



TEXAS CHIROPRACTIC BOARD NEWS AND VIEWS

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

3rd/4th Quarters -2004

TBCE EXECUTIVE DIRECTOR'S NOTE:

As the year comes to an end the board anticipates the upcoming legislative session. The Sunset Commissioners recently adopted an alternative motion to the recommendations in the Licensing Reorganization Project. This recommendation would continue the Texas Board of Chiropractic Examiners as an independent agency for 12 years.

This action will now go before the full legislature in the form of our Sunset Bill. If it is the will of the legislature that the board continues as an independent agency for 12 years we will strive, as always, to fulfill our mission of “promoting, preserving, and protecting the health, safety, and economic welfare of the people of Texas through the regulation of the practice of chiropractic.”

The board has seen many changes this past year including:

- Online jurisprudence exam
- Online continuing education course being offered
- Online renewals of facilities
- Continuing education credits being offered for board meeting attendance
- Implementation of a new Rules Committee

With the coming of the New Year, we hope to initiate additional changes that will be beneficial to the board. If you have any suggestions or comments concerning the board please do not hesitate to contact us.

CONTINUING EDUCATION UPDATE

The Texas Board of Chiropractic Examiners requires each renewing D.C. attend 16 hours of approved continuing education. To see a list of all the approved courses, please see www.tbce.state.tx.us. At this time the TBCE is NOT requiring D.C.'s to take a “Required 2 Hour Course”, however, TBCE is offering an optional 2-hour course that will provide information on agency rules and statutes. Visit the TBCE website at www.tbce.state.tx.us. Please keep checking the website for updates on any changes to the seminars, or contact the Director of Licensure at 512-305-6709.

CURRENT LICENSE?

Practicing chiropractic without an annual renewal receipt for a current year shall have the same force and effect and be subject to all penalties of practicing chiropractic without a license. Chiropractors are directed to the Chiropractic Act, Occupations Code § 201.354 (f). Keep your license current and up-to-date.

LICENSE/FACILITY VERIFICATIONS

As of April 1, 2004, the fee for license/facility verifications has been changed. The new fee for verifications is \$2.00 per verification PLUS postage/fax (rates are the same.) 0 to 25 chiropractors fax/postage is \$1.00, 26-51 chiropractors fax/postage is \$2.00, over 52 chiropractors, fax/postage is \$3.00. Please send the correct amount for license/facility verifications.

ENFORCEMENT NEWS

PRESS RELEASE EMAIL LIST

If you wish to be added to the email list to receive press releases and updates regarding disciplinary actions, rule changes, and new licenses issued, please send an email to tbce@tbce.state.tx.us with the word "subscribe" in the subject line.

NON-RENEWABLE LICENSES

The following chiropractic licenses became non-renewable in the last two quarters:

Adai, Dezso, #2466, San Antonio, TX
Adams, Herman, #5524, Kerrville, TX
Anderson, Alisha #8599 Daniels, WV
Anderson, Barbara #3076 Marshall, TX
Anderson, Mary #5627 Encinitas, CA
Arbez, Miguel #8202 Winnipeg, Manitoba Canada
Arthur, David #9344 Lubbock, TX
Baker, Elizabeth #8431 Houston, TX
Bell, Jamie #8998 Okemos, MI
Berndt, Troy #7932 Littleton, CO
Davison, Robert #5664 Somerville, MA
Detlefsen, Phillip #9261 Irving, TX
Dillard, Jenny #2324 Conroe, TX
Gagnon, Michel #8099 San Jose, CA
Gaskin, Kenya #8611 Vicksburg, MS
Geelan, Joseph #5152 Marion, IA
Gessner, Bradley #9410 Rapid City, SD
Ghiraldini, Rita #9267 Orangeburg, NY
Giacomazzi, Marc #7981 Sarasota, FL
Gionet, Laura #7287 St. Petersburg, FL
Griffin, Robert #2092 Fort Worth, TX
Huneycutt, Weldon #2236 Joshua, TX
Hunter, Garland #5756 Laona, WI
Kaplan, Shelby #7302 Chandler, AZ
Kern, Timothy #4348 Chalmette, LA
Kessinger, Robert #8959 Cape Girardeau, MO
Knight, Kamla #8904 Houston, TX
Kohlbeck, Frank #8148 Orange, CA
Lawlor, Richard #5757 Alexandria, VA

Lepien, Michael #9224 Rush Springs, OK
Loyd, Zoe #6350 Buffalo, WY
Lucke-Kloss, Christina #8516 Corinth, TX
Mann, Jeffrey #4599 Dallas, TX
Manos, Chris #8410 Pleasanton, CA
Mazyn, Dawn #9029 Roanoke, TX
McGinnis, Henry #2656 Corpus Christi, TX
Murray, Jr., Robert #8848 Anchorage, AK
Ninh, Vu #9574 Pearland, TX
O'Keefe, Patrick #7876 Santa Fe, NM
O'Quinn, Heather #8727 Fredericksburg, VA
Ormsby, Thomas #8970 Westlake, OH
Parkman, J. #1737 Livingston, TX
Patterson, Paul #5650 Texarkana, TX
Payne, Douglas #8973 Radford, VA
Phillips, Barbara #8262 Fargo, OK
Phillips, David #8471 Anoka, MN
Pontarelli, Michael #9640 Arlington Hts., IL
Potts, Darin #5670 Houston, TX
Procaccini, Michael #5671 Norcross, GA
Ramos, Gracinda #9241 Irving, TX
Rausch, Christopher #7214 Lakewood, CO
Sion, Lazar #4761 Nashua, NH
Styers, Douglas #8926 Baldwinsville, NY
Valentine, Douglas #5365 Cedar Rapids, IA
Volpicella, Michael #9540 Staten Island, NY
Walton, George #9046 Kemah, TX
Wolf, Donald #5692 Richardson, TX

TESTIMONIALS

Currently, testimonials are prohibited in advertising. Occupations Code § 101.201 states that "False, misleading, or deceptive advertising or advertising not readily subject to verification includes advertising that: (4) contains a testimonial." However, the TBCE does not pursue disciplinary action based on testimonials. The Enforcement division recommends consulting your attorney if you wish to use testimonials in advertising.

TBCE ENFORCEMENT – DISCIPLINARY ACTIONS

John Schmidt, D.C., Ft. Worth, TX, Lic #5594

An Agreed Order was entered suspending Dr. Schmidt's license for three years, probated in full. Action due to criminal conviction.

Dale Constantin, D.C., The Woodlands, TX, Lic #5245

An Agreed Order was entered assessing a fine of \$500. Action due to failure to provide a statement of charges to a patient.

James Eifling, D.C., Harlingen, TX, Lic #4179

An Agreed Order was entered suspending Dr. Eifling's license for six months, probated in full. Action due to failure to provide a statement of charges to a patient, failure to maintain an adequate record.

William Woodward D.C., Huntsville, TX, Lic #6624

An Agreed Order was entered assessing a \$300 fine. Action due to operating an unregistered facility.

Luis Marioni, D.C., El Paso, TX, Lic #7918

An Agreed Order was entered assessing a \$500 fine. Action due to failing to respond to the Board in a timely manner.

Steven Webb, D.C., Beaumont, TX, Lic #7085

An Agreed Order was entered assessing a written reprimand. Action due to billing for services not rendered, overcharging for chiropractic records, overcharging for services, and failing to provide a statement of charges.

Roger Oatman, D.C., Devine, TX, Lic #2749

An Agreed Order was entered assessing a \$250 fine. Action due to failure to respond to the Board in a timely manner.

Patrick Massie, D.C., Friendswood, TX, Lic #8062

An Agreed Order was entered assessing a \$1000 fine. Action due to practicing outside the scope of practice for a chiropractor.

Herbert Waddle, D.C., Ft. Worth, TX, Lic #6796

License renewal denied based on default on student loan.

Todd Haffner, D.C., Euless, TX, Lic #9012

License renewal denied based on failing to respond to the Board.

There were 89 administrative fines issued for practicing with an expired license, ranging from \$250 to \$1000. A list of disciplined licensees can be obtained from the Board office.

ACCESSIBLE PARKING REGISTRATION

The Enforcement Division has received an increasing number of calls asking if a chiropractor is allowed to sign the form to obtain an accessible/disabled parking permit. TxDOT Form VTR-214 states that it is "TO BE COMPLETED BY A PHYSICIAN: LICENSED BY THE TEXAS STATE BOARD OF MEDICAL EXAMINERS, A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ARKANSAS, LOUISIANA, NEW MEXICO, OR OKLAHOMA. A PHYSICIAN PRACTICING MEDICINE IN THE U.S. MILITARY ON A MILITARY INSTALLATION IN TEXAS, OR IN A HOSPITAL OR HEALTH FACILITY OF THE DEPARTMENT VETERANS AFFAIRS OR A PODIATRIST LICENSED BY THE TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS." **Unless they hold a separate license from the Medical or Podiatric Board, a Doctor of Chiropractic does not meet any of the above-listed requirements.**

LICENSING/RENEWALS NEWS

CHIROPRACTIC RENEWAL NOTICES

Some of you are well aware the TBCE office is not mailing out renewal forms anymore. Instead, the TBCE office is mailing out blue post cards reminding that ACTIVE renewals are due and must be done online at www.texasonline.com. **When you renew online you will no longer have to submit the renewal form or continuing education hours.** It will be up to the DC to keep records of their CE credits. From now on, the TBCE office will audit randomly for CE credits. If you are unable to renew online, you must download the renewal form from the TBCE website or request a renewal form in writing. Do not contact the board office for a renewal form. The TBCE office no longer accepts personal or company checks, **only cashier checks or money orders.**

Inactive forms will still be mailed out. **Sorry, Inactive doctors of chiropractic cannot renew online.**

JURISPRUDENCE EXAMINATION UPDATE

The Texas Jurisprudence examination is now offered at the Prometric Testing Centers. Applicants now have the option of taking the exam at any Prometric Testing Center throughout the United States and Canada daily (once their application is complete) or in Austin, TX either in March or September.

Each applicant must have their application complete as well as the supporting documents and the completed fingerprint card. The process time for applications and supporting documents takes approximately 30 days from the date received. Applications are held for up to two years from the date received. Should you have any questions, please contact the Director of Licensure at 512-305-6709.

Reminder: If you are interested in purchasing a list of new licensees, please submit \$10 (checks only) and a written request one week after the exam is given.

OPEN RECORDS REQUESTS

Send written request or copy of TBCE Open Records Request form (located at www.tbce.state.tx.us) to:

Mail:

Open Records
Texas Board of Chiropractic Examiners
333 Guadalupe Street, Tower 3, Ste. 825
Austin, TX 78701

Fax:

(512) 305-6705

All written requests need to include the following information: name of requestor, contact number/address, fax number, and name of chiropractor. Please also specify professional file, facility file, disp. actions/complaints, and/or all files.

Have you changed your address lately?

Have you moved recently or opened a new office across town? Please remember that you are required to notify the Board office in writing of any change in business or mailing address within 30 days of the change. Failure to do so is a violation of Board Rule §73.1, which can result in an administrative penalty. See www.tbce.state.tx.us for an address change form.

Texas Board of Chiropractic Examiners
William P. Hobby Building
333 Guadalupe, Suite 3-825
Austin, TX 78701

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BOARD MEETING CALENDAR

The dates for the meetings of the TBCE in 2005 are shown below. Most meetings will be held in Ste. 225, Tower II of the William P. Hobby Building and are scheduled to begin at 12:30 P.M.

February 10, 2005
June 2, 2005 (Rm. 100, Tower Lobby)
August 25, 2005
November 3, 2005

All TBCE Board Meetings are open to the public. Chiropractors are encouraged to attend at least one Board Meeting where he/she can meet the Board Members and staff of the Texas Board of Chiropractic Examiners and earn continuing education credit. Committee meetings of the TBCE are scheduled to begin between 8:00 and 10:00 AM in the Board office, Suite 825 in Tower III in the William P. Hobby Building on the date of the Board Meeting.

TEXAS BOARD OF CHIROPRACTIC EXAMINERS OFFICE STAFF

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