Our Vision: The FCLB is the premier international resource for information and consolidated services for ensuring the safe, ethical practice of chiropractic.

Mission Statement: Protecting the public by promoting excellence in chiropractic regulation through service to our member boards.

CHIROPRACTIC REGULATION NEWS

Our annual and regional meetings promote networking, communication, and best practices in chiropractic regulation.

At FCLB, we believe an informed regulator is the only way to have a fair regulator.

The 2020 Lineup Includes:

- The Future of Regulation
- Criminal Referrals and Bad Actors in the Profession
- Healthcare Professional Remediation Education
- Attorney Panel: Sexual Boundary Violations
- Occupational Licensing Policy Learning Consortium: State-Based Solutions to Licensing Reforms
- Regulation Through Punishment or Remediation: Changing the Conversation
- 30th Annual Joseph Janse Lecture

Plus! National Updates; FCLB Services Workshop; Orientation for New Attendees; Special committee meetings for Board Administrators and for Board Legal Advisers; Voting on Elections, Resolutions, and Bylaws amendments; Presentation of FCLB Awards

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MESSAGE FROM THE PRESIDENT

Dear FCLB Members,

I was truly honored and humbled to have been elected president of the Federation of Chiropractic Licensing Boards at our 93rd Congress in May 2019. We are an organization that has been influential in shaping chiropractic regulation for decades. I am well aware that I stand on the shoulders of giants in the regulatory arena — including the past five presidents that have served us over the past decade, Dr. Maggie Colucci, Dr. Farrel Grossman, Dr. LeRoy Otto, Dr. Lawrence O’Connor and Dr. Daniel Saint-Germain. These FCLB leaders have not only set bold agendas but have pushed our organization to make crucial decisions that impact our profession and, most importantly, the people who entrust us to care for them.

The advocacy and steadfast leadership of our Executive Director Jon Schwartzbauer, D.C., has advanced our mission. Thank you to him and the entire team who supports all of us working within the FCLB.

Two former FCLB leaders who served our organization with dignity and honor recently left this world: Dr. Jim Badge, a longtime leader and advocate, who passed away in 2018, and Dr. Carroll H. Winkler, who passed away in 2019. A former president of the FCLB, Dr. Winkler’s legacy lives on today in his daughter, Dr. Carol Winkler, who serves as our current vice president. Dr. Jim and Dr. Carroll truly embraced our mission and left a mark on our organization.

It’s worthwhile to reflect on some of the FCLB’s major accomplishments. Just looking back over the past decade, we have approved eight resolutions since 2009. We have made crucial chiropractic decisions that shape our profession and protect our patients. Additionally, we have further improved CIN-BAD, regulated continuing education in our field, empowered clinical assistants with certification and started a scholarship honoring board administrators.

There are so many more valuable contributions from our community — I am sure each of you can think of moments and decisions that have shaped our industry.

Beyond our achievements and the people who have served in leadership roles, I really want to give credit to everyone involved in the FCLB — the men and women on our licensing boards. Your wisdom and commitment to advance chiropractic and help our patients is the heart and soul of our organization. The members of our licensing boards are the voice and image of FCLB: every one of you reflects our values in the countries and states you live.

Yes, indeed, I stand on the shoulders of giants.

Now, it’s time to bring our FCLB community together in a united spirit, one that puts our passion for chiropractic patients first and gets to the heart of this organization’s mission: To protect the public by promoting excellence in chiropractic regulation through service to our member boards.

I look forward to working closely with all of you and moving our mission forward when we gather in Denver celebrating 125 years of chiropractic and FCLB’s 94th annual conference.

Sincerely,

Karlos Boghosian, D.C.
President of the FCLB

CONNECT: KBoghosian@fclb.org
Happy Spring!!

Let me start out by thanking each of you for your contribution to public protection. At times, being a leader is a somewhat thankless job, and being a leader in public protection can come under critical scrutiny in the deregulatory environment we find ourselves in.

Why regulation? And why so much regulation we are asked. We, as chiropractors, have stood on the foundation that our work is about the patient. We have been patient-centered before patient-centered was cool, or even a concept. Regulation is also patient-centered and each of you contribute immeasurably to protecting those we serve.

I love the word and concept of being a waymaker. The standard definition, according to Merriam-Webster.com, is one that makes a road. In this New Year, and for many a new season of regulatory challenges, I would like to invite our member boards and stakeholders to allow the FCLB to be a waymaker for you.

Our organization is driven and dedicated to making a way for chiropractic regulation to be efficient, effective, purposeful and pragmatic for our various stakeholders. In essence, making a sometimes convoluted regulatory road straight.

Allow us to serve you with our programs, products, communication and connections. Our staff is ready to make a difference for you and your state board. Consider and investigate our programs like PACE, CCCA and Passport by attending our annual conference April 22-26 in Denver, Colorado. Let us make a way for you, you will be glad that you did.

Carol

MESSAGE FROM THE CBAC CHAIR

We are excited about the upcoming Chiropractic Board Administrator’s Committee meeting this April in Denver, Colorado! The committee has developed an educational and engaging meeting, thanks in part to the gracious funding received from the FCLB Board of Directors. Sessions include an interactive legal panel with attorney Amy Richardson, group analysis on challenging traditions led by CBAC, motivational presentation from Katherine Greenland, and networking reception in conjunction with the Chiropractic Board Legal Attorney Committee. We look forward to seeing you in Denver.

ABOUT CBAC: The Chiropractic Board Administrators Committee (CBAC) was founded in 1987 as the Association of Chiropractic Board Administrators (ACBA), and is a committee of the FCLB. Established to allow the people who operate and manage regulatory agencies the opportunity to discuss and share best practices, all active members of CBAC must be administrators or designated representatives of a chiropractic board or agency.

All eligible administrators are welcome and encouraged to utilize this forum as a resource for improving and enhancing consumer protection.

SPECIAL THANKS to the NBCE for providing scholarships for CBAC members to attend the FCLB conference and the Chiropractic Board Administrators training program on April 24.

MAKE PLANS - CBAC 2020:
Cultural innovator and inclusion strategist Katherine Greenland will join us to speak on Collaborative Leadership: Communication Tools for Successful Teams.
Focus
- board member scope of authority
- board and staff communication
- proactive rules for frequent issues.

Hot Issues
- opioid crisis
- multi-disciplinary clinics
- physicians with impairment,
- CBD products.

Moving Forward
- How do boards evaluate validity of specialty certifications?
- What does reasonable and responsible oversight look like?
- What changes are necessary to keep board operations effective and efficient?

2019 FCLB District Meetings

2020 District Meetings
Visit district.fclb.org for more information.

Districts I & IV
October 8-11, 2020
Lake Tahoe, NV
Hyatt Regency Lake Tahoe
111 Country Club Drive
Incline Village, NV 89451
$209/night
Reservations: 775-832-1234
Room block closes 9/5/2020

District II
September 24-27, 2020
Fort Walton Beach, FL
Seaspray Condos
1530 Miracle Strip Parkway SE
Fort Walton Beach, FL 32548
Price varies
Reservations: 800-428-2726

Districts III & V
October 8-11, 2020
Miami Beach, FL
The Confidante Miami Beach
4041 Collins Ave
Miami Beach, FL 33140
$169/night
Reservations: 305-424-1234
Room block closes 9/5/2020
Dr. Wayne C. Wolfson Regulatory Scholarship

A past president of the Federation of Chiropractic Licensing Boards, Dr. Wolfson’s commitment to leadership and service has manifested in this visionary scholarship program, awarding outstanding students with the opportunity to learn more about the important work of regulatory boards.

The Dr. Wayne C. Wolfson Regulatory Scholarship is awarded to current chiropractic college students who are nominated by their college president. The student must show leadership, community awareness, and a strong sense of responsibility. Scholarship recipients receive waived registration fees and an invitation to attend the FCLB Annual Educational Congress where they may sit in on the business meetings, participate in educational sessions, and meet with regulators during social events.

Sixteen students have received this scholarship award since its inception in 2008.

MESSAGE FROM THE CBLAC CO-CHAIR

The Chiropractic Board Legal Advisers Committee (CBLAC) is a committee of FCLB that was created in 2017. It is composed of attorneys and legal consultants of chiropractic regulatory agencies in the United States, Canada, New Zealand, and other jurisdictions.

Its mission is to provide attorneys and legal staff of state chiropractic boards across the country with the opportunity to share and exchange valuable information on case experiences and current issues pertinent to their practice. It provides a forum for attorneys to share best practice guidelines, encourages communication about current and emerging legal issues and solutions, provides awareness of technological advancements, and explores industry trends that affect legislation and regulation.

Since the 2015 FCLB national conference in New Orleans, there has been an increase each year in attorneys attending the FCLB annual conference. At the 2018 conference in Dallas, CBLAC attorneys spoke at a session on the topic of multidisciplinary practice along with attorney Dale Atkinson. At the 2019 conference in San Diego, they spoke at a session on the regulation of CBD Products and also the Sports Medicine Licensure Clarity Act of 2018. At this year’s conference in Denver, they will speak at a session on sexual boundary violations – trends, policies and new developments, with a focus on what state chiropractic boards should know in light of this challenging issue. At each of the conferences, there has been an opportunity for state board attorneys to meet privately and separately (and for those not able to attend in person to be able to call in) to share and exchange valuable information on case experiences, best practices and current issues pertinent to chiropractic laws and regulations.

CBLAC attorneys also remain engaged and involved throughout the year with quarterly conference calls and a FCLB-maintained listserv where they are free to e-mail each other. During their meetings and calls, they discuss issues such as reciprocity, board structure, dry needling, telehealth, social media, changes to scope of practice, and boundary violations. They also share details about noteworthy case law, disciplinary actions, and legislative changes and trends.

All board counsel are welcome and encouraged to use this unique forum as a resource for improving and enhancing consumer protection. Any attorney seeking more information is free to contact one of the current CBLAC co-chairs, Ajay Gohil (Attorney for the D.C. Board of Chiropractic) at ajay.gohil@dc.gov or Mona Baskin (Arizona Assistant Attorney General) at Mona.Baskin@azag.gov, and can be added to the CBLAC e-mail listserv by contacting Kelly Webb at kwebb@fclb.org.
In this relaunch edition of the Federation of Chiropractic Licensing Boards (FCLB) newsletter, I am pleased to contribute the following write-up of a recent administrative decision. The intent of this recurring column is to address legal issues relevant to the regulatory community, specifically FCLB Member Boards. Readers should be aware that not all write-ups will involve chiropractic cases. Indeed, regulatory issues transcend the professions and issues from one case can be applied to many, if not all, regulatory boards. As regulators, it is the issues that are important along with their application to your specific regulatory board. With that said, this month’s article involves a chiropractic board.

Regulatory boards are statutorily created and delegated with the authority to enforce the practice in the interest of public protection. This fundamental principle is the backbone of regulatory board authority and the ability to grant, renew, deny and discipline persons found to have violated the law. Licensees have a property interest in the government issued credential granting permission to practice. Thus, licensees are entitled to due process prior to an adverse action being taken against such credential. At times, other constitutional arguments will be made by licensees as a defense to an administrative adverse action. For example, the First Amendment right to free speech. Consider the following.

An Ohio licensed chiropractor (licensee) developed and published, in print, website and televised advertisements whereby he referenced holding the credential “D.NMSc” referring to a Doctor of NeuroMetabolic Sciences, a credential awarded by the International Association of NeuroMetabolic Professionals (IANMP). Upon learning of these advertisements, the Ohio State Chiropractic Board (Board) issued a Notice of Opportunity For Hearing to the licensee contending that the advertisements violated Ohio law. Additional charges were included that buttress the alleged wrongdoing, namely that these advertisements did not reference the licensee as a chiropractic physician or a doctor of chiropractic but merely noted the D.C. designation. Adding to the complexity of the circumstances, this licensee was also the subject of a previous licensure revocation in 1998 for false advertising issues. His license was reinstated in 2005.

In its complaint, the Board argued that the D.NMSc designation was false and misleading in that it was not recognized by the chiropractic profession. The credibility of the recognition was at stake noting that the IANMP was headquartered at the licensee’s office, shared

GET YOUR REGULATORY BODY TONED!
Join us a day early for boot camp for boards! Free for conference attendees.
Wednesday, April 22 from 1:00 to 5:00 pm, Dale Atkinson, Esq., Executive Director for the Federation of Associated Regulatory Boards (FARB) will host
BOARD MEMBER TRAINING

Mr. Dale Atkinson
FCLB Legal Counsel

con’t on next page
the office phone number, and the licensee was the executive director. Among other arguments, the licensee countered that he was no longer practicing chiropractic but was engaged in functional medicine and functional neurology and the advertising requirements and limitations did not apply.

After a hearing, the Board found violations of Ohio law, suspended the licensee’s license for 180 days (with 90 days stayed) and imposed a $2,000 fine. The licensee appealed and the court of common pleas affirmed. The licensee appealed to the Appellate Court arguing violations of his First Amendment (free speech) and Fourteenth Amendment (due process) rights.

The Appellate Court affirmed the lower court and upheld the sanctions. The court found that chiropractors are required under Ohio law to clearly identify in advertisements that the provider of services is a chiropractor or doctor of chiropractic and that the use of D.C. is not enough. Also, the court found that the use of the D.NMSc designation to be inherently misleading. It held that the licensee had no First amendment rights under commercial speech arguments to promote inherently misleading matter. Commercial speech is defined as expressions “related solely to the economic interests of the speaker and its audience.” Commercial speech is afforded less constitutional protections than other constitutionally guaranteed expressions. The court noted that the state is “empowered to ban commercial speech that is false, deceptive, or misleading.” Finally, the court found that the licensee was provided with sufficient notice and right to be heard, thus it rejected the licensee’s due process contentions. The court affirmed the lower court and upheld the sanctions imposed. Wilson v. State Chiropractic Board, 2019 Ohio App. LEXIS 3332

FCLB Committee Highlight

Specialty Councils Task Force - developing standards for evaluating specialty councils and certification for recognition by licensing boards

Karen Campion, D.C. (TX) - Chair
Richard Cole, D.C. (TN)
Beth Ehlich, D.C. (SC)
Margaret Friehaut, D.C. (MO)
Steven Gould, D.C. (KS)
George Khoury, D.C. (PA)
Julie Mayer Hunt, D.C. (FL)
Cass McLeod Skinner (OR)
Cynthia Tays, D.C. (TX)
PACE FOR LICENSING BOARDS
Over sight: Streamlined & Expanded

VERIFICATION OF QUALITY
PACE uses educators, subject matter experts, and former regulators to analyze applications and conduct course audits.

MULTI-JURISDICTIONAL OVERSIGHT
PACE courses are offered and monitored world-wide, so every participating licensing board is watching out for your licensees - not just PACE.

HELP FOR YOUR BOARD
Most boards are under-staffed, under-funded, and overworked, and if you have a volunteer board member reviewing CE, he or she is likely stretched for time and simply can’t be a subject matter expert in everything.

PACE PRE-CHECK
Lose the work; keep the oversight. Does your board still need to sign off on every course? Use PACE pre-check to reduce the workload, but still keep CE providers coming to you.

CONTACT FCLB TO GET STARTED TODAY!

PACE FOR ASSOCIATIONS & VENDORS
Expand CE

WORLDWIDE APPEAL
Get CE approved in jurisdictions around the world - reach more DCs by offering credits where they are licensed.

NATIONAL CERTIFICATION FOR CAS
PACE providers who offer training for chiropractic assistants automatically have their courses included in the national CA certification program.

INCREASE TRAFFIC
With expanded acceptance and PACE’s seal of approval, grow your CE audience to more licensees and support staff.

SAVE STAMPS
Submit one copy of your course documentation, and submit it electronically. PACF keeps it on file for licensing boards to review. No more postage overload.

VISIT PACEX.FCLB.ORG TO LEARN MORE
Quality continuing education providers screened and recognized by the FCLB Board of Directors

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The only interjurisdictional chiropractic board action database! In an effort to fulfill the FCLB mission of protecting the public by promoting excellence in chiropractic regulation, CIN-BAD protects the public while serving member licensing boards.

Since 1993, the core element of CIN-BAD began with the board actions information. It is a comprehensive warehouse of information on public actions taken by chiropractic regulatory licensing boards and/or exclusions from Medicare/Medicaid reimbursement by the U.S. Department of Health & Human Services with regard to individual chiropractors. It is maintained by the Federation of Chiropractic Licensing Boards as a service to its member boards, to the health care community, and to the

HOW CAN CIN-BAD HELP YOU?

Whether it’s unprofessional conduct, substance issues, or felony convictions, you can check possible employees, vacation fill-ins, or association board members and make an informed decision. A quick query can protect your organization. Why be caught unaware? Visit fclb.org and click CIN-BAD under the services tab to find out more.

Effective, patient-centered care starts with a strong background in healthcare and ethics. FCLB salutes the educators who have given us 125 years of leaders and healers. We look forward to awarding chiropractic college presidents for their dedication and service at our upcoming annual conference in Denver. Please join us in offering our thanks to these committed individuals.

Can’t wait to learn more? The protection of the public is the mission of all licensing and regulatory boards. The story of the chiropractic profession's journey to secure recognized status is captured in two volumes by noted historian Dr. Joseph C. Keating, Jr., and former FCLB executive director Donna Liewer:

Protection, Regulation & Legitimacy: FCLB & the Story of Licensing in Chiropractic
Available at amazon.com
What tool do you use to assess an individual’s understanding of ethics and boundaries in a professional setting?

As you well know, members of the regulatory community are responsible for protecting and enhancing the public's health, safety, and welfare. Boards typically hear disciplinary cases brought against a licensee for substandard practice and questionable ethics. EBAS is here to assist you with these cases.

Ethics and Boundaries Assessment Services LLC (EBAS) partners with the regulatory community by offering a computerized essay exam that assesses a licensee’s understanding of ethical issues relevant to the professional workplace environment.

Examinees are presented with realistic, hypothetical scenarios in the following areas:
- Boundary Violations
- Fraud
- Professional Standards
- Unprofessional Conduct
- Substance Abuse

The licensee is required to identify the ethical violation, discuss consequences, identify solutions, and explain how the unethical actions in the provided scenario compromises the community’s safety and welfare.

Utilizing the EBAS exam for your disciplinary cases is a seamless process. A licensee who is required to take the exam can complete an online application at www.ebas.org. Once the application and funds are received, authorization will be sought from the regulatory board that requires the EBAS exam. From that point the application is forwarded to Prometric for processing.

EBAS exams are administered at Prometric Testing Centers. Prometric is a trusted provider of technology-enabled testing with more than 20 years of experience providing test delivery solutions to the world’s most recognized organizations. Prometric operates a global network of thousands of test centers in 180 countries, offering easy appointment scheduling and predictable exam delivery.

Once Prometric has successfully uploaded the file, the examinee will electronically receive an Eligibility Number. With this number the examinee may now go to www.prometric.com/ebas and schedule their exam time. All EBAS exams must be taken at a Prometric Test Center.

Trained and calibrated graders score each essay. Each of our graders have regulatory experience, completed a rigorous training process, and are required to participate in, and complete, a quarterly calibration exercise. Dr. Ken Pennell, an experienced EBAS grader, recently assumed the leadership role of monitoring all calibration exercises. Dr. Pennell is a graduate of Sherman College of Chiropractic in Spartanburg, South Carolina. Dr. Pennell has been providing chiropractic healthcare to residents of Cranberry Township, Pennsylvania and surrounding communities for over 30 years.

Multiple graders access a secure website and score each essay. Once the graders have completed their task, a Score Report is compiled and distributed to the regulatory board and examinee. Dr. Himelfarb, Director of Psychometrics and Research for the NBCE, serves in the same capacity for EBAS and is responsible for ensuring the validity, reliability, and fairness of EBAS’s essay exams.

To learn more about our essay exam, please click on the following link to view our video, EBAS Essay Exam, or visit our website at www.ebas.org and click on Learn More tab at the top of the page.

EBAS will be exhibiting at the upcoming FCLB 2020 Annual Educational Congress April 22-26 in Denver, Colorado. We look forward to seeing you there and answering any questions you have regarding the service we provide.

For more information, please contact Stacey Kjeldgaard, Executive Director at skjeldgaard@ebas.org or 970-356-9100, extension 227.
As chiropractic celebrates 125 years, FCLB staff is looking forward to a conference that reclaims our regulatory roots. The theme of the 94th Annual Educational Congress is “Refocus on Regulation,” and we’ve packed our educational sessions with speakers and topics that do just that.

We invite board members, administrators, legal advisers and affiliated organization members to join us at the Grand Hyatt in Denver, Colorado to rediscover a commitment to public protection and to load up their regulatory toolbox. To this end, we are grateful to the NBCE for their generous donation of scholarships for administrators and legal advisers. Both groups have their own dedicated committees to share networking, support, and best practices in chiropractic regulation. Those committees will meet in conjunction with our meeting so they may engage in education unique to their roles.

As we take a step back to reprioritize regulation, FCLB staff is also taking a huge leap forward in tools and technology. At this year’s conference, we welcome exhibitor booths for vendors who offer resources for regulators. We look forward to showcasing our partners in patient protection and connecting them to the regulators who use their services.

We also plan to kick off our conference with a boot camp for board members. This year, legal counsel Dale Atkinson will lead a 4-hour interactive session designed to help you become a better board member. Plan to join us early for that session on Wednesday, April 22 from 1:00 to 5:00 pm. There’s no extra charge for registrants to attend, so please take advantage!

This year, we once again welcome attendees to support the mission of the Foundation for Chiropractic Progress. We’ll welcome Dr. Sherry McAllister to talk about their latest initiatives and how our attendees can help.

Finally, once you’ve registered, keep an eye on your inbox for information about downloading and connecting with our new conference app! With scheduling, speaker info, an attendee directory, access to interactive session features like polling and Q&A, and up-to-the-minute notifications, this app will keep you plugged in and engaged throughout conference. We can’t wait to see you there!

Support Patient Protection and Promote Your Organization

Learn more about vendor and sponsorship opportunities at FCLB meetings.

2019 Annual Meeting Sponsors:

2019 District Meeting Sponsors:

-NEW- 2020 Annual Meeting Booth package includes: 8’x10’ booth space; logo and link on FCLB conference website; inclusion in promotional email; inclusion in attendee materials (if registered and paid by March 5, 2020); signage at the meeting (if registered and paid by March 12, 2020); one free conference registration

Questions about sponsorship opportunities? Contact Julie Finn at jfinn@fclb.org or call (970) 356-3500.
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