

Top Eight Obvious NBCE Contradictions

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As you follow the progression of an ongoing event in chiropractic, you sometimes have to review hundreds of pages of documents. As you do, you can't help but notice when things don't match up. This normally occurs between two protagonists; but in the case of the National Board of Chiropractic Examiners (NBCE), it seems they just can't help but contradict themselves. So, here is my countdown of the Top Eight Obvious NBCE Contradictions:

8 In an e-mail sent out by the NBCE communications department, Dr. Ken Padgett stated: "In May, I will be up for re-election as an At-Large Director for the NBCE." A few sentences later, he added: "I have nothing to gain from my own re-election."

Considering that the per diem and travel expenses for NBCE directors are estimated to be \$710,000 for last year alone, how can he say that? (The NBCE has not responded to four requests for the actual figures.) Even an average of \$65,000 per year, per director, is a good reason to seek re-election.

7 In the same e-mail, Dr. Padgett stated: "Please join me in doing all you can to keep the NBCE the strong, independent organization it has been for the past 43 years."

What Dr. Padgett fails to mention is that the newest NBCE director he voted for is Dr. Frank Lizzio, a professor at New York Chiropractic College, where Dr. Padgett is past president and current chancellor. In addition, Dr. Peter Ferguson is past president and current member of the NYCC board of trustees, and Dr. Frank Hideg just recently stepped off the NYCC board of trustees. That means four of the 11 NBCE directors are associated with a chiropractic college whose students they are testing for licensure.

6 Not wanting to be left out is NBCE President Dr. Peter Ferguson, who stated in his March 28, 2006 letter to the district delegates: "Today, no one questions the fairness, validity and legal defensibility of NBCE's examinations. Will the same be able to be said if the NBCE ceases to be independent?"

But, just a few pages later, in the same letter, Dr. Ferguson stated: "Second, I proposed opening up the board to a public member Director and also adding a Director to be nominated by the Association of Chiropractic Colleges, which would provide new, important perspectives and oversight on the board and, I hope, serve to lessen the now prevalent infighting."

OK, so four of the 11 college-affiliated directors aren't enough "independence," and the NBCE apparently needs more? And what "new, important perspectives" will another chiropractic college director bring to the NBCE board that the first four don't have?

What Dr. Ferguson fails to mention is that the NBCE has always been able to have public board member representation; there is no reason to add the expense of the 12th director to accommodate this. (Many are wondering if this is being suggested because there is a "public member" waiting to be introduced at the annual meeting by the control group.)

5 In an e-mail dated March 30, 2006, Dr. Peter Ferguson proudly stated: "What we have accomplished and shared is a heck of a lot better today than it was when I came on in 1999."

But in his March 28, 2006 letter, Dr. Ferguson stated: "In total, Board of Director and Committee meeting payments and travel expenses make up less than 8.5% of the total budget." (This is estimated to be approximately \$710,000 in per diem and travel expenses for 2005. Again, actual numbers are not available to the profession.)

In 1999 (the last date that *Dynamic Chiropractic* could get this information; more on that later), this totaled over \$600,000 for all 11 board members, with some board members apparently getting paid much more than others.¹ Looks like an 18 percent increase in per diem and travel expenses to me. Who is this "a heck of a lot better" for?

4 In the very next sentence of his letter, Dr. Ferguson stated: "This is by no means exorbitant and the work the Directors performed could not be performed by paid staff or consultants at the same cost."

OK, maybe I work too cheaply, but \$710,000 seems like a lot of money. My guess is that the "work" performed by the directors (attending meetings, watching student take exams, etc.) could be accomplished by a board of five with less than a \$100,000 travel budget.

3 Again, in the same letter, Dr. Ferguson stated: "Fourth, I will be proposing that the Board adopt a comprehensive conflict of interest policy for Board members to reinforce their fiduciary responsibility to act solely in the best interest of the NBCE without any regard to the advancement of their own personal or financial interests or that of other organizations."

How can you avoid a conflict of interest when there are hundreds of thousands of dollars in per diem and travel expenses at stake, and no disclosure about how much was paid to each director? Why are the control directors fighting so hard to keep control and avoid disclosure? And why is there such a concentration of college-related directors in an organization that is supposed to represent the state licensing boards?

2 In his e-mail dated March 30, 2006, Dr. Peter Ferguson stated: "The board up until now has not seen 1099s of the other board members [on] the advice of an attorney that 1099s were private."

The only reason the 1099s are private is because they include the director's social security number. The NBCE need only black out the social security number in order to make the amounts paid to each director public.

1 After being asked three times for the NBCE financial information for 2004 and 2005, Dr. Peter Ferguson replied via e-mail: "Don, I do not have copies of all board members' 1099s. The 990 financials, as I stated earlier, will be made public - which will include all board members' per diem and expenses. Also I do not have copies of expense statements for 2004-2005. After our meetings, annual and semi-annual, I have discarded my books."

What? The president doesn't have access to the financial statements of the NBCE because he "discarded" them? (Hopefully he shredded them.) Not sure I believe that one. Also, the IRS Form 990 filed by the NBCE for 2004 doesn't have any information on the individual director per diem and travel expenses. Why would the 2005 Form 990 be any different?

Dr. Ferguson declined four requests for this information. It will be interesting to see what is actually released and when.

That's it, the Top Eight Obvious NBCE Contradictions. Fortunately, there's still time for a few more. Stay tuned

Reference

1. NBCE: more questions. *Dynamic Chiropractic*, April 17, 2000.
www.chiroweb.com/archives/18/09/15.html.

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