



Federation
of Chiropractic
Licensing Boards

MEETING
FCLB Board of Directors
Tuesday and Wednesday, May 1-2, 2007
St. Louis, Missouri: Hyatt Regency Hotel

MINUTES

PRESENT:

OFFICERS:

N. Edwin Weathersby, D.C., President
Oliver "Bud" Smith, Jr., D.C., Vice President
Daniel Saint-Germain, D.C., Treasurer
Richard L. Cole, D.C., Immediate Past President

EXECUTIVE BOARD OF DIRECTORS:

LeRoy Otto, D.C., Executive Board Chair & District II Director
Carol Davis, D.C., District I Director
Lawrence O'Connor, D.C., District III Director
Ron Tripp, D.C., District IV Director
Farrel Grossman, D.C., District V Director

EXECUTIVE FELLOW DIRECTOR:

Joe Baker, Jr., Executive Fellow Director

LEGAL COUNSEL:

Dale Atkinson, J.D., Atkinson & Atkinson

STAFF:

Donna M. Liewer, Executive Director
Joan Carl, Finance Director
Julie Finn, Executive Assistant
Bridget Seader, CIN-BAD & Special Projects Administrator
Kelly Webb, PACE Coordinator

I. CALL TO ORDER / INVOCATION / ROLL CALL

Dr. Otto called the meeting to order at 1:42 PM CDT. Dr. Weathersby offered the prayer. Donna Liewer noted board members, legal counsel, and staff present as listed.

II. ANNOUNCEMENTS

Dr. Otto welcomed Dr. Grossman to his first FCLB board meeting.

III. HOUSEKEEPING

A. APPROVAL OF AGENDA

M/S to approve the agendas for the board meetings throughout the week as presented and suspend it when necessary to accommodate guests. *Passed, no opposition*

B. APPROVAL OF MINUTES

M/S to accept the minutes from the March 20, 2007 board meeting as presented. *Passed, no opposition*

C. REAFFIRMATION OF CONFERENCE POLICIES

M/S to reconfirm FCLB policies regarding attendance and participation at FCLB Board of Directors Meetings, designating conference spokespersons, and defining the registration requirements governing voting delegates and alternates with special circumstances. *Passed, no opposition*

D. RECORDING MOTIONS

M/S To discontinue recording names of persons who make motions in the board meeting minutes, effective with the May 1, 2007 meeting.
Passed, Mr. Baker and Dr. Cole opposed

E. OVERVIEW OF ST. LOUIS CONFERENCE PROGRAM

Dr. Weathersby reviewed the conference agenda, noting times when board members need to be available. Bus hosts for the Logan University trip were identified. The possible uses of the developing Model Practice Act were discussed, with a reminder that it is still in draft stages and may be ready for board review and adoption before the end of the week. The process for acknowledging both conference sponsors and honored guests was discussed. The members will observe a moment of silence in memory of Dr. Carl Nelson.

IV. BUSINESS

1. FINANCIAL REPORT

A. General Financial Reports

Dr. Saint-Germain and Joan Carl reported on the history of the reserve funds, which have now been tapped substantially. They also reviewed the current status of various financial accounts as well as the income and expense reports. The new higher deductible staff health plan (\$3,000, with FCLB covering the deductible after \$250) was implemented in April, so it's too early to tell if there have been any savings to date.

M/S to accept the general financial reports. *Passed, no opposition*

The annual audit was reviewed, as well as the role of the Finance Committee as per the FCLB bylaws. The board noted the Finance Committee meeting Wednesday afternoon is published and open to any member. The comparison of the audits for the past four years was studied. The in-kind contributions by the NBCE for our facilities were noted with appreciation. It was agreed the PowerPoint finance report to the member boards will include the directors' fees and per diem, NBCE contributions, and other items as identified in the audit. Board members were reminded that the \$35 per day diem is still suspended as per the January action of the board.

Joan Carl was commended for her detailed handling of the finances, which resulted in another excellent audit report.

M/S to approve the 2006 Audit by Rodahl & Co. *Passed, no opposition*

M/S to accept the report of directors' fees and per diem compensation.
Passed, no opposition

B. Conference Finances

Dr. Saint-Germain explained that 153 people have registered for the conference to date, and listed the conference sponsors at this point.

C. Financial Policy Discussions

The current travel voucher and policies were reviewed.

Mr. Baker proposed that the investment policy be further modified to refer to investment accounts, not specifically limited to money-market accounts.

M/S to adopt the revisions to the Financial Policies as proposed, with the additional recommendation proposed by Mr. Baker. *Passed, no opposition*

The draft PowerPoint presentation for the members was reviewed in detail, with numerous helpful clarifications proposed. The written report in the attendee notebooks was also noted. Dr. Weathersby reiterated how difficult it has been to cut the budget so severely, and that improved funding will need to be identified. Grants may be possible if we are successful in changing our incorporated non-profit status. He thanked the board and staff and encouraged everyone to continue their financial restraint.

2. MEMBERSHIP ROSTER REPORT

Joan Carl reminded the board that dues increased \$100 beginning in 2005. Dr. Smith inquired about member feedback regarding dues payment, and suggested that some sort of regular cost of living program should be added to the annual dues to avoid the need for more dramatic increases. Dr. Cole provided some history regarding the unusual tiered system of the FCLB. The Canadian Federation enjoys support based on a per doctor assessment of approximately \$18, with an upper cap of \$40,000.

M/S to propose to the membership that they adopt a dues increase of 3% per year for five years, effective with the 2008 dues. *Passed, no opposition*

By consensus, the board also agreed **to review the dues structure every five years.**

Dr. O'Connor calculated the resulting net increase and reported that a 3% increase would raise \$1,200.

M/S to reconsider the dues increase proposal. *Passed, no opposition*

M/S to propose to the membership that they adopt a dues increase of 5% per year for five years, effective with the 2008 dues. *Passed, no opposition*

The board also studied the credentials committee task description, and the materials which had been sent previously to members explaining to them how to exercise their membership privileges.

Julie Finn reported that all delegates and alternates had been properly registered from dues-paying members. There were no **boards with special registration circumstances.**

3. COMMITTEES

M/S to reaffirm the FCLB Committee Appointment Protocols as presented. *Passed, no opposition*

M/S to offer courtesy approval to the President's conference service appointments. *Passed, no opposition*

Resolutions and Bylaws Committee

Dr. Tripp reported on two resolutions submitted to date, one from Dr. William Rademacher and the other dealing with the board's proposed conflict of interest policy. The committee will meet Friday afternoon at 3 PM to discuss these two documents and any other resolutions submitted on a timely basis by the 8 AM Friday deadline, and to make its formal recommendations to the membership.

4. **UPCOMING MEETINGS**

Julie Finn developed a table of Organizations and Upcoming Meetings for all attendees. The board discussed the following meetings:

A. **District Meetings during conference, fall 2007**

B. **Future Conferences**

1. 2008 - District V Site: Atlanta, Georgia
2. 2009 - District IV Site: Hollywood, California
3. 2010 - District III - Baltimore and Jersey City were the two cities recommended for preliminary consideration.

C. **Other Organizations' Meetings**

1. WFC Biennial Conference: May 16th - 19th - Portugal

M/S to approve Dr. Ed Weathersby to represent the FCLB at the WFC Biennial Conference in Portugal, with expenses covered by NBCE in light of his other responsibilities for them at that meeting. *Passed, no opposition*

2. Parker Homecoming: May 31st - June 2nd - Dallas

M/S to approve Dr. Ed Weathersby to represent the FCLB and to present on ethics in regulation at the Parker Homecoming in Dallas, with expenses covered by Parker College of Chiropractic. *Passed, no opposition*

The board expressed regret that due to funding limitations, it is unlikely at this point that FCLB will be able to be represented at other organizations' upcoming meetings, with the possible exception of CCE which is local for Dr. Weathersby.

3. CCGPP: Mid Year Planning Meeting - June 22nd - 23rd - Pittsburgh
4. CCE/COA: Board Meeting - July 11th - 15th - Arizona
5. CLEAR: Annual Conference - September 6th - 8th - Atlanta
6. NCLC/HOD: September 19th - 22nd - Washington D.C.
7. FARB Attorney Certification Seminar: October 5th - 7th - Charleston
8. COCSA: November 7th - 11th - Downtown Hilton Hotel - Nashville, TN

5. **PACE**

Drs. Davis, Weathersby, Cole & Kelly Webb reported on the current status of the PACE program. 22 jurisdictions have reported to FCLB that they can accept courses from PACE approved providers for CE for relicensure. Dr. Davis urged district directors to speak with their member boards in detail. Drs. Cole and Otto outlined some of the possible roadblocks to acceptance that are being portrayed by both boards and colleges, and the board discussed information strategies that may allay some of the concerns.

Various information sessions are scheduled at conference. The board reviewed current PR efforts and the talking points which have been developed by the staff at its request.

6. **REPORT OF OTHER CHIROPRACTIC REGULATORY AGENCIES**

The board discussed the current legislative challenges facing the California board, and agreed to offer whatever appropriate assistance we can provide, but at their request. Their conference attendees will be contacted and welcomed, so that we can also learn more about their issues and whether the FCLB can or should be involved in any manner.

Dr. O'Connor suggested that if the FCLB could develop more in-depth reference information about the structure and function of various boards, such a resource (perhaps Internet accessible) could be very valuable.

The report of the Canadian federation and other nations was postponed until Wednesday.

7. CERTIFICATION OF CHIROPRACTIC ASSISTANTS

Drs. Weathersby and Smith reported on the recent request by ACN to help them develop standards for the certification of chiropractic assistants. Our response has been to invite their representatives to the St. Louis conference to learn more about the current state of this issue as presented by three of the six jurisdictions that have any type of registration or certification process, and to point out that it would be inappropriate for the Federation to be involved in setting standards with any private group.

The meeting was recessed at 6:05 PM until Wednesday morning, May 2.

Wednesday, May 2, 2007
St. Louis, Missouri: Hyatt Regency Hotel

Dr. Otto called the meeting to order at 8:00 AM. Board members, legal counsel, and staff continued to be present as listed the previous day.

The board welcomed Dr. Vernon Temple, president of the National Board of Chiropractic Examiners, who reported on the state of the NBCE and the positive working relationship with the FCLB. He was accompanied by Dr. Norman Ouzts, former District V Director of the Federation and currently in the same position on the NBCE board of directors. Dr. Ouzts presented a plaque to Dr. Oliver Smith, commending him for his vision in "Driving Past the Hood."

The NBCE representatives were excused with the appreciation of the board.

The agenda continued.

6. REPORT OF OTHER CHIROPRACTIC REGULATORY AGENCIES (continued)

Canadian Federation of Chiropractic Regulatory Boards expansion and other Canadian Issues - Dr. Saint-Germain reported on the successful work of the Canadian boards in bringing the work of accreditation under the regulators. Clearly defined operational boundaries has been key to a smooth transition. The new name of the organization with overall global responsibilities is the CFCREAB. The Canadian guidelines work has focused on upper cervical care, and the next area will be lumbar pain. The loss of Dr. Norman Danis' keen political and intellectual contributions has been a notable setback, but other volunteers are stepping forward. The diagnosis issue in Quebec appears to be successfully resolved. Interjurisdictional mobility in Canada has been assured to a great degree by the Agreement on Internal Trade and the cooperative work among the boards through the Canadian federation.

There were no other reports from regulatory agencies from other nations.

8. SPECIAL REQUESTS FOR BOARD CONSIDERATION

A. Practice Management Protocols and Philosophies - question from Dr. Sal LaRusso (FL)

There is pressure from some practice management companies to recruit students long before graduation, and this may be inappropriate in some cases. Dr. Otto reported that one study showed young D.C. graduates are making about \$28,500 per year, which is

insufficient to service their educational debt. Whether this is a regulatory or ACC / CCE issue was discussed at length, and the board agreed by consensus to share this with both groups over the course of the week in the appropriate forums.

B. Aetna Determination of Instrument Adjustment Experimental - question from Dr. Steve Conway (WI)

The board was surprised at this determination, since there is quite a bit of research and also the use of the instrument is taught by the chiropractic colleges. They agreed to refer Dr. Conway to some additional resources, including NBCE's Job Analysis and technique committee. They also noted that it is unlikely that any jurisdiction's scope of practice would be delineated at that level. However, the board also noted that they are unaware of any jurisdiction that prohibits the use of instrument adjusting. They felt that a quick PowerPoll could provide some general sense of as to whether there are any prohibitions, and also decided to speak with colleagues and ACBA executives during the conference. They agreed that a formal letter to this effect would be acceptable and decided to speak with Dr. Conway to learn more about the timeframe necessary for a response.

C. Research and Experimental Therapy Policy - request submitted by Vinton Arnett, D.C. (KS)

The board agreed to develop a PowerPoll to survey jurisdictions regarding any policies they have developed. They noted that in some cases, the board handles the decisions on a case-by-case basis.

D. Manipulation vs. Mobilization - request submitted by Kevin Moriarty, D.C. and Leo Kenney, D.C. (NH)

Members noted that some legislators may be confusing manipulation and mobilization, and noted that an increasing number of boards are contacting the FCLB for guidance. The Federation's reference document, *Qualifications to Perform Spinal Manipulation* as well as the expertise in this area which has been developed by Dr. Denise Natale of Vermont are two of our best resources. Dr. Natale has been able to present some of the more complex concepts in the FCLB document as developed by lead author Dr. John Triano in a manner that is understandable to lawmakers. The importance of clarifying the difference between a first professional degree and academic doctorate was also discussed, as this is being misrepresented by some physical therapists. The board expressed their concerns that New Hampshire was not represented at this conference, as significant support and resources are available in this setting.

9. Accreditation

Dr. Cole reminded the board about the pending shift to more outcomes-based accreditation standards, and the implications to regulatory boards that are concerned about the enforceable aspects of the change. The issues surrounding accreditation are of increasing importance as international mobility relies on assessing the educational qualifications of candidates for licensure. These issues will be addressed in detail at the working summit involving FCLB, NBCE, and CCE leaders later Wednesday afternoon.

10. COCSA - Resolution on National Unity, ACA response

The board reviewed the discussions among the professional associations and agreed this is not a regulatory issue.

11. FCLB INFORMATION MANAGEMENT

Bridget Seader reported on the progress in developing data import tools and some of the technical challenges associated with utilizing data held in multiple formats and inconsistent order. It is expected to be able to begin importing live license status data (not just disciplinary)

by early summer. Most boards are totally current in reporting public board actions to CIN-BAD, and Medicare exclusions are also up-to-date.

It was noted that FCLB continues to be an acceptable data source for NCQA but that CIGNA apparently does not understand this. Bridget will remind all subscribers of our "acceptable" status.

She was commended for handling the complexities associated with the problems associated with the federal HIPDB, and for her excellent work presenting to the FBI.

12. ACBA

Mr. Baker conveyed the request by ACBA president Dr. Larry Spicer to attend and speak at the new attendee orientation breakfast, and also at the second session of the business meeting, in order to encourage board members to enable their professional executive staff to attend and participate in ACBA and the FCLB conference. He also requested a panel of board administrators for an Atlanta plenary session in 2008.

The board warmly agreed to all of the requests.

The board set aside the agenda to receive a special report from Mr. Gary Guneo outlining the efforts by the Foundation for Chiropractic Progress.

13. Executive Session

M/S to go into executive session to discuss legal issues. *Passed, no opposition*

The board came out of executive session.

M/S to increase the legal budget by \$4,000 to review issues associated with our information systems management. *Passed, no opposition*

The meeting was adjourned until Saturday, where the new board will be seated.

The board expressed its sincere appreciation to Dr. Cole for his eight years of exceptional contributions on the governing board, and to Dr. Weathersby for his outstanding service as Federation president for the past two years. Legal counsel Dale Atkinson was also thanked for his excellent input.


Donna M. Liewer
Recording Secretary