

**TEXAS BOARD OF CHIROPRACTIC EXAMINERS
William P. Hobby Building
333 Guadalupe, Suite 3-825
Austin, Texas 78701**

BOARD MEETING: Thursday, May 17, 2018

Hobby Building, Tower 3, Room 100

9:00 A.M. – Adjournment

BOARD MEETING AGENDA

The Texas Board of Chiropractic Examiners will consider and act, if necessary, on matters within the jurisdiction of the Board which are listed on this agenda. The Board may meet from time-to-time in executive session with respect to the agenda items as authorized by the Texas Open Meetings Act, Chapter 551, Tex. Gov't Code.

- 1.0 Call to order, Roll call & Vote on absences.**
- 2.0 Approval of February 15, 2018, Board Meeting Minutes.**
- 3.0 Public Comments.**
- 4.0 President's Report.**
 - 4.0.1 Introductory Statement.**
 - 4.0.2 Discussion of Acupuncture Stakeholder meeting held April 11, 2018.**
 - 4.0.3 Discussion of FCLB Conference held May 3-5, 2018.**
 - 4.0.4 Discussion of participation in NBCE Part IV exam, development and workshop.**
- 5.0 Executive Director's Report.**
 - 5.1.0 Introductory Statement.**
 - 5.2.0 Staff and Agency Resources Updates.**
 - 5.3.0 Finances and Reporting.**
 - 5.4.0 Scope of Practice Questions.**
- 6.0 Continuing Educational Standards.**
 - 6.1.0 Comments from the Committee and instructions to the staff, if any.**
- 7.0 Licensure.**
 - 7.1.0 Request to Sit for the Texas Jurisprudence Examination.**

7.2.0 Request for extension to take Special Purposes Exam (SPEC) exam.

8.0 Rules Committee.

8.1.0 Discussion and Consideration of Rule Amendments: 75.5, 78.3, 78.5, 78.7 and 78.8.

8.2.0 Discussion and comments from Rules Committee Chair concerning any Committee business, activities or issues including draft Rule 78.14 concerning Acupuncture, Rules for future amendment and direction to the staff, if any.

9.0 Enforcement Committee.

9.1.0 Consideration and Approval of Accepted Agreed Orders: 2017-264, 2017-483, 2017-484, 2018-024, 2018-086, 2018-087; 2018-098 and 2018-112.

9.2.0 Consideration and Approval of Accepted Cease and Desist Order: 2018-109.

9.3.0 Consideration of Orders of Statutory Revocation: 2017-468 and 2017-487.

9.4.0 Consideration of Board Order to Approve Administrative Penalty: 2017-494, State Office of Administrative Hearings Docket No. 508-18-2148.

9.5.0 Consideration and Approval of Requests to Expunge Records: 101-199, 101-422, 2013-031, 2013-303, 2013-305 and 2013-307.

9.6.0 Comments from Enforcement Chair, including: cases for future consideration by the Committee, discussion on Rules affecting Enforcement, and directions to staff, if any.

10.0 EXECUTIVE SESSION.

The Board may meet in Executive Session for consultation with counsel pursuant to §551.071, Government Code, wherein the Board and essential staff will receive advice of legal counsel concerning items appearing on this agenda regarding matters related to the position of the former General Counsel and Executive Director.

The Board may also meet in Executive Session for consultation with counsel pursuant to §551.071, Government Code, wherein the Board and essential staff will receive a briefing from assigned Assistant Attorney General and General Counsel concerning pending or contemplated litigation and settlement offers including but not limited to:

The Texas Medical Association (TMA) lawsuit against the Board challenging Rule §78.13 Scope of Practice, authorizing certified chiropractors to perform Vestibular-Ocular-Nystagmus testing; and challenge to diagnosis and definitions of "musculoskeletal system" and "subluxation complex."

The Texas Association of Acupuncture and Oriental Medicine (TAAOM) lawsuit (currently abated by agreement) against the Board challenging Rule §78.14, authorizing certified and/or trained chiropractors to utilize the modality of acupuncture in practice.

The Board may meet in Executive Session to deliberate personnel matters pursuant to §551.074, Government Code, wherein the Board and essential staff will address staffing and personnel concerns regarding matters related to the Agency's former General Counsel position.

The Board will reconvene in open session after Executive Session to vote on items considered in Executive Session as necessary.

11.0 CONSIDERATION OF MOTIONS RELATED TO ITEMS DISCUSSED IN EXECUTIVE SESSION.

Board members will have the opportunity to offer motions related to any items discussed in Executive Session.

12.0 FINAL ITEMS.

Call for future items for discussion and/or consideration by the Board.

Future Board meeting dates:

August 16, 2018
November 8, 2018
February 21, 2019
May 16, 2019

Future Enforcement Committee dates:

August 15, 2018
November 7, 2018
February 20, 2019
May 15, 2019

Note: Persons with disabilities who plan to attend and who may need auxiliary aids, services, or special accommodations should contact Board staff, Lisa Agarwal at 512-305-6906, a minimum of two (2) working days prior to the meeting so that appropriate accommodations can be made.