

# AMERICAN ASSOCIATION FOR RESPIRATORY CARE

## Board of Directors Meeting

July 19, 2014- Marco Island, FL

### Minutes

#### Attendance

George Gaebler, MEd, RRT, FAARC, President  
Frank Salvatore, MBA, RRT, FAARC, President-elect  
Karen Stewart, MSc, RRT, FAARC, Past-President  
Colleen Schabacker, BA, RRT, FAARC, VP External Affairs  
Brian Walsh, MBA, RRT-NPS, RPFT, FAARC, VP Internal Affairs  
Linda Van Scoder, EdD, RRT, FAARC, Secretary/Treasurer  
Bill Cohagen, RRT, MHSCA, FAARC  
Lynda Goodfellow, EdD, RRT, FAARC  
Bill Lamb, BS, RRT, CPFT, FAARC  
Keith Lamb, RRT  
Doug McIntyre, MS, RRT, FAARC  
Natalie Napolitano, MPH, RRT-NPS, FAARC  
Karen Schell, DHSc, RRT-NPS, RPFT, RPSGT, AE-C, CTTS  
Joe Sorbello, MEd, RRT  
Sheri Tooley, BSRT, RRT-NPS, CPFT, AE-C, FAARC  
Cynthia White, MSc, RRT-NPS, FAARC  
Gary Wickman, BA, RRT, FAARC  
Kim Wiles, BS, RRT, CPFT

#### Consultants

Mike Runge, BS, RRT, FAARC Parliamentarian  
Dianne Lewis, MS, RRT, FAARC, President's Council President  
John Steinmetz, MBA, RRT, Past Speaker

#### Excused

Peter Papadakos, MD, BOMA Chair

#### Staff

Tom Kallstrom, MBA, RRT, FAARC, Executive Director  
Doug Laher, MBA, RRT, FAARC, Associate Executive Director  
Tim Myers, MBA, RRT-NPS, FAARC, Associate Executive Director  
Steve Nelson, MS, RRT, FAARC, Associate Executive Director  
Shawna Strickland, PhD, RRT-NPS, AE-C, FAARC, Associate Executive Director  
Cheryl West, MHA, Director of Government Affairs  
Anne Marie Hummel, Regulatory Affairs Director  
Kris Kuykendall, Executive Administrative Assistant  
Tony Lovio, Controller

#### CALL TO ORDER

President George Gaebler called the meeting of the AARC Board of Directors to order at 8:35am EDT, Saturday, July 19, 2014. Secretary-Treasurer Linda Van Scoder called the roll and declared a quorum.

Colleen Schabacker moved to accept position statement “Verbal/Telephone Orders” as revised.  
(See Attachment “A”)

**Motion carried**

Brian Walsh moved to accept the Special Committee reports as presented.

**Motion carried**

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**Policy Review**

Policy No. BOD.024 – BOD – AARC Disaster Relief Fund

Bill Lamb moved to accept with date change.

**Motion carried**

Policy No. BOD.027 – BOD – Policy for Surveys Conducted by the Association

Joe Sorbello moved to refer to Executive Office to revise and report back at the December 2014 meeting.

**Motion carried**

Policy No. CT.007 – Committees – Judicial Committee Procedures for Processing Complaints and Formal Charges

Sheri Tooley moved to accept as amended.

**Motion carried**

Policy No. FM.002 – Fiscal Management – Annual Independent Audit

Linda Van Scoder moved combine FM .002 and FM. 018 and refer to the Executive Office to revise and send as E-vote.

**Motion carried**

Policy No. FM.005 – Fiscal Management – Independent Auditors and Audit Subcommittee

Bill Cohagen moved to add into one audit policy with FM.018.

**Motion carried**

Policy No. FM.018 – Fiscal Management – Audit and Oversight Standards

Combine into one audit policy with FM.002 and FM.005.

Policy No. RT.001 – Roundtables – Roundtables

President Gaebler to create an Ad Hoc Committee to review roundtable existence.

(See Attachment “B”)

President Gaebler began a discussion regarding the current per diem rate. Tom Kallstrom will consult with ASAE and see what other Associations offer for per diem.

**RECESS**

George Gaebler recessed the meeting of the AARC Board of Directors at 9:50am EDT Saturday, July 19, 2014.

**RECONVENE**

George Gaebler reconvened the meeting of the AARC Board of Directors at 10:10am EDT Saturday, July 19, 2014.

The Strategic Planning Committee report was reviewed and discussed. The “AARC Vision/Mission Statement” and objectives were reviewed and revised.

**RECESS**

George Gaebler recessed the meeting of the AARC Board of Directors at 11:30am EDT Saturday, July 19, 2014.

**RECONVENE**

George Gaebler reconvened the meeting of the AARC Board of Directors at 11:45am EDT Saturday, July 19, 2014.

Revision of the “AARC Vision/Mission Statement” continued and was completed.

**FM 14-2-16.1** Karen Stewart moved to approve the edited and updated Mission Statement and Strategic Goals  
**Motion carried**

Brian Walsh moved to accept the Standing Committee reports as presented.  
**Motion carried**

**RECESS**

George Gaebler recessed the meeting of the AARC Board of Directors at 12:15pm EDT Saturday, July 19, 2014.

**RECONVENE**

George Gaebler reconvened the meeting of the AARC Board of Directors at 1:35pm EDT Saturday, July 19, 2014.

John Steinmetz announced that Jerry Bridgers will be the first recipient of the new Bill Lamb Award.

**FM 14-2-80.1** Joe Sorbello moved that AARC request that CoARC place a moratorium on granting accreditation to any new associate degree programs.  
**Motion carried unanimously**

President Gaebler divided the Board members into groups to brainstorm on charges from the Ad Hoc Committee on 2015 & Beyond.

Joe Sorbello moved to reconsider FM 14-2-80.1.

**Motion carried**

Joe Sorbello moved to amend FM 14-2-80.1 to add January 1, 2015.

**Motion carried unanimously**

Treasurers Motion

Linda Van Scoder moved “That expenses incurred at this meeting be reimbursed according to AARC policy.”

**Motion carried**

MOTION TO ADJOURN

Linda Van Scoder moved “To adjourn the meeting of the AARC Board of Directors.”

**Motion carried**

ADJOURNMENT

President George Gaebler adjourned the meeting of the AARC Board of Directors at 2:55pm EDT, Saturday, July 19, 2014.

Meeting minutes approved by AARC Board of Directors as attested to by:

\_\_\_\_\_  
Linda Van Scoder  
AARC Secretary/Treasure

\_\_\_\_\_  
Date

# Attachment “A”

Position Statements:  
Verbal/Telephone Orders

**American Association for Respiratory Care**  
9425 N. MacArthur Blvd, Suite 100, Irving, TX 75063

**Position Statement**

# **Verbal/Telephone Orders**

Registered and Certified Respiratory Therapists, subject to all regulatory agencies, as well as, local health care institution policy and state licensure acts, may record the verbal/telephone orders of Licensed Independent Practitioners (LIP) for drugs, devices, diagnostic testing, and treatments directly related to the provision of a patient's care.

Effective 3/90  
Revised 07/11  
**Revised 07/2014**

# Attachment “B”

Policies:

- Policy No. BOD.024 – BOD – AARC Disaster Relief Fund
- Policy No. CT.007 – Committees – Judicial Committee Procedures for Processing Complaints and Formal
- Policy No. FM.002 – Fiscal Management – Annual Independent Audit
- Policy No. FM.005 – Fiscal Management – Independent Auditors and Audit Subcommittee
- Policy No. FM.018 – Fiscal Management – Audit and Oversight Standards

# American Association for Respiratory Care Policy Statement

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Policy No.:BOD.024

SECTION: Board of Directors  
SUBJECT: **AARC Disaster Relief Fund**

EFFECTIVE DATE:

DATE REVIEWED: **July 19, 2014**

DATE REVISED: July 2011

## REFERENCES:

**Policy Statement:** The AARC president may activate the Disaster Relief fund for AARC members in the event of a federally declared disaster.

## **Policy Amplification:**

1. In the event of a federally and state declared disaster the President will notify the appropriate State Affiliate President(s) notifying them of Disaster Relief Fund activation.
2. The Executive Office will provide Disaster Relief Forms to the State Affiliate President(s) as well as requesting AARC members.
3. The Application review process will be conducted as follows:
  - a. Members of good standing in the AARC prior to the onset of the disaster are eligible for a grant.
  - b. The member fills out an application for assistance and sends that form directly to the AARC; where membership status is verified.
  - c. The AARC President will send the member's application to the appropriate State Affiliate President for verification that the member is in an affected area and sustained property loss or damage.
  - d. The State Affiliate President submits their approval or disapproval of the application to the AARC Executive Office in writing. The Executive Office will inform the member of the status of their application (i.e. cut a check or decline the application with documentation of reasons for the action).



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4. Members of good standing in the AARC prior to the onset of the disaster are eligible for a grant. Funds will be allocated based on criteria set by the AARC President at the time of the disaster until all designated funds have been expended.
  - a. Funding will also include payment of membership dues.
5. The AARC President will authorize a call to all AARC Members for donations to the Disaster Relief Fund at any time it is deemed appropriate and/or necessary.
6. Records relating to the disbursement of Disaster Relief Funds will be available to any AARC member upon written request of their State Affiliate President.
7. The AARC President may consider activating the fund upon request of an affiliate president in the event of a state or local governmentally proclaimed state of emergency or disaster.

DEFINITIONS:

ATTACHMENTS:

# American Association for Respiratory Care Policy Statement

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Policy No.: CT.007

SECTION: Committees

SUBJECT: **Judicial Committee Procedures for Processing Complaints and Formal Charges**

EFFECTIVE DATE: December 1980

DATE REVIEWED: July 19, 2014

DATE REVISED: July 19, 2014

REFERENCES:

***Policy Statement:*** The following will define the procedures followed by the Judicial Committee in processing complaints and formal charges against a member or members of the Association who have allegedly violated the AARC Bylaws and/or Code of Ethics.

### ***Policy Amplification:***

### **Definitions:**

*Association:* American Association for Respiratory Care (AARC)

*Formal Complaint:* A complaint submitted to the Judicial Chairperson which details the specifics of a complaint, and which has been signed and duly notarized. Specifics of the complaint must include: (1) a detailed description of the violation; (2) when, how, and where the violation occurred; (3) the name of the organization or person affected by the violation; (4) the name, address, and telephone number against whom the complaint is being filed; and (5) the name, address, and telephone number of the person making the complaint. The complaint may include more than one individual, organization, and/or violation, if applicable. The complaint and its specifics must be legible.

*Valid Complaint:* A Formal Complaint judged by the Committee as having substance. Formal Complaint processed into a Formal Charge.

*Complaint Without Substance:* A Formal Complaint judged by the Committee to be lacking substance. Formal Complaint is dropped from record.

*Formal Charge:* A Formal Complaint judged valid by the Committee and issued to the charged member as a “Resolution Preferring Charges Against a Member.”

## **American Association for Respiratory Care Policy Statement**

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*Formal Hearing:* A Telephone hearing with the Committee, requested by the charged member.

*Executive Session:* A Committee meeting following a Formal Hearing to determine Committee action.

*Substance:* A preliminary determination by the Committee that a complaint is grounded in fact and worthy of a formal investigation.

### **Procedure:**

1. All improperly completed written complaints received by the Committee Chair shall be responded to within ten (10) working days by certified mail, return receipt requested. Instructions for proper completion of the complaint and time limitations shall be included with the Chairperson's response.
2. Failure of a complainant to return the information needed to complete the specifics of a formal complaint within thirty (30) days of the date of the signed return receipt shall be sufficient reason for abandoning the complaint.
3. The identity of any complainant shall be held confidential and provided to the accused member(s) only if the Committee determines the complaint(s) valid and a formal charge(s) is processed.
4. Upon receipt of a properly completed Formal Complaint, the Chair shall notify the accused member of the specifics of the Formal Complaint within ten (10) working days, by certified mail, return receipt requested.
5. The Chair shall conduct a complete preliminary investigation, as expeditiously as practical, involving only the complainant and the accused member to collect supportive documentation from both parties. The complainant, accused member, AARC President, and Judicial Committee members shall be notified of any serious delays in the investigation. Other individuals or institutions may be asked to submit written statements only with the written permission of the accused member. Such written statements must be acknowledged and sworn to before notaries, before they will be relied upon by the Committee.
6. Following the preliminary investigation, the Formal Complaint and all notarized documentation will be sent to Judicial Committee members for review.
7. The Chair shall schedule a telephonic meeting of the Judicial Committee to analyze the merits of the Formal Complaint and determine by majority vote, whether the Formal Complaint is Valid or Without Substance. This meeting requires a two-thirds presence of the Judicial Committee members, in addition to the Chair. The Chair votes only to bring majority. The AARC legal counsel shall be present to assist the Committee with any legal questions which may arise. Should the Committee determine the Formal Complaint is without substance, the complainant and accused member shall be so notified, within ten (10) working days, by certified mail, return receipt requested.

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8. Should the Committee determine the Formal Complaint is valid, a Formal Charge shall be issued to the accused member. A current “Resolution Preferring Charges Against a Member” shall be prepared, with the benefit of legal counsel, and forwarded to the charged member within fifteen (15) working days by certified mail, return receipt requested.
9. The charged member shall be requested to reply to the specified charges within fifteen (15) working days from the date of receipt of the “Resolution Preferring Charges Against a Member.”
10. Notification of Formal Charge shall include a clear statement of the options available to the charged member:
  - a. the right not to reply to the Committee’s request for response;
  - b. the right to provide a detailed response in rebuttal, denial, justification, explanation, or admission of the Formal Charge; and/or
  - c. the right to request a Formal Hearing in order to present a direct personal defense to refute the Formal Charge.
11. This notification shall also include a copy of “Judicial Committee Guidelines for Processing Complaints and Formal Charges.”
12. If the charged member fails to respond in writing within the time specified for reply, the Committee, by majority vote, may take action it deems appropriate.
13. If the charged member’s response is sufficient for Committee action, and no Formal Hearing is requested, the Committee, by majority vote, shall take whatever action it deems appropriate, **which may include, on vote of the Committee, the scheduling of a formal hearing.**
14. The Committee Chair may grant a reasonable extension on charged member response deadlines upon receipt of a written, notarized request for an extension, which details the circumstances warranting the requested extension.
15. Should the written response, by the charged member, prove to be inadequate by the Committee to refute, explain, justify or admit to the specifics of the charge, the Chair shall:
  - a. Request a final, more detailed statement or clarification from the charged member. No further written replies shall be requested.
  - b. Re-extend the opportunity for a Formal Hearing, which will serve in lieu of a final written response.

This request shall be forwarded to the charged member within ten (10) working days of the Committee’s determination of inadequate response by certified mail, return receipt requested. The charged member shall be requested to reply within ten (10) working days of his/her receipt of the committee’s second request.

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7. Without any request for a Formal Hearing, the Committee shall, by majority vote, take action in the case of each charged member within fifteen (15) working days of the receipt of a charged member's final written response. The charged member shall be notified within ten (10) working days of Committee action by certified mail, return receipt requested.
  1. If a Formal Hearing is requested, the AARC President shall be notified so that all necessary funds may be appropriated. The Judicial Committee Chair, with the assistance of the AARC executive office, shall schedule a telephonic Formal Hearing to be held within sixty (60) days from the date of receiving the charged member's request for Formal Hearing.
  2. The charged member requesting a Formal Hearing shall be notified by certified mail return receipt requested of the date and time of the Formal Hearing and shall be issued the Formal Hearing guidelines no less than thirty (30) days prior to the date of the Formal Hearing.
  3. The Judicial Committee Chair reserves the right to include or exclude presence of non-delineated individuals at the Formal Hearing.
  4. The AARC legal counsel will be present at all Formal Hearings and will assist the Committee with any legal questions.
  5. At no time shall the Chair or any Committee member attempt to **influence** any Committee member prior to a Formal Hearing.
  6. A Formal Hearing requires two-thirds (2/3) presence of the Judicial Committee members in addition to the Chair. The Chair votes only to bring majority vote.
  7. Letters or written statements introduced before the Committee must be duly notarized.
  8. Should the charged member not be present at the Formal Hearing, the Judicial Committee shall proceed with the Formal Hearing and make a decision by majority vote based on available information. A **recording** of all oral testimony shall be taken.
  9. The Judicial Committee Chair shall preside over all Formal Hearings. All individuals present including the Judicial Committee members shall be identified for the record.
  10. The Chair will identify the method of recording the Formal Hearing by the Judicial Committee and by the charged member.
  11. The Chair shall read the procedures to be followed in conducting the Formal Hearing and inquire of those present if there are any questions concerning those procedures.
  12. The Chair shall then read the specifics of the "Resolution Preferring Charges Against a Member."
  13. The Chair will then review all documentation concerning the aforementioned "Resolution Preferring Charges Against a Member."

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14. The charged member and/or his/her legal counsel shall then have the opportunity to rebut.

15. The charged member(s) involved shall then present witnesses and/or other admissible documents in defense of their position.

16. The Judicial Committee shall have the option of asking relevant questions about each document and/or from each witness presented by the charged member.

17. At the completion of the charged member's presentation, the Committee shall ask if the charged member has any further information. If none, the charged member presentation is closed, subject to rebuttal by the Committee.

18. The Judicial Committee may consult legal counsel prior to closing the Formal Hearing and going into Executive Session.

19. The Chair shall then close the Formal Hearing. The charged member shall be informed that he/she will be notified by the Judicial Committee Chair, within ten (10) working days of the Judicial Committee decision by certified mail return receipt requested.

20. The Chair shall reconvene the Committee and declare Executive Session to review the testimony and to vote on action to be taken.

21. In those cases where disciplinary action is taken against a charged member, notification of Committee action shall inform the charged member of his/her right to appeal the Committee action directly to the Board of Directors of the Association as defined in Article XI Section 2f of the Association Bylaws.

Should a charged member against whom disciplinary action has been taken, fail to appeal Committee action to the Board of Directors of the Association, within the time specified, the Chair shall notify the charged member by certified mail return receipt requested that his/her rights as defined by these policies and AARC Bylaws have been exhausted and that the case is no longer appealable and that the Committee action is now binding.

22. Upon advice of Legal Counsel, notification of Association member suspension or termination shall be given to:

- a. National Board for Respiratory Care (NBRC)
- b. State affiliate of member
- c. Local Chapter of member
- d. AARC member via *AARC Times* (only action taken, not names, shall be reported)
- e. Employer of member (upon written request of employer)

DEFINITIONS:

ATTACHMENTS:

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### **Procedure For Appeals to the Board of Directors (EP.1280)**

#### **Policy:**

All members against whom disciplinary action has been imposed shall be granted the opportunity to appeal such action(s) to the Board of Directors of the Association. The objective of this appeal mechanism is to provide an impartial forum responsible for the review of adjudged evidence. Judicial Committee procedures and the severity of the penalties assessed against members. Under no circumstances shall the right to appeal be denied any member.

#### **Outline of Preliminary Procedures:**

All appeals must be received in writing within thirty (30) days of the member's receipt of notification of disciplinary action, and must be forwarded directly to the AARC President.

Appeals received beyond the thirty (30) day deadline shall be returned to the appellant, by certified mail within five (5) working days of its receipt by the AARC President with notification of its invalidity.

Any and all appeals must detail, in explicit terms the basis for the appeal and justifications which might warrant the reversal or modification of Judicial Committee actions.

Any appeal based upon the submission of new evidence or the reversal of testimony shall be forwarded to the Judicial Committee for preliminary review and recommendations.

Upon receipt of a valid appeal the AARC President shall request the original case file and hearing transcript, if any, from the Judicial Committee Chair.

The AARC President shall forward all case materials to the officers and directors of the Association within twenty (20) days of the receipt of the member's appeal. Within thirty (30) days of the President's receipt of the member's appeal, the Board of Directors, by majority mail or conference call vote shall:

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Determine if the appeal is or is without merit.

1. Determine if all formal Judicial Committee procedures were followed appropriately.
2. Determine if Judicial Committee actions were appropriate for member responsibility.
3. Determine whether or not the strength of the appeal warrants reversal or modification of committee action.
4. Determine whether or not the appellant should be granted a formal hearing before the Board to present his/her case.

DEFINITIONS:

ATTACHMENTS:



# American Association for Respiratory Care Policy Statement

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Policy No.: FM.002

SECTION: Fiscal Management  
SUBJECT: **Annual Independent Audit**  
EFFECTIVE DATE: December 14, 1999  
DATE REVIEWED: **July 19, 2014**  
DATE REVISED: December 2006

## REFERENCES:

### ***Policy Statement:***

The Association shall require an annual independent audit of its fiscal operations.

### ***Policy Amplification:***

1. The Board of Directors shall, with the advice of its business counsel, be responsible for selecting a qualified auditing firm.
2. The independent auditor's report shall be made available to the membership in a manner deemed appropriate by the Board of Directors.
3. Rotate the managing partner every three to four years, and share all policies with the Audit Committee that pertain to the Audit Committee.

## DEFINITIONS:

## ATTACHMENTS:

# American Association for Respiratory Care Policy Statement

Page 1 of 1  
Policy No.: FM.005

SECTION: Fiscal Management  
SUBJECT: **Independent Auditors and Audit Subcommittee**  
EFFECTIVE DATE: December 14, 1999  
DATE REVIEWED: **July 19, 2014**  
DATE REVISED: December 2006

## REFERENCES:

### ***Policy Statement:***

The Association shall, to the best of its ability, acknowledge and heed the findings and recommendations of its independent auditors and the Audit subcommittee of the Finance Committee.

### ***Policy Amplification:***

1. The independent auditor shall:
  - A. Report its findings to the Audit subcommittee of the Finance Committee and the Board of Directors on an annual basis
  - B. Provide an annual Memorandum of Advisory Comments aimed at improving financial performance and reporting
1. The Board of Directors shall take appropriate action on the recommendations of the Audit subcommittee of the Finance Committee.

DEFINITIONS:

ATTACHMENTS:

# American Association for Respiratory Care Policy Statement

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Policy No.: FM.018

SECTION: Fiscal Management  
SUBJECT: **Audit and Oversight Standards**  
EFFECTIVE DATE: April 1, 2004  
DATE REVIEWED: **July 19, 2014**  
DATE REVISED: April 23, 2010

## REFERENCES:

### ***Policy Statement:***

1. The Board of Directors and the Audit Subcommittee will review financial transactions and auditing procedures of the AARC.
2. The Audit Subcommittee is composed of members from the Executive Committee and officers of the House of Delegates (HOD). AARC staff and management ~~do~~ cannot serve as members.
3. The Board of Directors and HOD officers are not part of management of the AARC nor do they receive any compensation from the AARC.
4. A full independent audit will be conducted annually by an outside auditor.
5. The Audit Subcommittee shall meet with the outside auditors, review the audit and recommend its approval.
6. The Audit Subcommittee should consider retaining the current partner or request obtaining another audit partner to be considered for rotation every five years.
7. The Board of Directors and HOD officers must have a conflict of interest policy with disclosure.
8. The AARC will not provide personal loans for its directors or executives.
9. The AARC must develop and adopt a formal process to deal with complaints from employees and prevent retaliation.
10. The AARC will have a written, mandatory document retention and periodic destruction policy.

### ***Policy Amplification:***

1. Orientation of the Board members should include financial training related to the organization.
2. Auditing firms should not be used to provide non-auditing services (except for tax preparation) while the firm is conducting auditing services.

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Policy No.: FM.018

1. A confidential and anonymous mechanism to encourage employees to report any inappropriateness within the entity's financial management should exist.
  - a. A member of the executive office staff can report fiscal inappropriateness to the Executive Director of the AARC. He or she can also report this to the President of the Board of Directors.
  - b. A member of the Board of Directors can report fiscal inappropriateness to the Executive Director.
2. The document retention policy should include guidelines for handling electronic files and voicemail messages as well as paper documents.
3. Forms 990 or 990-PF should be filed electronically to the IRS, in a timely and accurate manner.

**Reference:** The Sarbanes-Oxley Act and Implications for Nonprofit Organizations, 2003BroadSource and Independent Sector, [www. broadsource.org](http://www.broadsource.org)

DEFINITIONS:

ATTACHMENTS: