

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

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

ANNOUNCEMENT OF BOARD MEETING

Date: **Thursday, February 20, 2020**

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).

Opening Matters:

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

September 12, 2019

Board and Staff Reports:

3. President's report and comments.
4. Staff reports: The Board will hear from staff on general agency operations.
 - a. Executive Director
 - b. Director of Licensing
 - c. Director of Operations
 - d. Director of Enforcement
5. Board Committee reports: The Board will hear general committee reports, if any. The Board may discuss but take no formal action on these reports. The Board may direct staff as a result of the discussions.
 - a. Rules Committee
 - b. Licensing Committee
 - c. Education Standards Committee
 - d. Enforcement Committee

Public Comments:

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.

Licensing Matters:

7. Discussion and possible action on requests to sit for the Texas Jurisprudence Examination pursuant to Texas Occupations Code §201.304(a)(2) or appeal the denial of an acupuncture permit pursuant to 22 TAC :
 - a. Mikkell Bahamondes
 - b. Hai Tien
 - c. Joe Zellars
 - d. Chris Wright
 - e. Aaron Root, DC
 - f. Heith Root, DC
 - g. Stephen Clouthier, DC

Enforcement Matters:

8. 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

9. Discussion and possible action on proposed cease and desist orders pursuant to Texas Occupations Code §201.6015 and Texas Government Code §2001.056:
 - a. Zachary Joseph Violanti, TBCE License No. 13325, TBCE Case No. 2018-141
 - b. Leslie Dodoo, unlicensed, TBCE Case No. 2019-008

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):
 - a. Benjamin Jimmy Leyva, License No. 12746, TBCE Case No. 2020-040

11. 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. Krystal Jasmine Barnett, License No. 11446, TBCE Case No. 2018-082
 - c. Shawn S. Delk, License No. 8891, TBCE Case No. 2018-096
 - d. Benjamin Joseph Hansen, License No. 13309, TBCE Case No. 2018-138
 - e. Stephen Huy Le, License No. 9521, TBCE Case No. 2018-144
 - f. Dwane Davis, License No. 13115, TBCE Case No. 2018-162
 - g. Richard Brian Shaffer, License No. 7885, TBCE Case No. 2018-170

12. Discussion and possible action on required suspension or revocation of licenses for certain offenses pursuant to Texas Occupations Code §201.5065:
 - a. Walker Landen Fletcher, License No. 8813, TBCE Case No. 2018-196

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.

13. The Board will discuss a proposed draft resolution relating to the nervous system in the practice of chiropractic that Dr. Bronson will present to the body of voting delegates for consideration during the next meeting of the Federation of Chiropractic Licensing Boards in April 2020.

14. The Board will discuss the recent changes in the law relating to telehealth and the use of telehealth in the practice of chiropractic. At the President's discretion, the Board may hear invited testimony on the subject.

Rules for Adoption:

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

22 TAC §71.1 (Petition for Adoption of Rules)

16. Discussion and possible action on adopting the repeal of certain rules relating to rulemaking:

22 TAC §71.2 (Petition for Adoption of Rules)

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

22 TAC §72.1 (Definitions)

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

22 TAC §72.10 (Jurisprudence Exam Disqualification), change to “Appealing a Denied License”

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

22 TAC §72.12 (Criminal History Evaluation Letters)

20. Discussion and possible action on adopting the repeal and replacement of certain rules relating to business practices:

22 TAC §75.1 (Code of Ethics)

21. Discussion and possible action on adopting the repeal and replacement of certain rules relating to business practices:

22 TAC §75.3 (Fraud Prevention)

22. Discussion and possible action on adopting the repeal and replacement of certain rules relating to advertising and public communications:

22 TAC §77.1 (Definitions), change to “Advertising and Public Communications”

23. Discussion and possible action on adopting the repeal and replacement of certain rules relating to advertising and public communications:

22 TAC §77.2 (Advertising, Public Communications, and Telemarketing), change to “Telemarketing”

24. Discussion and possible action on adopting the repeal and replacement of certain rules relating to advertising and public communications:

22 TAC §77.3 (Patient's Right to Disclosure of Charges)

25. Discussion and possible action on adopting the repeal and replacement of certain rules relating to scope of practice:
22 TAC §78.2 (Prohibitions), change to “Prohibitions on the Scope of Practice”
26. Discussion and possible action on adopting the repeal and replacement of certain rules relating to scope of practice:
22 TAC §78.3 (Delegation of Authority), change to “General Delegation of Responsibility”
27. Discussion and possible action on adopting a new rule relating to scope of practice:
22 TAC §78.4 (Delegation to Chiropractic Students and Recent Graduates)
28. Discussion and possible action on adopting the repeal of certain rules relating to scope of practice:
22 TAC §78.5 (Spinal Screenings)
29. Discussion and possible action on adopting a new rule relating to scope of practice:
22 TAC §78.10 (Questions about Scope of Practice)
30. Discussion and possible action on adopting the repeal and replacement of certain rules relating to unprofessional conduct:
22 TAC §79.2 (Lack of Diligence)
31. Discussion and possible action on adopting the repeal and replacement of certain rules relating to unprofessional conduct:
22 TAC §79.4 (Impaired Licensees and Applicants)
32. Discussion and possible action on adopting a new rule relating to complaints:
22 TAC §80.10 (Time Limits for Filing Complaints)
33. Discussion and possible action on adopting the repeal of certain rules relating to enforcement actions and hearings:
22 TAC §81.1 (Definitions)
34. Discussion and possible action on adopting the repeal of certain rules relating to enforcement actions and hearings:
22 TAC §81.3 (Application Denial)
35. Discussion and possible action on adopting the repeal of certain rules relating to enforcement actions and hearings:
22 TAC §81.11 (Extensions of Time)

Proposed Rules:

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

22 TAC §72.2 (License Application)

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

22 TAC §72.3 (Qualifications)

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

22 TAC §72.5 (Approved Schools and Colleges)

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

22 TAC §72.6 (Exam Requirements)

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

22 TAC §72.7 (Jurisprudence Examination)

41. Discussion and possible action on proposing the repeal of certain rules relating to fees, license applications, and renewals:

22 TAC §72.9 (Reexaminations)

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

22 TAC §72.11 (Temporary Faculty License)

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

22 TAC §72.15 (Temporary License)

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

22 TAC §72.16 (Inactive Status)

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

22 TAC §72.17 (Fee Exemption for Charity Care), change to “Retired Chiropractor”

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

22 TAC §72.20 (Out-of-State Applicants)

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

22 TAC §72.21 (Requirements for Military Spouses)

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

22 TAC §72.22 (Requirements for Military Members and Veterans)

49. Discussion and possible action on proposing the repeal and replacement of certain rules relating to continuing education:

22 TAC §73.1 (Continuing Education), change to "Continuing Education Requirements for Licensees"

50. Discussion and possible action on proposing the repeal and replacement of certain rules relating to continuing education:

22 TAC §73.2 (Failure to Meet Continuing Education Requirements)

51. Discussion and possible action on proposing the repeal and replacement of certain rules relating to continuing education:

22 TAC §73.3 (Approval for Continuing Education Courses), change to "Requirements for Sponsors of Continuing Education Courses"

52. Discussion and possible action on proposing a new rule relating to continuing education:

22 TAC §73.4 (Requirements for Continuing Education Instructors)

53. Discussion and possible action on proposing a new rule relating to continuing education:

22 TAC §73.5 (Requirements for Claiming Continuing Education as a National Board Examiner)

54. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.2 (Enforcement Actions)

55. Discussion and possible action on proposing the repeal of certain rules relating to enforcement actions and hearings:

22 TAC §81.4 (Administrative Hearings)

56. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.5 (Appearance)

57. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.6 (Default Judgment)

58. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.7 (Depositions, Subpoenas, and Witness Expenses)

59. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.8 (Hearing Exhibits and Record)

60. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.9 (Proposal for Decision)

61. Discussion and possible action on proposing the repeal and replacement of certain rules relating to enforcement actions and hearings:

22 TAC §81.10 (Final Board Order)

Legal Matters:

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

63. The Board, if necessary, will discuss and take action on on-going litigation as discussed in closed session under agenda item #51.

Concluding Matters:

64. The Board will discuss and take possible action on nominating delegates to the National Board of Chiropractic Examiners' annual business meeting.

65. Requests from Board members for future agenda items.

66. 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 Andres Orantes at 512-305-6700 a minimum of two working days before the meeting so appropriate accommodations can be made.