

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

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

ANNOUNCEMENT OF BOARD MEETING

**AMENDED NOTICE:** New Item #35, discussion and possible action on proposing a new rule relating to business practices (22 TAC §75.8 Unsafe and Unsanitary Conditions), has been inserted into the agenda.

Date: Thursday, May 16, 2019  
Time: 9:00 a.m. until final adjournment  
Location: William P. Hobby Building  
333 Guadalupe, Room 100  
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:

January 31, 2019

3. President's report and comments.

4. Staff reports:

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

5. Board Committee reports:

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

6. 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.

7. Discussion on the formulation of the agency's next strategic plan.

8. Discussion and possible action on requests to sit for the Texas Jurisprudence Examination pursuant to Texas Occupations Code §201.304(a)(2):

- a. Sang Lee
- b. Heidi Townsend
- c. Jeremy Eason

9. Discussion and possible action on proposed cease and desist orders pursuant to Texas Occupations Code §201.6015 and Texas Government Code §2001.056:

None for this meeting

10. 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

11. Discussion and possible action on proposed agreed orders pursuant to Texas Occupations Code §201.504(a)(1):

- a. Mark Allen Dennis, License No. 11418, TBCE Case No. 2017-440
- b. Gary Cagan Randall, License No. 12225, TBCE Case No. 2018-023
- c. Patrick L. McCabe, License No. 12906, TBCE Case No. 2018-041
- d. Robert Scott Small, License No. 13440, TBCE Case No. 2018-079
- e. Kelly Don Clenney, License No. 7116, TBCE Case No. 2018-155
- f. Donovan L. Thomas, License No. 6919, TBCE Case No. 2018-164
- g. Ryan N. Bass, License No. 10096, TBCE Case No. 2018-169
- h. Steven John Kicinski, License No. 7245, TBCE Case No. 2019-004
- i. Daxton T. Krugman, License No. 8577, TBCE Case No. 2019-077

12. Discussion and possible action on required suspension or revocation of licenses for certain offenses pursuant to Texas Occupations Code §201.5065:

- a. David T. Scott, License No. 8740, TBCE Case No. 2019-078

13. Discussion and possible action on proposing the repeal and replacement of certain Board rules relating to license applications and renewals:

- 22 TAC §72.19 (Fees)

14. Discussion and possible action on proposing the repeal and replacement of certain Board rules relating to business practices:

- 22 TAC §75.2 (Out-of-Facility Practice)

15. Discussion and possible action on proposing the repeal and replacement of certain Board rules relating to business practices:

- 22 TAC §75.6 (Mandatory Notice to Public)

16. Discussion and possible action on proposing a new rule relating to certain business practices:

- 22 TAC §75.7 (Mandatory Display of License)

17. Discussion and possible action on adopting the proposed amendment to certain rules relating to scope of practice:

- 22 TAC §78.14 (Acupuncture)

18. Discussion and possible action on adopting the proposed amendment to certain rules relating to advertising and public communications:

- 22 TAC §77.4 (Misleading Claims)

19. Discussion and possible action on adopting the repeal and replacement of certain rules relating to complaints:

- 22 TAC §80.4 (Schedule of Penalties)

20. Discussion and possible action on adopting a proposed new rule relating to certain business practices:

22 TAC §75.1 (Unsafe and Unsanitary Conditions)

21. Discussion and possible action on proposing the repeal of certain rules relating to unprofessional conduct:

22 TAC §79.3 (Disciplinary Records)

22. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.1 (Duty to Respond to Complaint)

23. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.2 (Complaint Procedures)

24. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.3 (Disciplinary Guidelines)

25. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.5 (Expert Review Process)

26. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.6 (Undercover Investigations)

27. Discussion and possible action on proposing the repeal and replacement of certain rules relating to complaints:

22 TAC §80.7 (Cease and Desist Orders)

28. Discussion and possible action on proposing a new rule relating to complaints:

22 TAC §80.9 (Temporary License Suspension)

29. Discussion and possible action on adopting a new ethics policy for the agency as a standing Board order pursuant to Texas Government Code §572.051(c).

30. Closed session. The Board will receive legal advice relating to ethics training from the General Counsel pursuant to Texas Government Code §551.071.

31. Closed session. The Board will receive will receive legal advice relating to on-going litigation from the General Counsel pursuant to Texas Government Code §551.071.

32. Discussion and possible action on any matters discussed in closed session, if necessary.
33. Requests from Board members for future agenda items.
34. 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. Lanny Blair Brustein, License No. 5511, TBCE Case No. 101-087
  - b. Gilbert Lynn Danforth, License No. 7276, TBCE Case No. 102-235
  - c. Mike D. Maddox, License No. 4162, (Multiple Cases)
35. Discussion and possible action on proposing a new rule relating to business practices:  
22 TAC §75.8 (Unsafe and Unsanitary Conditions)
36. 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.