

Texas Chiropractic Board Report

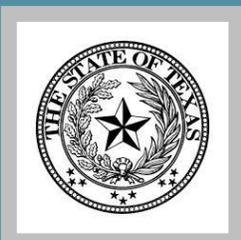


March 2019
Issue One

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Summary of Actions

A regular quarterly meeting of the Texas Board of Chiropractic Examiners was held January 31, 2019, in Austin. The following is a summary of Board actions taken during this meeting.

The Board voted to adopt the repeal and replacement of the following rule:

- **Rule 73.1** - The rule relating to continuing education requirements was amended to update and streamline the Board's continuing education requirements for chiropractors.

The Board voted to propose amendments to the following rules, which will be posted at the Texas Register for a 30-day comment period:

- **Rule 78.14** – The proposed amendments relate to closing minor gaps in the requirements for being granted an acupuncture permit.
- **Rule 77.4** – The proposed amendment includes language making it clear that claims to the public about not receiving certain treatments can also be considered misleading. The other changes are simple clarifications in the rule's language.

The Board voted to propose a new rule, which will be posted at the Texas Register for a 30-day comment period:

- **Rule 75.1** - The State Auditor's Office (SAO), in its post-Sunset report, recommended the Board adopt standards for unsafe and unsanitary conditions. The new rule will define the terms "unsanitary" and "unsafe" and will require the Board to maintain a checklist of common unsafe and unsanitary conditions for the purpose of inspections.

The Board voted to propose the repeal and replacement of the following rule, which will be posted at the Texas Register for a 30-day comment period:

- **Rule 80.4** - Because of the recent rule reorganization and renumbering effort, it is necessary to update the sanctions schedule to reflect the proper rule in Board enforcement actions. The language of the rule itself has been changed for clarity. Note that this action contains both the rule and the attached graphic which contains the specific sanctions according to statute or rule. References to violations related to facilities have been removed. The \$250 category of violations has also been removed.

President's Message

Embellish Not



In the interest of protecting the public from misleading advertising and communications, the Board recently voted to amend 22 TAC §77.4 (Misleading Claims). Upon adoption of the rule, licensees will need to pay attention to offering advice to patients or potential patients regarding adverse outcomes from not receiving the treatment offered. Such advice might for example be in the form of printed advertisements in magazines, webpage material, or verbally during a spinal screening. The rule should also be followed in the clinic.

In the exam room seeking to find out what's wrong with them, patients rely on their doctor's knowledge and expertise. Then during the report-of-findings, they rely on their doctor's word for accurate information. Before beginning treatment, patients expect and deserve an understandable explanation of their diagnosis and a truthful perspective of the severity of their condition. Herein lies the challenge for Texas chiropractors who offer treatment to improve biomechanics or the subluxation complex.

This discussion will focus on the latter, although both should be considered similarly. The purely straight chiropractic diagnosis of "subluxation" is a term which for most new patients is foreign and requires an explanation. Somewhere in the process of explaining subluxation to the patient, the doctor will necessarily convey a perspective of the severity of the condition including potential consequences of not properly correcting it. After all, the doctor does have a duty to obtain informed consent from the patient as well as a need for patient acceptance and compliance with the treatment plan. This is where soul searching comes into play. What are the consequences of not correcting a subluxation? The answer should be disclosed as based on philosophy, evidential science, or a mix of both. Just as the doctor knows the difference, the patient should also. And as the doctor anticipates outcomes from practical experience and hopefully from exploring the latest research in peer-reviewed journals, the patient should also know reasonably what results to expect from treatment, and reasonably what potential consequences to expect if they decline the treatment. There should be no embellishment here, only supported facts so the patient can make an informed decision with a reasonable idea of how much better or how much worse they might become.

Mark R Bronson, DC, FACO





Texas Board of Chiropractic Examiners

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Attention New Licensees

Your first renewal cycle is pro-rated and generally not a full twelve months, thus completion of your Continuing Education (CE) requirements is not required until *after* your first license renewal.

When you renew your license for the second time, you should have completed thirty-two (32) hours of approved CE, sixteen (16) for each year, including the hours in Board-required topics; TBCE (4) & one time Medicare (8).



Board Disciplinary Actions Taken



David J. Goodwin, License No. 11476,
Cedar Park

Cease and Desist Order for practicing chiropractic while on Non-Renewable License Status.

Loverous Whittaker II, License No. 9384,
Humble

Administrative Fine of \$1,000 for lack of diligence.

Charles D. Windsor, License No. 6507,
Mesquite

License revocation under Texas Occupations Code §201.5065 for final conviction of a felony offense.



Governor Abbott Appoints New Board Member

Governor Greg Abbott has appointed Ebony Todd to the Texas Board of Chiropractic Examiners for a term set to expire on February 1, 2023. The board is responsible for regulating the practice of chiropractic.



Ebony Todd of Fort Hood is an attorney and member of Jackson Todd Law, PLLC. She previously served as a judge advocate for the Department of the Army before her retirement from the service.

She currently volunteers at Destiny World Outreach Center and as a service chair with Rotary International. Additionally, she serves on the board of the Greater Killeen Community Clinic. Todd received a Bachelor of Arts in English from Baylor University and a Juris Doctor from Texas Wesleyan School of Law, now the Texas A&M School of Law.

State Agency Council Appoints New Chairwoman

Jennifer Hertsenberg, Operations Director of the Texas Board of Chiropractic Examiners, was recently appointed Chairwoman of the State Agency Council Board of Directors. She previously served on the State Agency Council Board of Directors as Membership Director and has been a member of the Council since 2016.

The State Agency Council, formerly the State Agency Liaison Group, was established in 1983 by Governor Mark White. On March 30, 2016, Governor Greg Abbott signed Executive Order 1, which allows the Council to continue with its charge.

The Council's purpose is to support the goals and activities of the Governor's Commission for Women, host the Outstanding Women in Texas Government (OWTG) Awards, provide professional development training to its members and engage in community service projects.

Jennifer joined the Texas Board of Chiropractic Examiners in 2007 and has led a number of department initiatives related to the licensing program, continuing education for chiropractic licensees and the development of the agency's first licensee outreach program. Jennifer earned a Bachelor of Arts degree with a Major in English at Texas State University in December of 2005.



ED Update



As you are likely aware, the 86th Legislature is currently in session in Austin. During the biennial gathering of the state's lawmakers, the biggest responsibility agencies have is to work with the Legislative Budget Board (LBB), and report to members

of the House Appropriations and Senate Finance committees about our needs and requests for the next budget cycle. As of the writing of this column, we've testified about our budget request before both committees and are continuing to work with our LBB analyst on additional questions from those involved in the budgeting process.

In addition to the budget, we are tracking several bills covering everything from general government operations to codifying of agency rules into Chapter 201 of the state's Occupations Code that regulates the practice of chiropractic in Texas.

Ordinarily, this newsletter would have been published within a couple of weeks following the last board meeting, but we held back as close to the session's bill filing deadline as possible to make sure we provided as current information as possible.

The agency's next board meeting is scheduled for May 16, and the legislative session runs through the end of May, so we will include a legislative update in the next newsletter as soon all of the ink is dry on any new laws passed.

Until then, be well, and don't forget the time change this weekend.

86th Legislature: Bills to Watch

HB 2733: Relating to the scope of practice for chiropractors.

HB 2869: Relating to the provision of acupuncture services by a chiropractor under a certificate issued by the Texas Board of Chiropractic Examiners.

HB 3194: Relating to the regulation of the practice of acupuncture.

How to Track a Bill on Texas Legislature Online

Bills can be individually tracked throughout the legislative process by using the website **Texas Legislature Online** (TLO): (<http://www.capitol.state.tx.us/Home.aspx>).

MyTLO features a variety of search tools where anyone can track and review bills filed with the House and Senate: (<http://www.capitol.state.tx.us/Reports/General.aspx>)

A Bill List can be created to view the progress of particular bills of interest, including setting up alerts: (<http://www.capitol.state.tx.us/MnuMyTLO.aspx>).

One can also access bill Reports, and monitor Committee meetings and actions in both the House and Senate.

The 86th Legislative Session convened on January 8th, 2019. The deadline for unrestricted filing of bills is March 8th and Regular Session ends on May 27th.

Agency Licensing & Registration Summary through January 31, 2019



Number of Chiropractic Doctors	
Active License	5,847
CE-Conditional License	39
Expired License	323
Inactive License	687
Non-Renewable License*	2,813
Probated License	12
Suspended License	4



**Compliance & Investigations Information
January 1, 2019 – February 1, 2019**

Complaints Opened	
Complaints Received YTD	22
Complaints Closed	2
Average Days to Close Complaints	7
Closed with Orders	1

Top 3 Closed Complaints by Violation Type	
Practicing without a License	1
No Jurisdiction	1
Failure to Comply with Board Order	1

Publication Date: March 2019

The **Texas Chiropractic Board Report** is the official publication of the Texas Board of Chiropractic Examiners. Newsletters are published following Board meetings, which are typically held in February, May, August, and November.

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The Board Welcomes New DC Licensees

Issued December 2018, through January 2019.

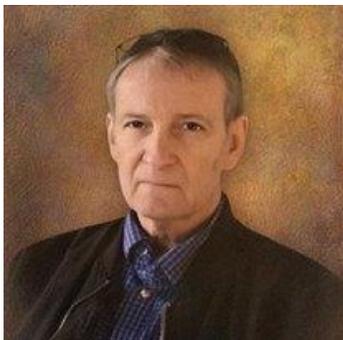
Donna Diaz, D.C.
Robert Lane, D.C.
Alham Samani, D.C.
Anne Maurer, D.C.
Yissett Nunez, D.C.
Joseph Palmer, D.C.
Gage Rodriguez, D.C.
Donghak Lee, D.C.
Lou Roz, D.C.
Abdallah Azzam, D.C.
Rebecca Noel, D.C.
Andrew Formanczyk, D.C.
Caroline Miller, D.C.
Johnny Nguyen, D.C.
Kathryn Bryan, D.C.
Marc Blankenship, D.C.
Justin Holmes, D.C.
Keri Gilbert, D.C.
Jordan Jensen, D.C.
Courtney Kahla, D.C.
Brennan Riche', D.C.
Michael Houck, D.C.
Quinton Reel, D.C.
Emily Smith, D.C.
Brandon Butler, D.C.
Morgan lies, D.C.
Colton Wood, D.C.
Eryn Braddock, D.C.
Jeannece Wilson, D.C.
Josiah Richard, D.C.
Layton Atwood, D.C.
Stephanie Venner, D.C.
James Vlcek, D.C.
Paul Pankoke, D.C.
Dustin Worthington, D.C.
Matthew Pennell, D.C.
Vladimir Vedock, D.C.
Matthew Ortega, D.C.
Charlsie Mitchell, D.C.
Emilie Clare, D.C.
Rocio Gutierrez, D.C.
Nathan Burow, D.C.
Kameron Bavender, D.C.

Ellen Belk, D.C.
Briana Hyde, D.C.
Matthew Sass, D.C.
Shelby Phillips, D.C.
Reily Renfroe, D.C.
Latoia McGowan, D.C.
Jennifer Flynn, D.C.
Tracer Skelton, D.C.
Deedra Wright, D.C.
Leon Wagner, D.C.
Zachary Weaks, D.C.
Kelsey Wood, D.C.
William Merchant, D.C.
Austin Meindertsma, D.C.

Reinstatements:

Robert Hoffman, D.C.
Melissa Meyer, D.C.
Brian Riggs, D.C.
Devin Williams, D.C.
Rita Ghiraldini, D.C.

Texas Chiropractic Board Report Memorials



Stephen Warner Untersee was born on April 10, 1949 and entered into rest on December 8, 2018. Dr. Untersee attended Palmer Chiropractic College and graduated on March 1, 1981. Dr. Untersee was licensed in the state of Texas on July 24, 1981 and maintained an active license until December of 2018.



Carlos Xavier Domino was born on June 21, 1944 and entered into rest on January 24, 2019. Following his graduation from high school, he was drafted to the Army and served for eight years as a Major, including one tour in Vietnam. Later, he served as a Lt. Colonel in the Texas State Guard until his retirement in 2017. With a degree in Sports Medicine from the University of Houston, he attended Texas Chiropractic College to pursue his lifelong dream of establishing his first chiropractic clinic. Dr. Domino graduated from Texas Chiropractic College on June 3, 1975 and was licensed to practice Chiropractic in the state of Texas on June 6, 1975. During his tenure as a licensed chiropractor in the state of Texas, Dr. Domino proudly served on the board of the Texas Chiropractic Association. A celebration of life was held on February 4, 2019, after which Dr. Domino was escorted to the Houston National Cemetery and was laid to rest with honors.



Stephen Bruce Berman was born on September 9, 1950 and entered into rest on January 13, 2019. Stephen attended Western States Chiropractic College (University of Western States) and graduated on December 15, 1984. Stephen was licensed to practice chiropractic in the state of Texas on January 18, 1985, until his retirement on September 1, 2017.

Memorials are published by the Board at no cost, as a tribute to deceased Texas doctors of chiropractic. Information included is primarily related to the individual's accomplishments in the chiropractic profession. To submit a memorial, please email tbce@tbce.state.tx.us, or call (512) 305-6906 for more information.