



NEWS / PROFESSION

National Board - The Politics Heat Up

WHAT ARE THE REAL ISSUES?

Editorial Staff

National Board of Chiropractic Examiners (NBCE) politics are reaching an all-time high, as evidenced by the following:

- On March 15, 2006, one of the NBCE "at-large" directors made a presentation to the chiropractic college presidents. A large portion of his remarks were dedicated to defending the actions of the control directors and vilifying those who have criticized their actions.¹
- On March 22, 2006, the NBCE communications department sent out an e-mail to all "State Board Members, State Board Executive Directors and Administrators, NBCE Delegates and Alternate Delegates; Chiropractic College Presidents," in which this same at-large director appealed for the re-election of Dr. Rick Murphree, the current District V director (which would also aid the at-large director in his own re-election this year). This has caused the reform directors to question the appropriateness of allowing the NBCE's own communications department to be used by the controlling directors to try to influence the NBCE elections.²
- On March 28, 2006, NBCE President Peter Ferguson, DC, sent an eight-page letter to an unspecified list of state board members and others. In his letter, Dr. Ferguson defended the actions of the controlling group of directors and even expressed his appreciation to the other controlling director for "the strong support provided by Dr. Frank Hideg, Dr. Rick Murphree, Dr. Ken Padgett, Dr. Donna Craft, Dr. Jerry Blanchard and Dr. Frank Lizzio." Dr. Murphree was named twice more in the letter, once for his leadership of the bylaws committee and again when Dr. Ferguson defended him from the "attacks" made by his own district delegates. The District V delegates claim that Dr. Murphree reneged on his commitment to them when he voted for Dr. Frank Lizzio, a professor at New York Chiropractic College, for at-large director. Reform directors are concerned that Dr. Lizzio could be swayed by the control directors, as three of them are currently serving or recently served on the NYCC board of trustees - as the past chairman, past president and a past director.³
- Dr. Ron Tripp, the representative from the Oklahoma Board of Chiropractic Examiners, has been very outspoken against the control directors, particularly Dr. Murphree. It seems that Dr. Tripp will not be allowed to vote in this year's elections because the letter from the Oklahoma Board designating him as their representative was "not received" by the NBCE.

Indeed, no one from the Oklahoma board will be allowed to vote in this year's elections.

- On April 3, 2006, the reform directors sent a letter to all "NBCE Stakeholders." The letter raises issues made in statements by the control group, including: lack of disclosure of director per diem and travel; flip-flopping on whether to increase/decrease exam fees; executive committee actions without full board input or approval; lack of open nominations of at-large directors; current director conflicts of interest; problems with the proposed director term limits; and the lack of transparency and openness to professional scrutiny within the NBCE.⁴



This is just a sample of the kind of communication that has taken place in the past two weeks. Based on all reports, the politics have been intense since the beginning of the year. One has to wonder: Why are those in power working so hard to stay in power of a nonprofit organization? The issues at hand have to do with control and open reporting.

Proposed Bylaws Changes

1. Adding two more directors? As unbelievable as it may sound, this year's proposed amendments to the NBCE bylaws initially included a provision to increase the number of at-large directors from four to six: one for a public member and one for a representative of the Association of Chiropractic Colleges. This would cause an estimated increase of approximately \$130,000 in travel and per diem expenses. Assuming that about 3,000 students take the Part I exam each year, this would effectively add an estimated \$40 in additional cost for the Part I exam per student, if the students were required to make up the additional costs. It also would increase the number of at-large directors elected solely by the board to six, as opposed to the current four. Right now, for a group to control the 11-member board, it needs two elected directors and all four at-large directors for a

6-5 majority. If the board is expanded to 13 by adding two at-large directors, the control group would only need one elected director and all six at-large directors to control the NBCE by a 7-6 majority.

Why not just expand the NBCE board to 15 by adding four more at-large director positions, so that the control group need never be influenced by the state board delegates at all?

Interestingly enough, when asked, some college presidents suggested that they neither asked for nor wanted a representative on the NBCE board. Fortunately, this bylaws provision was removed due to lack of support.

2. Director per diem and travel expenses. In his March 28 letter, Dr. Ferguson stated that "Board of Director and Committee meeting payments and travel expenses make up less than 8.5% of the total budget." Assuming that the 2005 budget is close to the 2004 budget, that works out to about \$710,000. If correct, this is over \$100,000 more than the 1999 figures, when the profession initially became concerned about the expenditures of the board of directors. If these excessive expenditures could be eliminated, it would shave an estimated \$220 off the amount each student has to pay for one of their NBCE exams.

3. Elimination of election by the delegate body. One of the safeguards for the NBCE district director elections is that the district nominates the director, but the full body of delegates actually elects the director. This is designed to prevent a small group from controlling who is elected for a particular district director position, particularly if the entire group of district delegates recognizes a problem or conflict with that nomination. The current bylaws proposal includes an amendment that would take away the ability for the delgate body to elect the delegate directors.

4. District director term limits. Believe it or not, there are no term limits for the district directors. This has resulted in one district director spending almost 30 years on the NBCE. Sadly, the proposed 12-year term limit amendment has a provision that prevents it from being applicable to any district director until they are next re-elected.

5. Open reporting. In the two weeks before we went to press with this issue, *Dynamic Chiropractic* made four requests for copies of the NBCE's 2004 and 2005 financial statements. In addition, we requested information on the per diem and travel expenses for all board members. While there were a numbers of promises made, no financial data was ever provided.

As a nonprofit corporation, the NBCE's IRS Form 990 report is public information. (It can be viewed with a free account at www.guidestar.org.) But the form doesn't require the kind of specific information the profession deserves. For example, the per diem and travel expenses for the individual directors are not listed in "Part V List of Officers, Directors, Trustees and Key Employees." Instead, a notation is made that the information is part of an attachment that isn't included in the Form 990, and therefore doesn't appear on the filing. And while there is \$652,877 worth of travel expenses, the form isn't clear as to whether this is just for the directors (in addition to their per diem, which is estimated at well over \$300,000). Even the directors themselves aren't allowed to know what the other directors were paid.

At the end of the day, the decisions about how the NBCE is run, who runs it, and how the organization spends the \$8 million it receives annually from the chiropractic students is in the hands of the state board delegates. They have the power to get the information, make it public and make the reforms needed.

References

1. A complete copy of the notes from the presentation is available online at www.ChiroWeb.com/NBCE under "ACC Presentation Notes."
2. A complete copy of the communications department e-mail is available at www.ChiroWeb.com/NBCE under "Communications Department E-Mail."
3. A complete copy of Dr. Ferguson's letter is available at www.ChiroWeb.com/NBCE under "Ferguson Letter."
4. A complete copy of the reform directors' letter to NBCE stakeholders is available at www.ChiroWeb.com/NBCE under Reform Letter.

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