

## **Do the Right Thing: Keep Your Paddle Down!**

### **An Open Letter to NBCE State Delegates**

*By James Edwards, DC*

In addition to having "insider insights" about the activities of national chiropractic associations, I also have been involved in the seven-year reform effort<sup>1-4</sup> relative to the board of directors of the National Board of Chiropractic Examiners (NBCE). With the NBCE Annual Meeting rapidly approaching, I want to offer some insider insights about how best to resolve the board of directors' problems once and for all. As always, please remember that my criticisms have absolutely nothing to do with the NBCE itself, the highly talented NBCE executive director and staff, or the outstanding NBCE testing products. My criticisms are aimed at the actions of the current members of the executive committee of the NBCE board of directors. Since some of these individuals are friends whom I greatly respect, it also is important to mention that my comments are about their **ill-advised decisions**, rather than being personal in any way.

An eight-page letter, reflecting the writing style of and most likely authored by NBCE legal counsel Tom Abrams, was mailed recently to all NBCE delegates under the signature of Dr. Peter Ferguson. In that letter, the author implied that the World Health Organization (WHO)<sup>5</sup> wanted the NBCE to be "independent" from other chiropractic organizations such as the Federation of Chiropractic Licensing Boards (FCLB). What a disingenuous statement and blatant attempt to mislead NBCE delegates! Had the author been forthright, he would have divulged that the WHO phrase, "independent examination and licensing," referred to being independent from the chiropractic college educational experience, not independent from the FCLB or any other chiropractic organization. And just for the record, it's important to point out that the members of the NBCE executive committee have a long history of fighting off any type of meaningful reform by crying out that some other organization (FCLB, ACA, ICA) is trying to **"take over the National Board."**

In regard to allegations of excessive travel and per diem payments, the Abrams/Ferguson letter attempted to appease NBCE delegates by announcing that the NBCE president would provide each board member's travel and per diem expense reports - are you ready for this? - to the NBCE board of directors. Excuse me, but talk about the fox guarding the hen house! When will Mr. Abrams and the members of the NBCE executive committee learn that their financial accountability is to the delegates from the state licensing boards, **not to each other?**

The Abrams/Ferguson letter also discussed the need to have a public member on the NBCE board of directors. Well, if that was so doggone important, why wasn't it done last year, when the current members of the executive committee had the votes to elect a public member, but instead elected a relatively unknown college professor? When I asked a current NBCE officer about how that happened, he said, "Well, I will tell you how that happened. Peter came to me and he said, 'We have to find someone who we can trust,' and I was the one who recommended Lizzio."<sup>6</sup>

That revelation speaks volumes! It vividly illustrates that the current members of the NBCE executive committee were not interested in who was most qualified, had the most experience or could offer a unique perspective; or even what was "the right thing" for the NBCE. In my opinion, their only goal was to elect a person they could **"trust"** in order to maintain their total control of the board of directors. And a college professor - employed by an institution where three members of the executive committee have served as president or trustee, was a very safe choice on their part. On the other hand, Dr. Rick Cole, past FCLB president, was most certainly not someone the "old guard" could "trust," and that is precisely why he was not elected. Folks, this is not rocket science.

The Abrams/Ferguson letter also referenced **"doing the right thing"** no less than five times. So, what is the "right thing" that NBCE delegates should do?

Because these issues are so important, I will be very candid. The incumbent "old guard" District V director is running for re-election. Should he win, the status quo will mostly certainly continue and NBCE delegates will continue to have absolutely no voice in the governance or policies of the NBCE for the foreseeable future. You can bank on that.

However, should the incumbent District V director be replaced by the challenger, real change will occur quickly. How can that be, you ask? It is because the replacement of the incumbent

District V director is an important step in changing the balance of power on the board of directors and will allow the pro-delegate members of the board to elect other pro-delegate individuals to the four at-large positions. And the timing could not be better, since all four **at-large directors** come up for re-election either this year or next!

Which begs the question, "Edwards, why in the world are you telling me all of this when I am not in District V and will have nothing to do with the District V caucus?" I am so glad you asked! It is important to remember that according to the NBCE bylaws and as recently articulated by Don Petersen Jr.,<sup>7</sup> a district caucus only **nominates** a person; it is the assembly of NBCE delegates that actually **elects** the district director. This is so important that I want to say it again: A district caucus only nominates a person for district director and it is the assembly of NBCE delegates that actually elects the district director! (In fact, authority to elect district directors is one of only three remaining powers entrusted to the delegates at the annual meeting!)

Therefore (please stay with me now), I want to focus on the key point. Should the majority of NBCE delegates not agree with or vote for the caucus's nominee, according to the bylaws, that person is rejected and the district caucus is directed to reconvene to select another nominee. And since an affirmative vote of 22 NBCE delegates is required for election this year, all you have to do (are you ready for this?) is **keep your voting paddle down** when the vote is taken! Yes, that's right. Should the District V incumbent be nominated for re-election, all you have to do is nothing by simply keeping your paddle down!

Now listen to this. The idea of the assembly rejecting a district caucus nominee is so threatening to the NBCE board of directors that it submitted a bylaws amendment that will strike this important delegate authority from the books by allowing a caucus to **elect** the district director! Fortunately, this proposed amendment (even if ratified) will not apply to this year's elections and the assembly will be able to elect the District V director. But isn't it an interesting coincidence that the first time this amendment would be applied would be next year, when the longest serving district director (for over a quarter of a century) will be up for re-election? Is it possible that he wanted this provision just so he could avoid having to gain the assembly's approval? Hmmm, I wonder...

After you review the proposed bylaw amendments, you will see that only two significant amendments have been offered: the one previously mentioned and an other amendment instituting term limits for district directors. However, the bylaws committee carved out an exemption for current district directors that would allow them to serve up to **12 additional**

**years!** Therefore, I strongly encourage NBCE delegates to defeat the entire package of bylaws amendments. By doing so, you will give clear direction to the new bylaws committee that the assembly does not want incumbents authorized to serve an additional decade, nor does the assembly want any of its few powers abolished.

So, here's the bottom line. Based on my experience as an eight-year licensing board member, a four-year NBCE delegate, and seven years working to reform the NBCE board of directors, here is my clear and simple advice:

1. Should the District V caucus nominate the incumbent, **"do the right thing" by keeping your paddle down** when his name is submitted for election.
2. When asked to vote to ratify the proposed bylaws amendments, **"do the right thing" by keeping your paddle down** so the entire package will be defeated.

Hey, I know all of this is somewhat complicated and your eyes are probably starting to glaze over by now. However, please pay attention, because chiropractic students pay all the bills and **you are the only voice** they have. It is extremely important to them and the chiropractic profession that you (yes, you) put the NBCE board of directors on the right course. Very few ever have an opportunity to make history by changing the direction of a major chiropractic organization but you do! This is your shining moment. Seize the day and do the right thing!

Should any NBCE delegate or licensing board member have any questions, please do not hesitate to contact me by phone (512-445-3366), fax (775-254-4115) or e-mail ([jamesedwards@jamesedwards.com](mailto:jamesedwards@jamesedwards.com)). I also plan to be in Portland (on my own nickel) just to be a resource for those who want additional information. If asked - and only if asked - I will be happy to answer any questions that you might need. I look forward to seeing you in Portland at what I hope and believe will be a truly historic event for the chiropractic profession!

### References

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