

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

William P. Hobby Building
333 Guadalupe, Suite 3-825
Austin, Texas 78701

ANNOUNCEMENT OF BOARD MEETING

Date: Thursday, November 8, 2018

Time: 9:00 a.m. until final adjournment

Location: William P. Hobby Building
333 Guadalupe, Tower 2, Room 225
Austin, Texas 78701

BOARD MEETING AGENDA

Pursuant to Texas Occupations Code §201.058, the Texas Board of Chiropractic Examiners (Board) will meet in open session and, after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on any of the following agenda items.

Proceedings of the Board shall be conducted under modified Robert's Rules of Order. The President of the Board reserves the right to alter the order of agenda items in his discretion as circumstances warrant. Agenda items that have been adopted, delayed, or tabled for another meeting may be considered or reconsidered at the same meeting.

The Board may, when required, meet and discuss in closed executive session and take action in a subsequent open meeting on any item on the agenda to the extent the Board is authorized to do so pursuant to Texas Government Code §§551.071 (Consultation with Attorney), 551.073 (Deliberation Regarding Prospective Gift), 551.074 (Personnel Matters), or 551.076 (Deliberation Regarding Security Devices or Security Audits).

Note: This agenda contains references to sections of 22 Texas Administrative Code (TAC) Chapters 71 to 82. The numbering and names of some sections have recently changed, effective November 1, 2018. In those instances where the agenda cites a section that has changed, both the current section number and the former are included.

AGENDA ITEMS:

1. Call to order and roll call.

2. Discussion and action to approve the minutes for the Board meeting held on:
 - a. September 16, 2018
3. President's report and comments.
4. Discussion and possible action on adopting the repeal of certain Board rules relating to rules of practice:
 - a. 22 TAC §78.14 (Acupuncture) (current rule)
5. Discussion and possible action on adopting certain proposed Board rules relating to rules of practice:
 - a. 22 TAC §78.14 (Acupuncture) (new rule)
6. Staff reports:
 - a. Executive Director
 - b. Director of Licensing
 - c. Operations Manager
 - d. Director of Enforcement
7. Board Committee reports:
 - a. Rules Committee
 - b. Licensing Committee
 - c. Education Standards Committee
 - d. Enforcement Committee
8. Public Comment: the Board will entertain general comments from the public on matters not specifically announced elsewhere in this agenda. Individuals wishing to speak must register their names on the sign-in sheets located at the entrance to the meeting room. The Board President may, in his discretion, limit the length of public comments in the interest of time. Individuals who wish to register a comment with the Board but not speak may do so by providing a written statement to Board staff.
9. Discussion and possible action on the Board's report to the Texas Legislature on eligibility requirements related to an applicant for licensure's criminal history as required by House Bill 91 (85th Legislature, Regular Session).
10. Discussion and possible action on the Board's making legislative and policy recommendations to the Texas Legislature concerning Texas Occupations Code Chapter 201.
11. Discussion and possible action on addressing the Texas Sunset Commission's recommendation to amend 22 TAC §79.1 (Unprofessional Conduct) (*formerly 22 TAC §78.1*) to define what constitutes "unsanitary and unsafe equipment."

12. Discussion and possible action on changing continuing education requirements in 22 TAC §73.1 (Continuing Education) (*formerly 22 TAC §75.5*) from 16 hours per year to 32 hours per biennium, and to expand approved continuing education courses defined in 22 TAC §73.3 (Approved Continuing Education Requirements) (*formerly 22 TAC §75.7*) to include those approved by other state regulatory agencies.
13. Discussion and possible action on requests to sit for the Texas Jurisprudence Examination pursuant to Texas Occupations Code §201.304(a)(2):
 - a. Lou Roz
 - b. Jeff Salczenko
 - c. Michael Maggio
14. Discussion and possible action on requests for a criminal history evaluation letter pursuant to Texas Occupations Code §53.102 and 22 TAC §72.12:
 - a. Desiree Villarreal
15. Discussion and possible action on requests to expunge disciplinary records pursuant to Texas Occupations Code §201.156(c)(2) and 22 TAC §79.3 (*formerly 22 TAC §78.11*):
 - a. Matthew J. Rayner, License No. 12017
 - b. Richard A. Alexander, License No. 8088
16. Discussion and possible action on default orders pursuant to Texas Occupations Code §201.0555, Texas Government Code §§2001.056(4) and 2001.058(d-1), and 22 TAC §81.6(b) (*formerly 22 TAC §79.6(b)*):
 - a. *TBCE v. Kenneth Lester, License No. 8406* (TBCE Case No. 2017-492, SOAH Docket No. 508-18-4139)
17. Discussion and possible action on proposed agreed orders pursuant to Texas Occupations Code §201.504(a)(1):
 - a. John M. Sullivan, License No. 56056, TBCE Case No. 2017-449 (voluntary surrender in lieu of discipline)
 - b. Gregory K. Harmon, License No. 5704, TBCE Case No. 2017-396 (\$500 penalty)
 - c. Daxton T. Krugman, License No. 8577, TBCE Case No. 2018-158 (2 year suspension, fully probated with stipulations)
 - d. W. Joe Ford, Jr., License No. 7844, TBCE Case No. 2018-037 (letter of reprimand)
 - e. Steven M. Catalina, License No. 8281, TBCE Case Nos. 2017-481 & 2018-038, (\$1750 penalty)
 - f. Nathan L. Hansen, License No. 10518, TBCE Case No. 2018-103 (\$1000 penalty and jurisprudence exam)
 - g. Ngoc-Oanh Thi Nguyen-Tong, License No. 8584, TBCE Case No. 2018-130 (\$4000 penalty)
 - h. Gregory A. Green, License No. 11465, TBCE Case No. 2018-172 (\$3750 penalty and EBAS exam)

18. Discussion and possible action on adopting the repeal of certain Board rules relating to chiropractic radiological technologists:
 - a. 22 TAC §74.1 (Definitions)
 - b. 22 TAC §74.2 (Registration of Chiropractic Radiologic Technologists)

19. Discussion and possible action on adopting the repeal of certain Board rules relating to professional conduct:
 - a. 22 TAC §77.13 (Bribery)
 - b. 22 TAC §77.14 (Coercion of Public Servant or Voter)
 - c. 22 TAC §77.15 (Improper Influence)
 - d. 22 TAC §77.16 (Tampering With a Witness)
 - e. 22 TAC §77.17 (Obstruction or Retaliation)

20. Discussion and possible action on adopting the amendment of certain Board rules relating to licenses and renewals:
 - a. 22 TAC §75.1 (Notification and Change of Address)

21. Discussion and possible action on proposing the amendment of certain Board rules relating to continuing education:
 - a. 22 TAC §73.1 (Continuing Education) (*formerly 22 TAC §75.5*)

22. Closed session. The Board may meet in closed session pursuant to Texas Government Code §§551.071, 551.073, 551.074, 551.076, 551.088, or 551.089 if related to the agenda items above as necessary.

23. Discussion and possible action on any matters discussed in closed session, if necessary.

24. Requests from Board members for future agenda items.

25. Adjournment.

For questions regarding items on this agenda, please contact Christopher Burnett, General Counsel, at 512-305-6700.

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