Board Member Training

Wednesday May 1, 2024
1:00pm – 5:00pm

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• Who am I
• Goals
• Objectives

• A note on terminology

WELCOME

1. Participate
2. Have fun!
3. Learn something?
4. Take notes
5. When you hear your name, the floor is yours
6. No pressure!

We will cover a lot – strap in!
Table Exercise #1: 5 min

- Introduce yourselves
- Give your table a name (BE CREATIVE)
- Write the table name on the name tent
- Identify at least one “WIIFM”
- Write down your table issue(s)

WHAT’S IN IT FOR ME

What are the top 2 things on your bucket list?

Why are you here?
What do you want to get out of this training?

Table Exercise #2: 10 min
- Discuss
- Assign note taker
- Be prepared to report back
- Select a spokesperson

Exercise #2
Tables 1 - 3
Why is government involved in the regulation of the professions?
Public protection is a given...

Exercise #2
Tables 4 - 6
What differentiates the public sector (government) from the private sector?
WHY GOVERNMENT?

- Exercise legislative authority
- Fulfill needs of constituents
- Equalize/uniformity/consistency
- Create and authorize regulatory board
- Delegate to experts
- Establish standards and criteria re licensure
- Recognize rights of all involved
- Authorize enforcement
- Outreach to consumers
- More...

WHY GOVERNMENT?

...provides consumers with an assurance of the qualifications of licensees along with a means of enforcement for the benefit of the public.

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WHY GOVERNMENT?

…provides consumers with an assurance of the qualifications of licensees along with a means of enforcement for the benefit of the public.
Government is the ultimate equalizer

Exercise #2
Tables 4 - 6

What differentiates the public sector (government) from the private sector?

Public sector

Common interest

Private sector

mandatory
Government creates rules with which everyone must comply.

**What is FCLB?**

- **Our mission:** To protect the public by promoting excellence in chiropractic regulation through service to our member boards
- **Our vision:** The FCLB is the premier international resource for information and consolidated services for ensuring the safe, ethical practice of chiropractic

**What do regulatory boards do?**
What do regulatory boards do?

*Carry out the legislative intent*

**What do reg boards do?**
- Regulate
- Educate
- Communicate
- Promulgate regulations
- Process applications
- Process renewals
- Recognize education
- Recognize continuing education
- Address legislature

- Recognize examination(s)
- Enforce
- Publish
- Social media presence
- Address academia
- Address trade
- Recordkeeping
- Meet
- Employ
- Collect and expend monies
- Budget…..

Table Exercise #3: 10 min

- Discuss
- Assign note taker
- Be prepared to report back
- Select a spokesperson

**Exercise #3**

Tables 1-3

Identify as many aspects as you can re: the composition of social work boards. (e.g. number of members, licensees/public/terms/term limits/appointment/election process/legislative approval)

Why are there both licensee and public members?
Exercise #3
Tables 4 - 6

Why are both an education and examination included as requirements for licensure?

What roles do the two serve?

Report Back To Plenary

Exercise #3
Tables 1 - 3

Identify as many aspects as you can re: the composition of social work boards. (e.g. number of members, licensees/public/ terms/term limits appointment/election process/legislative approval)

Why are there both licensee and public members?

• Composition
  • Licensees, public members
    • Different perspectives

• How do they get there?
  • Appointed
  • Elected
  • Legislative approval?
Why are both an education and examination included as requirements for licensure?

What roles do the two serve?

- **Education**
  - Set-up for lifelong learning
  - Fundamental knowledge base
  - Exams set by faculty to measure subject knowledge

- **Licensure exam**
  - Measure of minimum competency at a point in time
  - Focuses on knowledge and skills to practice safely the first day on the job
  - Not capstone to education
  - Psychometrically validated and legally defensible

What is a statute?
Rule/Regulation/Bylaw/Policy?
• **Statute:** Enacted by the legislature. Has force of law.

• **Regulation/Rule/Bylaw:** Promulgated by the Board. Has force of law

• **Policy:** Adopted by the Board. No force of law.

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**Applicable Laws**

- Other practice acts?
- Administrative Procedures Act
- Open Records
- Open Meetings
- Disabilities laws
- Employment laws

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Name one law (other than the practice act) that applies to your Board

Why does FCLB have a Model Practice Act?
FCLB Model Practice Act

• Section 102. Legislative Declaration. The practice of Chiropractic is a declared health profession in [Name of Jurisdiction] subject to regulation and control for the purpose of protecting the health, safety, and welfare of the citizens of [Name of Jurisdiction]. It is further declared to be a matter of public interest and concern that only qualified persons may engage in the practice of Chiropractic, as defined in this Act, in order to receive the trust and confidence of the public. Regulation of the practice of Chiropractic is extended to all persons practicing in [Name of Jurisdiction], regardless of the actual place of residency or the degree to which a doctor-patient relationship may or may not exist.

FCLB Model Practice Act

• Section 102. Legislative Declaration. It is further declared that the intent of this legislation is to regulate the Chiropractic profession and will result in displacing competition by restricting licensure to practice Chiropractic, as such practice is defined and interpreted by a Board of Chiropractic (“Board”) to applicants determined by this Board to be qualified under this Act. It is declared that any such restriction on competition is outweighed by the broader interest in protection of the public health, safety, and welfare. This Act stipulates that licensees and members of the public serve on the Board in recognition of the need for professional expertise provided by Chiropractic practitioners serving the public interest.

FCLB Model Practice Act

• Section 102. Legislative Declaration. This Act is intended to provide active jurisdictional oversight and supervision through its legislative enactment, the promulgation of enabling regulations, the appointment and removal of Board members by the [Jurisdictional Appointing Authority], legal representation of the Board by the Office of the [Name of Jurisdiction] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, Board member training, and judicial review where applicable. This Act shall be liberally construed to carry out these objectives and purpose.
What’s the difference between shall, must and may?

Delegation
- What decisions are made by whom?
  - Applications
  - Renewals
  - Investigations
  - Examination recognition
  - CE recognition
  - Other....

Delegation of Authority
- Legislature to Board
- Board to outside entity
- Board to staff
- Suspect: Legislature to outside entity

What tasks are delegated to your board staff?
Who keeps your board meeting minutes? How are they recorded?

Include in every board meeting minutes

• Composition of board, terms, vacancies
• Mission, vision, strategic plan
• Notice & Citation to statutes & rules/regulations
• Relevant reference to policies
• Notation to last meetings minutes
• Annual applications, # granted/# denied, average time from completed app to issuance, # pending
• Annual renewals...same
• Annual complaints, # resolved, average time to resolution, # pending
• # of phone calls
• # of visits to website
• newsletters
• Outreach to...community/academia/legislature/executive branch...

What is included in your written Board minutes?

What is a quorum?
What is due process/fundamental justice?

Due Process/Fundamental Justice

• Notice
• Right to be heard
• Before an impartial decision-making body

What is a conflict of interest?
Why is it important?

• Due process requires decision making by a “fair and impartial tribunal”.
• If you are not/cannot be objective, such threatens the impartiality of the Board.
What are some examples of conflicts of interest?

What should you do if you have a conflict?

What is recusal? What is abstention?

Table Exercise #4: 10 min
- Discuss
- Assign note taker
- Be prepared to report back
- Select a spokesperson
### Exercise #4

#### Tables 1 - 3

**Discuss & identify grounds for adverse actions.**
- Refer to your practice acts and the Model Act.  
  (hint: Article IV, section 401)

How many adverse actions does your Board take each year?

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### Exercise #4

#### Tables 4 - 6

**Discuss and identify sanction options.**
- Do you use all of them?
- What does “revocation” mean?
- Do you allow voluntary surrenders? (and what does that mean? What happens next?)

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### WHAT DO YOU THINK?

Report Back To Plenary

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### Exercise #4

#### Tables 1 - 3

**Discuss & identify grounds for adverse actions.**
- Refer to your practice acts and the Model Act.  
  (hint: Article VII, section 701)

How many adverse actions does your Board take each year?
Grounds for Adverse Action

- Review Article VII, section 701 of the FCLB Model Practice Act for Chiropractic Regulation.

Sanction Options

- Reprimand
- Suspension
- Revocation**
- Probation
- Fine
- Assess costs
- Supervision
- Limited practice settings
- CE
- Re-examine

Discuss and identify sanction options.
- Do you use all of them?
- What does “revocation” mean?
- Do you allow voluntary surrenders? (and what does that mean? What happens next?)

What is summary suspension?
Does your Board have authority over unlicensed practice?

Is the chiropractic profession self-regulated? Why or why not? Does board composition make a difference?

Immunity
• Act within the scope of authority
• Act in good faith
Thank you!