

## TEXAS BOARD OF CHIROPRACTIC EXAMINERS

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

### ANNOUNCEMENT OF BOARD MEETING

Date: Thursday, January 31, 2019

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

Location: William P. Hobby Building  
333 Guadalupe, Tower 2, Room 400A  
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).

1. Call to order and roll call.
2. Discussion and action to approve the minutes for the Board meeting held on:

November 8, 2018

3. President's report and comments.

4. Discussion and possible action regarding the election of a Board Vice-President and a Secretary-Treasurer pursuant to Texas Occupations Code §201.055(b).

5. Staff reports:

- a. Executive Director
- b. Director of Licensing
- c. Operations Manager
- d. Director of Enforcement

6. Board Committee reports:

- a. Rules Committee
- b. Licensing Committee
- c. Education Standards Committee
- d. Enforcement Committee

7. 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.

8. Discussion and possible action on the Board's making legislative and policy recommendations to the Texas Legislature concerning Texas Occupations Code Chapter 201:

- a. §201.055 (Officers)
- b. §201.159 (Records)
- c. §201.207 (Inspections)
- d. §201.302 (Licensing Examination Application)
- e. §201.303 (Educational Requirements)
- f. §201.305 (Examination Procedure)
- g. §201.307 (Reexamination)
- h. §201.311 (Inactive Status)
- i. §201.351 (Registration)
- j. §201.352 (Application for Registration)
- k. §201.506 (Enforcement Committee)
- l. §201.511 (Reissuance of License)
- m. §201.553 (Enforcement Committee Recommendation)
- n. §§201.556 – 201.560 (Pay to Appeal Provisions)
- o. §201.605 (Criminal Penalty; Practice Without License)
- p. §201.6015 (Cease and Desist Order)
- q. §201.501 – 201.503 (Subchapter K, Disciplinary Procedures)

9. Discussion on the Board's enforcement procedures.

10. Discussion on the Board's authority to expunge disciplinary records pursuant to Texas Occupations Code §201.156(c)(2) and 22 TAC §79.3.
11. Discussion and possible action on requests to expunge disciplinary records pursuant to Texas Occupations Code §201.156(c)(2) and 22 TAC §79.3:
  - a. Richard B. Payne, License No. 9817, TBCE Case No. 2014-083
  - b. Bobbie T. Williams, License No. 10397, TBCE Case No. 2015-181
12. Discussion and possible action on requests to sit for the Texas Jurisprudence Examination pursuant to Texas Occupations Code §201.304(a)(2):
  - a. Michael J. Moses
  - b. John R. Hines
13. Discussion and possible action on proposed cease and desist orders pursuant to Texas Occupations Code §201.6015 and Texas Government Code §2001.056:
  - a. Chi Dang, TBCE Case No. 2018-123
  - b. David J. Goodwin, License, No. 11476, TBCE Case No. 2018-159
14. 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):

(None for this meeting).
15. Discussion and possible action on proposed agreed orders pursuant to Texas Occupations Code §201.504(a)(1):
  - a. Loverous Whittaker II, License No. 9384, TBCE Case No. 2018-104
  - b. Mark A. Dennis, License No. 11418, TBCE Case No. 2017-440
  - c. Michael W. Hall, License No. 5455, TBCE Case No. 2017-501
  - d. Patrick L. McCabe, License No. 12906, TBCE Case No. 2018-041
16. Discussion and possible action on required suspension or revocation of licenses for certain offenses pursuant to Texas Occupations Code §201.5065:
  - a. Charles D. Windsor, License No. 6507, TBCE Case No. 2018-117
17. Discussion and possible action on proposing amendments to certain Board rules relating to scope of practice:

22 TAC §78.14 (Acupuncture)
18. Discussion and possible action on proposing a new Board rule relating to business practices:

22 TAC §75.1 (Unsafe and Unsanitary Conditions)
19. Discussion and possible action on proposing the repeal and replacement of certain Board rules relating to sanctions imposed by the Board:

22 TAC §80.4 (Schedule of Sanctions)

20. Discussion and possible action on adopting the repeal and replacement of certain Board rules relating to continuing education:

22 TAC §73.1 (Continuing Education)

21. Discussion and possible action on proposing the amendment of certain Board rules relating to advertising and public communications:

22 TAC §77.4 (Misleading Claims)

22. Closed session. The Board will discuss and take possible action relating to the annual performance evaluation of the Executive Director pursuant to Texas Government Code §551.074.

23. Closed session. The Board will receive updates from the General Counsel concerning litigation pursuant to Texas Government Code §551.071.

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

25. Requests from Board members for future agenda items.

26. 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.