

# AMERICAN BOARD OF CHIROPRACTIC ACUPUNCTURE

## BYLAWS

### ARTICLE I: NAME

This body shall be known as the American Board of Chiropractic Acupuncture (ABCA) hereinafter known as the Board.

### ARTICLE II: OBJECTIVE

The objective of the Board is to function in the official capacity as the sole credentialing agency in chiropractic acupuncture for the Council of Chiropractic Acupuncture (CCA), hereinafter known as the Council. The Board shall examine qualified applicants in chiropractic acupuncture and issue each successful candidate a Diplomat of the American Board of Chiropractic Acupuncture (DABCA), in conjunction with the Council.

### ARTICLE III: MEMBERSHIP

The Board shall consist of five (5) members.

- A. Term Length. The members of the Board will hold office for a term of two (2) years.
- B. The appointments will be staggered to three (3) members in even numbered years rotating off the Board and two (2) members in odd numbered years rotating off the Board. The Board members rotating off will serve on a Board Executive Committee for two (2) years to offer counsel to the Board as needed. The Board shall offer nominations to the Executive Council for new Board appointments. Nominations from the Executive Council and Board will be voted on-by a joint committee of four (4) members to decide who will fill open Board positions each year. This committee shall be named the Board Appointing Committee and shall be a standing committee. This committee shall consist of two (2) current Board members appointed by the Board and two (2) current Council members appointed by the Executive Council. The President of the Board shall chair this committee and will only vote in the case of a tie.
- C. Quorum. A quorum shall consist of a majority of Board members.
- D. Vacancy. A vacancy occurs if an appointed Board member is unable or unwilling to complete his term. If a Board member is unable to complete his term for any reason, the office may remain vacant or be filled at the discretion of the Board Appointing

Committee for the remainder of the vacant Board member's term. The Board must maintain at least four (4) members at all times.

- E. Committees. The Board may form standing and special committees for the purpose of fulfilling the duties of the Board. The Board President will have discretion to appoint an alternate of the Board to a committee. Committee members will be chosen by a majority vote of the Board representing a quorum. The Board President may sit as chair of any committee or delegate another person in his place. Committee members are appointed to one year terms but may serve as many

#### ARTICLE IV: OFFICERS

- A. The officers of the Board shall consist of a President, Vice-President, Secretary-Treasurer and Examination Secretary, and shall be elected by the Board from its five (5) members. All officers are required to be members of the Council and the ACA.
- B. Each officer shall report the activities of his office to the other officers on a quarterly basis. The Board President shall make quarterly reports to the Council President who shall report to the ACA Board liaison.
- C. No member of the Board may hold administrative or policy making positions with any chiropractic college or teach classes that lead to the Diplomate status in Chiropractic Acupuncture (DABCA).

#### ARTICLE V: DUTIES OF THE BOARD

- A. The Board is charged with creating and thereafter maintaining a manual of Standards, Policies and Procedures that will consist of but will not be limited to the following:
  - 1. Standards: Eligibility of applicants and/or candidates, testing, practice, continuing education credits for re-registration and re-certification along with eligibility of non-resident programs and resident programs.
  - 2. Structure: Structure of tests and requirements.
  - 3. Information: For applicants and/or candidates on modules, course study, testing, written exams, non-written exams and testing sites.
  - 4. Candidate Processing: On applications, testing, test results, item selection and item re-certification and re-registration.

5. Test Development: Test items, test development, item selection and item re-evaluation.
  6. Test Security: Confidentiality and item protection.
  7. Scoring and scoring reporting.
  8. Appeals: For tests, registration, diplomate status, re-registration, and re-certification.
  9. Continual Maintenance: On tests, tasks, and the Board.
  10. Program Evaluation: Programs, modules, testing and instruction.
  11. Exhibits of the Program Handbook.
  12. Issue diplomate certificates.
- B. To examine qualified candidates in the specialty of chiropractic acupuncture. Such examinations are to be conducted at a time and place as determined by the Board.
- C. To collect examination fees that have been specified by the Board and to deposit said fees in an account held by the Board. The account will be controlled by the Secretary/Treasurer of the Board. The Board has the ability to incur, pay and collect debts.
- D. To annually submit a written report prepared by the Secretary/Treasurer of the Board to the Secretary of the Council and the ACA Board liaison.
- E. Duties of the Board to the CCA and the ACA:
1. The Board functions under the authority of the Council. The ACA House of Delegates (HOD) is the legislative body of the ACA and determines specific ACA policies, aims and purposes. The Council and Board function as a subordinate arm of the ACA, operating only within its specific delegated field. The Council and Board must act pursuant to and in conformity with ACA policy.
  2. The Council and Board shall not act on a major issue on which ACA policy has not been adopted, until an applicable ACA policy has been adopted. The ACA President, with the approval of the ACA Board of Governors, may authorize the Council or Board to act in the interim, in the absence of ACA policy and set forth

the conditions under which such action may occur. This may occur when the Council President or Board President presents a written application to the ACA President stating why it is necessary and desirable to act in the absence of ACA policy, and setting forth in detail the proposed policy.

3. The Board shall submit an annual report of activities to the Council prior to the annual ACA meeting. It is the responsibility of the Council to submit this report to the ACA prior to the ACA annual meeting in accordance with ACA bylaws.
4. The Board shall submit a complete list of Board officers, and their status to the Council and ACA annually.
5. The Board shall submit a complete set of Board bylaws biennially to the Council for submission to the ACA, except when amendments are approved by the HOD. Then, the Board shall submit a complete updated set of bylaws within sixty (60) days of the close of the annual ACA meeting.
6. The Board in conjunction with the Council shall have an accountant's review or report conducted through the ACA home office on its finances, including income and expenses, prior to the mid-winter ACA Board of Governors meeting and to submit this report to the Council. It is the responsibility of the Council to submit this report to the ACA annually in accordance with ACA bylaws.

#### ARTICLE VI: COMPENSATION OF EXPENSES TO BOARD MEMBERS

- A. The Secretary/Treasurer of the Board is authorized to pay all necessary expenses in connection with the duties, functions and employments of the Board.
- B. Each Board member who is sanctioned to participate in the administration of an examination or an officially authorized Board function shall be entitled to compensation and expense allowance as follows: Coach air-fare, portal to portal transportation, expenses during Board authorized duty, plus a per diem to be set by the Board.
- C. The Secretary/Treasurers of the Board shall be placed under adequate bond, which amount shall be determined and paid by the Board.

#### ARTICLE VII: EXAMINATION AND SUBJECT MATTER

- A. Examination: The Board shall meet for the purpose of conducting business and examinations at a time, place and date selected by the Board and adequate public notice shall be made at least three (3) months prior to the specific date and time.
- B. Subject Matter: Shall be determined by the Board.

#### ARTICLE VIII: CERTIFICATION STATUS

- A. When the candidate passes all the written and non-written examinations, and has met the additional requirements set forth by the Board, he will be eligible to be a DABCA.

#### ARTICLE IX: AMENDMENTS

- A. These bylaws may be amended by a two-thirds (2/3) vote of the mail ballots received from the Council members, provided the proposed amendment shall have been filed with the Council Secretary at least sixty (60) days prior to the date of the annual general membership meeting.
- B. All proposed amendments are to be mailed or delivered to the Council members at least thirty (30) days prior to the annual general membership meeting. All ballots must be returned to the Council Secretary post marked/dated at least seven (7) days before the annual general membership meeting. All ballots received late or with erasures or changes on the ballot form will be voided. The ballots are to be opened and counted in the presence of a representative of the ACA Board of Governors, Tellers Committee or ACA Board liaison to the CCA.
- C. Amendments are not in effect until approved by the ACA HOD.

#### ARTICLE X: DISPOSITION OF COMPLAINTS

- A. If a complaint or dispute arises questioning a Council or Board action, the ACA shall be notified of the activation of this section of the bylaws.
- B. Administrative adjudication of a complaint/dispute:  
The complainant shall specifically state his complaint in writing for response by the Executive Council. The Executive Council shall respond with thirty (30) days to the submitted complaint. The complainant shall then have thirty (30) days to respond to the report of the Executive Council, and submit additional information supportive of

his complaint. The Executive Council shall then have thirty (30) days to respond to the complaint and additional information being submitted.

- C. If the administrative adjudication is unsuccessful, then a Review Board shall be formed consisting of:
1. A DABCA designated by the Board who is neither a member of the Board nor a member of the Executive Council.
  2. An individual who is either an attorney or trained in the law, such as an arbitrator or hearing officer, designated by the Executive Council.
  3. An individual designated by the complaining party.

The chairman of the Review Board shall be the person designated by the Executive Council.

The Review Board shall remain neutral, and shall act as the judicial tribunal to hear the dispute. The Review Board shall set a date for a hearing and conduct a hearing at which time the Board (ABCA) shall make a presentation concerning the dispute and the complainant or representative thereof shall make a presentation concerning the dispute. Witnesses, testimony and other evidence shall be presented to the Review Board for its consideration. The Review Board shall make a finding of facts and conclusions, binding on all parties, within sixty (60) days of the hearing.

All costs for the Review Board proceeding shall be borne and paid by the non-prevailing party, including but not limited to attorneys' fees and per diem expenses and remuneration of Review Board members and witnesses. In order to initiate the proceeding, the complaining party shall post with the Executive Council a bond in the amount of fifteen thousand dollars (\$15,000), unless, upon showing of good cause, the Executive Council determines that a lesser amount is appropriate. If the complaining party does not prevail, the bond amount shall be applied to the Executive Council's and Board's costs and attorneys' fees, and any balance shall be returned; any costs and attorneys' fees exceeding the bond amount shall be paid by, and may be recovered against, the complaining party.

- D. The ACA CCA Board will maintain Officers and Directors insurance either through the ACA or independently if not available via the ACA.