directory Update

Ms. Seader referred the board members to the written report in their materials.

REGULATORY ISSUES

13. Accreditation

13.1 CCE-USA

A. CCE-USA 2016 Annual Meeting

13.2 Other Accrediting Agencies

14. International Issues

14.1 International Chiropractic Regulatory Collaboration

A. May 13, 2015 Meeting

Dr. Schwartzbauer said that even though we did not attend the meeting in Athens, Greece, Dr. Lisa Richard gave a CIN-BAD presentation to them on our behalf.

15. Member Boards: Specific Issues

15.1 State Requested PowerPolls

16. Examinations

16.1 NBCE Exams (US)

Dr. Otto reported that funds are down at the NBCE and are going to stay down.

16.2 CCEB Exams (Canada)

No report

16.3 IBCE (International)

No report

STAKEHOLDER INTERACTION

17. Chiropractic Organizations

17.1 Summit

Dr. Grossman reported that the Summit will be meeting in conjunction with our 90th Annual Conference, a monumental time in our history to have all leaders of our profession in one place at one time. They will also be invited to join us at the Thursday night reception/birthday party.

17.2 CFCREAB Update

CFCREAB has changed their name to the Federation of Canadian Chiropractic (FCC)

18. Recent Meetings

18.1 COCSA

Dr. Schwartzbauer reported it was a good trip and a great opportunity to speak of our

services to the associations. Dr. Shilts had a great conversation with Dr. Mandel to create a professionally produced video presentation about our CCA program for posting on our website.

19. Upcoming Meetings

19.1 General Report on Upcoming Meetings

Dr. Schwartzbauer will be going to FARB, NCLC and ACC/RCC in March.

NEW BUSINESS

20. New Business

20.1 Health & Safety, Youth Sports Concussion & Assessment & Physical Examination Regulations

Dr. Shilts mentioned that we should consider informing our member boards of Pre-Participation Examination and concussion evaluation regulation that each of their states enacted a few years ago which share similar wording, and consider how doctors of chiropractic would be included in these state regulations. Dr. Schwartzbauer will travel to visit Dr. Bill Moreau, Chair-USOC Medical Division to continue the conversation on how FCLB may be able to help with this issue.

20.2 FARB - Meal Sponsor Application

M/S Grossman / Colucci to authorize \$500 for a breakfast sponsorship for FARB leadership conference dedicated to the afternoon break.
Motion passed, no opposition.

2016 BUDGET (From Agenda Item #1 - 3)

M/S Shilts / Martello to establish a Passport Program Reserve Fund. *Motion passed, no opposition.*

M/S Shilts / Martello to transfer \$17,000 to the CCA reserve fund and to transfer \$20,000 to the Passport Program reserve fund from the 2016 operating budget. *Motion passed, no opposition.*

M/S Shilts / Rademacher to transfer \$16,100 from the IT Tech Reserve Fund into the 2016 operating budget. *Motion passed, no opposition.*

M/S Shilts / Martello to approve the 2016 budget as amended. *Motion passed, no opposition.*

21. Recap & Adjourn

Dr. Grossman congratulated staff and Dr. Schwartzbauer for preparation for this meeting and thanked Dr Winkler for running a great meeting.

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

NEXT FCLB BOARD MEETING
Tuesday, March 8, 2016
4:00 PM Mountain Time - Via Teleconference