

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

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

ANNOUNCEMENT OF BOARD MEETING

Date: **Thursday, August 20, 2020**

Time: **9:00 a.m. (Central Time) until final adjournment**

NOTICE: This meeting will be conducted via Google Meet video conferencing software. If you would like to address the Board please register for the Board Meeting on or before August 18th by clicking on the following link: <https://forms.gle/T9qwABcMpz5K8N8K6>.

After registering, you will receive a confirmation email containing information about joining the meeting.

If you do not wish to speak directly to the Board, you may view a live stream of the Board meeting on YouTube at the following address: <https://youtu.be/Ic72VS21obg>.

A recording of the meeting will be available on the Board's YouTube channel shortly after the meeting's conclusion:

<https://www.youtube.com/channel/UCN2Ib1A2m7VyerFoFJ5P0VQ>.

BOARD MEETING AGENDA

Pursuant to Texas Occupations Code §201.058 and through the Governor's suspension of certain provisions of the Open Meetings Act (Texas Government Code Chapter 551) under his authority granted under the Texas Disaster Act of 1975 (Texas Government Code Chapter 418), the Texas Board of Chiropractic Examiners (Board) will meet in open session via video-conference 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).

For questions regarding specific items on this agenda, please contact Christopher Burnett, General Counsel, at 512-305-6700 or christopher@tbce.texas.gov.

Opening Matters:

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

May 21, 2020

Board and Staff Reports:

3. President's report and comments.
4. Board Committee reports:
 - a. Rules Committee
 - b. Enforcement Committee
 - c. Education Standards Committee
 - d. Licensing Committee
5. Executive Director and staff reports:
 - a. Executive Director
 - b. Director of Operations
 - c. Director of Licensing
 - d. Director of Enforcement

Public Comments:

6. Public Comment: the Board will entertain general comments from the public on matters not specifically announced elsewhere in this agenda. 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 concerning an agenda item with the Board but not speak may do so by emailing their comments to christopher@tbce.texas.gov. Please include the specific agenda item in any email.

Board Policy Discussions: The Board may discuss but take no formal action on these items. The Board may give direction to staff as a result of the discussions.

7. Presentation by Stacey Kjeldgaard, executive director, Ethics and Boundaries Assessment Services (EBAS), on services available to the Board and licensees.

Licensing Matters:

8. Discussion and possible action on requests to sit for the Texas Jurisprudence Examination pursuant to Texas Occupations Code §201.304(a)(2) or a request for renewal with good cause pursuant to Texas Occupations Code § 201.153(a):

- a. Crystal Garbs
- b. Joseph Stucki

Enforcement Matters:

9. Discussion and possible action on proposed final decision (PFD) orders pursuant to Texas Occupations Code §201.555 and 22 TAC §81.10:

None for this meeting.

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

- a. Dino J. Demetriou, License No. 5325, TBCE Case No. 2018-186
- b. Ndon N. Emah, License No. 8810, TBCE Case No. 2019-020
- c. Roy L. Youngblood, unlicensed, TBCE Case No. 2019-064
- d. Dean Elliot Draluck, unlicensed, TBCE Case No. 2019-284
- e. Eric Shay, unlicensed, TBCE Case No. 2019-303
- f. Randall Baugh Johns, License No. 9359, TBCE Case No. 2019-304
- g. Brad Hightower, unlicensed, TBCE Case No. 2020-004
- h. Carlos Gamez, unlicensed, TBCE Case No. 2020-005
- i. Bryce Calvillo, unlicensed, TBCE Case No. 2020-052
- j. Bennett Patterson, unlicensed, TBCE Case No. 2020-054

11. 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.

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

- a. Glenn Robert Robinson, License No. 4991, TBCE Case No. 2018-017
- b. Dwane Davis, License No. 13115, TBCE Case No. 2018-162
- c. Richard Brian Shaffer, License No. 7885, TBCE Case No. 2018-170

d. Maegan Moseley Stanga, License No. 11761, TBCE Case No. 2018-053

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

None for this meeting.

Rules for Adoption:

14. Discussion and possible action on adopting the repeal and replacement of certain rules relating to fees, license applications, and renewals:

22 TAC §72.14 (License Renewal)

15. Discussion and possible action on adopting the repeal and replacement of certain rules relating to fees, license applications, and renewals:

22 TAC §72.15 (Temporary License)

16. Discussion and possible action on adopting the repeal and replacement of certain rules relating to fees, license applications, and renewals:

22 TAC §72.18 (Criminal History)

17. Discussion and possible action on adopting the repeal and replacement of certain rules relating to patient records and documentation:

22 TAC §76.1 (Required Contents of Patient Records)

18. Discussion and possible action on adopting the repeal and replacement of certain rules relating to patient records and documentation:

22 TAC §76.2 (Requests for Patient Records)

19. Discussion and possible action on adopting a new rule relating to patient records and documentation:

22 TAC §76.3 (Fees for Providing Patient Records)

20. Discussion and possible action on adopting a new rule relating to patient records and documentation:

22 TAC §76.4 (Duty to Maintain and Store Patient Records)

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

22 TAC §78.14 (Acupuncture)

22. Discussion and possible action on adopting the repeal and replacement of certain rules relating to unprofessional conduct:

22 TAC §79.1 (Unprofessional Conduct), change to "Inappropriate Sexual Conduct"

23. Discussion and possible action on adopting a new rule relating to unprofessional conduct:
22 TAC §79.3 (Financial Misconduct)

24. Discussion and possible action on adopting the repeal and replacement of certain rules relating to complaints:
22 TAC §80.2 (Complaint Procedures)

25. Discussion and possible action on adopting the repeal of certain rules relating to complaints:
22 TAC §80.8 (Default on Student Loans)

26. Discussion and possible action on adopting a new rule relating to complaints:
22 TAC §80.11 (Informal Settlement Conferences)

27. Discussion and possible action on adopting the repeal of certain rules relating to internal Board procedures:
22 TAC §82.4 (Private Donors)

Proposed Rules:

28. Discussion and possible action on proposing certain rules relating to substance abuse testing and monitoring:
22 TAC §74.1 (Substance Abuse Testing and Monitoring of Applicants)

29. Discussion and possible action on proposing certain rules relating to substance abuse testing and monitoring:
22 TAC §74.2 (Substance Abuse Testing and Monitoring of Licensees)

30. Discussion and possible action on proposing certain rules relating to scope of practice:
22 TAC §78.5 (Delegation of Radiologic Procedures)

31. Discussion and possible action on proposing certain rules relating to complaints:
22 TAC §80.12 (Retention of Investigative Records)

Legal Matters:

None for this meeting.

Concluding Matters:

32. Requests from Board members for future agenda items.

33. Adjournment.