

Texas Chiropractic Board Report

A Quarterly Publication of the Texas Board of Chiropractic Examiners

The mission of the Texas Board of Chiropractic Examiners is to promote, preserve, and protect the health, safety, and economic welfare of the people of Texas through the regulation of the practice of chiropractic in Texas.



GOVERNOR APPOINTS, SENATE CONFIRMS BOARD MEMBERS

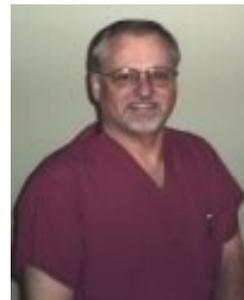
Governor Rick Perry re-appointed Cynthia Tays, DC as President of the Texas Board of Chiropractic Examiners and appointed John Riggs III, DC and John Steinberg as new Board Members. Dr. Tays will serve as President at the pleasure of the Governor. The terms for Dr. Riggs and Mr. Steinberg will expire on February 1, 2017.

Special points of interest:

- TMA Litigation Update
- Address Changes
- CE Compliance Info
- Animal Chiropractic
- Scope of Practice Rule Changes
- Acupuncture



John Steinberg, of Marion, was appointed to the Board by Governor Perry on April 16, 2013. Mr. Steinberg recently retired as the Director of Safety and Security for Little Caesars of San Antonio, Inc. He is former mayor of the city of Converse and a past Converse city councilman. Mr. Steinberg is a member and past president of the Alamo Area Mediators Association, as well as a board member and past chairman of the Bexar County Dispute Resolution Center. He is also the past chairman of the American Society for Industrial Security and San Antonio Safety Council. Most recently, Mr. Steinberg served two terms on the Texas State Board of Public Accountancy. Prior to his career with Little Caesars, he served 28 years in the United States Air Force. Mr. Steinberg received a bachelor's degree from Northern Michigan University and a master's degree in management and supervision from Central Michigan University.



John H. Riggs III, D.C., of Midland, was appointed to the Board by Governor Perry on April 16, 2013. Dr. Riggs, originally from Michigan, graduated from Los Angeles College of Chiropractic in 1988. He holds active licenses in Texas and Michigan and retired licenses in California and Tennessee. Dr. Riggs earned A.A., B.S., and M.B.A. degrees in business (human resources management). He is a member of the American Chiropractic Association, Texas Chiropractic Association, Academy of Chiropractic Orthopedists (ACO), Texas Council of Chiropractic Orthopedists (TCCO), Council on Chiropractic Orthopedics (CCO) and American Council of Chiropractic Orthopedists (ACCO). He is board certified (diplomate) in chiropractic orthopedics (DACO) and a fellow of the Academy of Chiropractic Orthopedists (FACO). He is a certified Graston Technique and Laser practitioner (CLP). Dr. Riggs has published numerous (18) professional clinical, *(Continued on Page 7)*



Cynthia Tays, D.C., of Austin, was re-appointed as Board President by Governor Perry on April 16, 2013. Dr. Tays had previously been appointed to the board by Governor Perry in 2008. Dr. Tays was president and owner of Austin Chiropractic Associates P.A. from 1984 to 2013 and currently works for Genesis MMS as a Designated Doctor. She is a graduate of St. Cloud State University and Texas Chiropractic College and is a member of the American Chiropractic Association and the Texas Chiropractic Association. She served four years on the Enforcement Committee, the last two as chair, as well as two years on the Rules Committee. Dr. Tays is also a member of the ACA Sports Council, the ACA Rehab Council, and is a diplomate of the American College of Chiropractic Orthopedists. She enjoys travel, hiking, kayaking and volunteering for her church and for Ballet Austin.

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Texas Board of Chiropractic Examiners

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Yvette Yarbrough, JD

A Message from the Executive Director



This issue of the *Texas Chiropractic Board Report* marks an important milestone in the history of the TBCE — it is the first quarterly E-newsletter to be published by the Board!

One of my goals as Executive Director has been to increase communications with licensees through the use of technology. In addition to E-newsletters, we are using e-mail to solicit stakeholder input in contemplated rulemaking actions. Additionally, the TBCE is using social media (Facebook and Twitter) to immediately spread information and to have a more direct line of communication with licensees and the public. Make sure to friend or follow us!

This issue of the *Report* also introduces two new Board members and one reappointed Board member. We welcome Dr. John Riggs III and Mr. John Steinberg to the TBCE and congratulate Dr. Cynthia Tays on her reappointment as President. We will miss Dr. Janette Kurban, who recently left the Board at the expiration of her term of office. Dr. Kurban's integrity and unceasing dedication to the Board were reflected in her service as Chair of the Rules Committee. She volunteered countless hours to the never-ending issues presented to her Committee, all while maintaining a busy practice. We thank Dr. Kurban for her service and especially for her always-present smile!

Page 3 of the *Report* contains an article of interest to most DCs regarding the litigation with the Texas Medical Association regarding diagnosis. I am thrilled to report that the Texas Supreme Court denied the TMA's Petition for Review, making the 3rd Court of Appeals decision final—and most importantly, preserving the right to diagnose for chiropractors in Texas. My unending thanks to Mr. Joe Thrash, Assistant Attorney General, and the Texas Chiropractic Association for their tireless defense of this case.

The TBCE agency continues to focus on customer service and efficiency in our operations. In the coming months, look for an updated website and more e-mail communications from us. As always, please let me know if you have any questions or concerns. My door is always open and my e-mail and phone number are always available to licensees.

Yvette Yarbrough—Executive Director

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Litigation Update

On June 14, 2013, the Supreme Court of Texas denied the Texas Medical Association's Petition for Review in an appeal contesting whether doctors of chiropractic could diagnose.

Because the Supreme Court denied the TMA petition, the controlling precedent becomes the 3rd Court of Appeals decision regarding diagnosis. (The sections of the decision regarding Needle EMG and MUA were previously finalized because these sections were not appealed to the Supreme Court.) This decision stated that chiropractors may render diagnosis regarding findings and examinations within the statutory scope of chiropractic.

Doctors of chiropractic should note that this is not an unlimited right to diagnose. The Court stated the diagnosis must be "within the statutory scope of chiropractic" - meaning it must relate to the biomechanical condition of the spine or musculoskeletal system OR subluxation complex.

The litigation is not fully resolved, however. There remains a constitutional issue that the Court of Appeals has sent back down to the District Court to be litigated. It is unknown when this litigation will take place.

"[The board rule] limits chiropractors to diagnoses regarding 'the biomechanical condition of the spine and musculoskeletal system'..."
--3rd Court of Appeals

Keeping Up With the Rules

Did you know that you can keep up with rules that the TBCE has proposed or adopted online?

The TBCE uploads all proposed and adopted rules onto our homepage at www.tbce.state.tx.us under the "Rules—Recent & Proposed Changes" link.

Additionally, you can view current rules from the Secretary of State website, which is linked to on our homepage under the "Statutes and Rules" link.

All proposed and adopted rules are published in the Texas Register. Current and past issues of the Texas Register are available at www.sos.state.tx.us/texreg.

If you'd like to be notified by email whenever the TBCE proposes, adopts or withdraws a rule OR schedules an open meeting, you can contact the Texas Register at 512-463-5561 or register@sos.state.tx.us.

We encourage all licensees to monitor proposed rules published in the Texas Register and to regularly comment on these proposed rules. Comments must be in writing and must be sent to the Executive Director via mail or email within the specified time period.

Have You Moved??

Board Rule 73.1 requires licensees to maintain a current physical home and business address with the Board.

The same rule also requires licensees to notify the Board in writing of any change in address within 30 days of that change. Additionally, Board Rule 74.5 requires a facility to notify the Board in writing of any change in street or mailing address or ownership within 30 days of that change.

Please note that merely submitting a change through Texas Online when completing a license or registration renewal will NOT change your address with the Board. Unfortunately, we do not receive notice of those changes from Texas Online.

If you fail to notify the Board of a change in your address, you face a disciplinary action and up to a \$250 fine! Don't let this be you!

Changes of address can be sent to the Board via mail, fax, or email to sarah@tbce.state.tx.us. A change of address form is available on our homepage at www.tbce.state.tx.us under the "Forms and Downloads" link.

What's All the Buzz About Continuing Education?

Every licensee renewing an active chiropractic license must meet the CE requirements outlined in Board Rule 73.3. Basically, you must complete 16 hours of CE each renewal cycle, four of which are in Board-required topics. No more than six hours may be obtained through online course. However, webinars are treated as live courses in Texas.

The 16 hours may be completed at any course or seminar chosen by the licensee, as long as the course or seminar has been approved in advance by the Board. (You can check on approved courses on our homepage at www.tbce.state.tx.us under the "Continuing Education" link.

Four of the 16 hours must be in Board-required topics as follows: two hours must be in ethics; one hour must be in risk management; and one hour must be in recordkeeping, documentation, and coding. Make sure the course you are taking specifies whether it includes these hours!!

If you fail to complete your 16 hours, your license will be renewed, but it will be placed in a probated status for up to 12 months. At the conclusion of the 12 months, if you still have not remedied the

delinquent CE hours, your license will be considered expired, backdated to the beginning date of the probationary year. Note, this renders your license non-renewable, and you will need to apply as a new licensee for a new license.

All licensees were required to obtain eight hours of CE during either calendar year 2011 or 2012 in Medicare coding and documentation. (These eight hours could be counted as part of that year's 16 CE hours.) If you failed to complete these eight hours in Medicare coding and documentation, the same probation period applies as described above.

Bottom line: Your CE course sponsor is responsible for submitting a roster to the Board, which we use to credit licensee hours. **The Board is auditing licensee CE completion and is checking to make sure everyone is current on CE requirements.** Don't risk your license by not completing your hours.

To check on whether your hours are up-to-date and complete, contact Sarah Matthews, Licensing Assistant, at sarah@tbce.state.tx.us or 512-305-6707.



Stakeholder Input Request—We Want Your Opinion!

You may have received an email from the Board recently, requesting your input. It's not too late to have your voice heard!

In reviewing patient records, the Board's Enforcement Committee has noticed some deficiencies in licensee recordkeeping. As such, the Rules Committee is looking at the current Board rule dealing with recordkeeping to determine if amendments are necessary to be more specific.

The current rule (Board Rule 80.5(f) states "Licensees shall maintain patient and billing records in a manner consistent with the protection and welfare of the patient. A licensee's patient records shall support all diagnoses, treatments, and billing. Records shall be timely, dated, accurate, signed or initialed by the licensee or the person providing treatment, and legible. Electronic signatures are acceptable."

Some suggestions that have been offered to the Board are to utilize the ACA Clinical Documentation Manual and/or to utilize the requirements of 1995/1997 Medicare Documentation Guidelines.

Any suggestions or input can be emailed to the Board at tbce@tbce.state.tx.us or mailed to the Board office.

Email any input to tbce@tbce.state.tx.us

TBCE Meeting Schedule

2013 Board Meeting Dates

August 15, 2013

November 21, 2013

Who Defines Scope of Practice and Why Isn't TBCE Protecting My Right to Practice Chiropractic?

The statute governing the Board and chiropractic in Texas is commonly referred to as the Chiropractic Act. The Chiropractic Act defines the legal scope of practice for Texas doctors of chiropractic as follows:

A person practices chiropractic under this chapter if the person:

(1) Uses objective or subjective means to analyze, examine, or evaluate the biomechanical condition of the spine and musculoskeletal system of the human body;

(2) Performs nonsurgical, nonincisive procedures, including adjustment and manipulation, to improve the subluxation complex or the biomechanics of the musculoskeletal system

The Board's purpose is to administer the Chiropractic Act as it is currently written. This includes writing and adopting rules administering and interpreting the Chiropractic Act. The Board cannot adopt any rule that is contrary to the Chiropractic Act or any other law in Texas. When the Board writes rules regarding scope of practice in Texas, the first and foremost consideration must be the limitations imposed on Texas DCs in the Chiropractic Act.

It is crucial to understand that none of the following define scope of practice: education, training, historical practice, chiropractic philosophy, patient satisfaction, and good results. Only the Legislature, through the Chiropractic Act, defines scope of practice.

Many licensees have the perception that the Board is not doing enough to protect chiropractic and their right to practice. Other licensees argue that the Board should be advocating for an increased scope of practice. However, it is not the Board's place to protect chiropractic or to petition for changes to scope of practice. The mission of the Board is to promote, preserve, and protect the health, safety, and economic welfare of the people of Texas through the regulation of the practice of chiropractic. The Board's responsibility is to interpret the Chiropractic Act (as it is currently written) and to adopt a scope of practice rule that is in accord with the Act. Organizations including, but not limited to, the Texas Chiropractic Association and the Chiropractic Society of Texas are the proper organizations to promote and protect chiropractic in Texas and to petition the Legislature for any expansion of scope.

Additionally, it has been opined that, in proposing certain changes to the scope of practice rule, the Board is usurping the public's right to choose in health care decisions. This is simply not true. The Legislature set the limits on scope of practice in the Chiropractic Act. The purpose of any proposed amendments to scope of practice in Board rules is to further clarify what the legal scope of practice for DCs is in Texas and what it is not. Any "limitation" of scope of practice is by virtue of the Chiropractic Act, not the Board's rules.

It has become clear that there is no common understanding of what the legal scope of practice for Texas chiropractors is or has been for several years. Therefore there exists a need for the Board to clarify scope, ensuring that clarification is within the bounds of the Chiropractic Act. One effect the proposed rule changes seem to be having is to bring into focus the fact that some chiropractors in Texas may have been practicing beyond what the law allows for several years. Put another way, some Texas chiropractors are just now realizing that they have misunderstood or have been misinformed or uninformed about their legal scope for a long time, according to what the Chiropractic Act allows.

The point is that it is not the Board that is limiting scope via these proposed rule changes, but it is the current Chiropractic Act – the statute, the current law – that is limiting scope. The Board is only attempting to make clear what the actual law and legal scope of chiropractic in Texas really are.

TBCE Welcomes New DC Licensees

The Texas Board of Chiropractic Examiners issued 244 new licenses between September 1, 2012 and June 30, 2013.

Congratulations to the following doctors!

Marijo Adamcik, D.C.
 Selina Aleem, D.C.
 Tabassum Ali, D.C.
 Christopher Ammann, D.C.
 Eric Andersen, D.C.
 Briana Andor, D.C.
 Michael Armatis, D.C.
 Robert Arndt, D.C.
 Daniel Bachler, D.C.
 Ryan Bailey, D.C.
 Frederick Baldwin, D.C.
 Charminae Barnes, D.C.
 Troy Barnes, D.C.
 Melissa Bartoszewski, D.C.
 Angelica Becerra, D.C.
 Joshawa Bechtel, D.C.
 Stephen Berndt, D.C.
 Maria Bonilla, D.C.
 Erin Brandenburg, D.C.
 Joseph Brilliant, D.C.
 Melissa Briscoe, D.C.
 Bryen Brown, D.C.
 Joshua Brown, D.C.
 Andrew Buller, D.C.
 Robert Burdsall, D.C.
 Kelli Butler, D.C.
 Deborah Buzby-Cope, D.C.
 Illiana Cantu, D.C.
 Caroline Carpenter, D.C.
 Rita Castriotta, D.C.
 David Cervenka, D.C.
 Colin Chala, D.C.
 Tamara Chan, D.C.
 John Chaney, D.C.
 Michael Chapman, D.C.
 Billy Cheong, D.C.

Ployplun Chotiratkul, D.C.
 Randal Christopher, D.C.
 Joseph Cimino, D.C.
 Bryson Clark, D.C.
 Christopher Cochran, D.C.
 Stefanie Coforio, D.C.
 Robin Cole, D.C.
 John Connor, D.C.
 Michael Cooper, D.C.
 Jade Cox, D.C.
 Brice Crawford, D.C.
 Casey Crisp, D.C.
 Jennifer Cullen, D.C.
 Christopher Curry, D.C.
 Clinton Demaris, D.C.
 Phuong Doan, D.C.
 Kendall Dorion, D.C.
 Diane Dossinger Hall, D.C.
 Alice Duffer, D.C.
 Vaniecea Duncan, D.C.
 David Durkin, D.C.
 Koltur Easton, D.C.
 Olivia Edwards, D.C.
 Joshua Elliott, D.C.
 Ross Ellis, D.C.
 Ronald Engler, D.C.
 Newell Estess, III, D.C.
 Chelsea Felton, D.C.
 Sarah Ferguson, D.C.
 Dustin Ferrell, D.C.
 Andrew Fiola, D.C.
 Hootan Firouzmandi, D.C.
 Joseph Forred, D.C.
 Paul Fowler, D.C.
 Robert Friendt, D.C.
 April Garza, D.C.
 Dean Geske, D.C.
 Shaun Gifford, D.C.
 Marquetta Giles, D.C.
 Kayla Glover, D.C.
 Joseph Gomez, D.C.
 Pedro Gonzales, D.C.
 Thomas Goss, D.C.
 Mackie Gourley, Jr., D.C.

Michael Green, D.C.
 Anthony Green, D.C.
 John Griffiths, II, D.C.
 Donald Griswold, D.C.
 Dustin Gross, D.C.
 Jason Gross, D.C.
 Brittany Guillory, D.C.
 Richard Guillory, Jr., D.C.
 Toby Guillory, Jr., D.C.
 Ryan Gunyan, D.C.
 Jami Hamilton, D.C.
 Jordan Hart, D.C.
 Reece Hayden, D.C.
 Candice Hayes, D.C.
 Hailey Heard, D.C.
 Twila Henderson, D.C.
 Ryan Hill, D.C.
 Joshua Hill, D.C.
 Davis Holt, D.C.
 Jerad Howell, D.C.
 Andre Hwang, D.C.
 Susumu Ikeda, D.C.
 Jesse Jacobs, D.C.
 John Johansen, D.C.
 Stacey Johnson, D.C.
 Wayne Johnson, Jr., D.C.
 Trevor Jolie, D.C.
 Danielle Jones, D.C.
 Kristyn Jones, D.C.
 Hyoung Chin Joo, D.C.
 Keith Keenan, D.C.
 Scott Kelley, D.C.
 Bryce Kindley, D.C.
 Alberto King, D.C.
 Tracy Kleber, D.C.
 Chantelle Korn, D.C.
 Sarah Koronfel, D.C.
 Sandi Kramer, D.C.
 Hahns Krutsinger, D.C.
 Kristina Kulcak, D.C.
 Shawn LaCourt, D.C.
 Thomas Le, D.C.
 Khanh Le, D.C.
 Michael LeBourgeois, D.C.

Catherine Leduc-Ramcharan, D.C.
 Lacie Legros, D.C.
 Akala Lemus, D.C.
 Lauren LeRoy, D.C.
 Viridiana Leyva-Tsychuyeva, D.C.
 LeArtis Lister, D.C.
 Lucie Lok, D.C.
 Craig London, D.C.
 Donald Long, D.C.
 Craig Longley, D.C.
 Cesar Longoria, D.C.
 Jason Longoria, D.C.
 Kimberly Lorenz, D.C.
 Rebecca MacKenzie, D.C.
 Shirin Maghsoudi, D.C.
 Lauren Mandel, D.C.
 Brian Marek, D.C.
 Aaron Martin, D.C.
 Carley Martin, D.C.
 Jorge Martinez, D.C.
 Leslie Maxwell, D.C.
 Dixie Mayfield, D.C.
 James McCalister, D.C.
 Jaimie McCormick, D.C.
 Jonty McCoy, D.C.
 Edgar Mendoza, D.C.
 Miguel Millan, D.C.
 Casey Miller, D.C.
 Matthew Montgomery, D.C.
 Micah Montgomery, D.C.
 Constance Moore, D.C.
 Madeline Morales-Hulsey, D.C.
 Audrey Moreland, D.C.
 Casey Morgan, D.C.
 Jacque Moser III, D.C.
 Nelson Mukoro, D.C.
 Mark Mylan, D.C.
 Deeborr Ndenn, D.C.
 My-Tien Nguyen, D.C.
 Kyle Nix, D.C.
 Jonathan Nou, D.C.

New Licensees

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Ashley Odell , D.C.	Jennifer Sechler, D.C.
Jung Sun Oh, D.C.	Nathan Sehorn, D.C.
Lance Otto, D.C.	Jonathan Shaner, D.C.
William Owens, D.C.	Elliot Sherman, D.C.
Mark Palandro, D.C.	Leonard Shotwell, D.C.
Marie Palazzolo-Meyer, D.C.	Shannon Silva, D.C.
Susanna Park, D.C.	Eric Slead, D.C.
Stephen Paterno, D.C.	Kevin Smith, D.C.
Corey Peirsol, D.C.	Kaylin Song, D.C.
John Perriton, D.C.	Corey Sorum, D.C.
Aurelie Petitclerc, D.C.	Logan Spangler, D.C.
Linda Pham, D.C.	Ryan Staples, D.C.
Julia Pinkerton, D.C.	Ann Steinberg, D.C.
Paul Queen, D.C.	Adam Stephen, D.C.
Sarah Rachel, D.C.	Timothy Stephens, D.C.
Khristopher Raef, D.C.	Kara Stephenson, D.C.
Brett Ramey, D.C.	Kyle Surprenant, D.C.
Joseph Ramirez, D.C.	Glenn Thibodeaux, Jr., D.C.
Abel Ramos, D.C.	Sang Tran, D.C.
Gary Randall, D.C.	Samantha Traylor, D.C.
Ross Rawlins, D.C.	Tara Tuttle, D.C.
Derrick Raymer, D.C.	Clinton Tuttle, D.C.
Jennifer Reed, D.C.	Justin Tyger, D.C.
Jenna Reese, D.C.	Amber Watson, D.C.
Kristopher Reeves, D.C.	Elizabeth Weaver, D.C.
Bobby Riley, D.C.	Jack Wells, D.C.
Rusty Roberts, D.C.	Natalie White, D.C.
Ryan Robinson, D.C.	Gabbrielle Williams, D.C.
William Rogers, D.C.	Brent Winegeart, D.C.
Jason Rogers, D.C.	Paula Wrentmore, D.C.
Adam Rogers, D.C.	Jamie Wuistingner, D.C.
Mackenzie Romero, D.C.	Steven Wunnenberg, D.C.
Oscar Romero, D.C.	Jason Wyatt, D.C.
Maria Rosas, D.C.	Bryan Wylie, D.C.
Tyler Rottinghaus, D.C.	Yevgeniya Yanayeva, D.C.
Linda Rowe, D.C.	
Stuart Rutledge, D.C.	
Crystal Sale, D.C.	
Leah Salstrand, D.C.	
William Santos, D.C.	
Brooke Savant, D.C.	
Dominic Scaramozi V, D.C.	
David Schimp, D.C.	
Ardell Scienski, D.C.	

Animal Chiropractic—Can You Do It?

Animal chiropractic is a growing area of practice within the chiropractic community. However, despite its popularity and even its efficacy, Texas DCs are not authorized under the Chiropractic Act to use their DC credentials to perform animal chiropractic.

The Texas Chiropractic Act limits chiropractic to the human body. Therefore, the practice of animal chiropractic, which does not involve the human body, falls outside the chiropractic scope of practice in Texas. Advertising yourself as an animal chiropractor using your DC credentials constitutes advertising services outside the chiropractic scope of practice. Both practicing outside scope of practice and advertising services outside scope of practice can lead to disciplinary action!!

If you choose to practice animal chiropractic, it is allowable as long as you do not call yourself “doctor,” “chiropractor,” or “DC.” It is allowable to advertise your training or certifications (i.e. “graduate of Texas Chiropractic College,” or “trained by Parker Chiropractic College”).

Remember that if you do practice animal chiropractic, you must follow all rules of the Texas State Board of Veterinary Medical Examiners.

Governor Appoints Riggs

continued from page 1

Practice management and martial arts articles. He enjoys futurism, writing and teaching martial arts. He holds a 4th degree black belt in Aikido, and his martial arts articles have been published in Black Belt Magazine and the European Aikido Journal (English, French and German Editions). He also teaches online human resources and management and organization classes. Prior to his chiropractic career, he served in the United States Air Force for four years and also spent 10 years in human resources management. Dr. Riggs resides in Midland with his wife Marty, who also manages his office.

TBCE Board Disciplinary Actions

Name	Lic #	Discipline	Date of Action	City
Abakwue, Innocent	F 4190	Fine	11/17/2011	Houston
Alisa-Onwas, Augusta	DC9589	Fine	5/24/2012	Houston
Allon, Moshe	F 9473	Fine	2/23/2012	Nassau Bay
Andries, Martin	DC 9096	Fine	2/23/2012	Carthage
Baker, Merissa	DC 11967	Suspension/Probated	2/23/2012	Hico
Balogun, Razak	DC 9304	Fine	11/17/2011	Fresno
Bittick, Jonathan	DC 9056	Suspension/Probated	8/16/2012	Houston
Brozek, Jr., Vaughn	DC 6838	Fine	8/16/2012	Fort Worth
Collins, Tina	DC 6816	Revocation	8/16/2012	Houston
Culleton, Thomas	DC 8239	Fine	11/17/2011	Cedar Park
Dang, Dien	DC 8342	Fine	11/17/2011	Sugar Land
Davidson, Richard	DC 5444	Fine	8/16/2012	Dallas
Dodd, Daniel	DC 2926	Fine	5/24/2012	Houston
Eaves, Donald	DC 4659	Written Reprimand	5/24/2012	San Antonio
Edet, Sam	F 7148	Fine	11/17/2011	Houston
Emah, Ndon	DC 8810	Fine	11/17/2011	Houston
Fields, Jr., Gene	DC 7136	Fine	8/16/2012	Fort Worth
Fleetwood, Terry	DC 2399	Revocation	11/17/2011	Amarillo
Friedrichs, Kam	DC 8819	Fine	11/17/2011	Navasota
Garcia, Bertha	F 8268	Fine	8/16/2012	Houston
Golden, James	DC 2361	Fine	11/17/2011	Baytown
Grabowski, Ronald	DC 5260	Fine	11/17/2011	Houston
Green, Christopher	F 9866	Fine	8/16/2012	Dallas
Hagood , Robert	DC 7291	Fine	2/23/2012	Austin
Hallman, Helen	DC 5043	Revocation	8/16/2012	San Antonio
Hardin, Rosanna	DC 9108	Written Reprimand	2/23/2012	El Paso
Hardy, Jr., Gerald	DC 8135	Fine	2/23/2012	Dallas
Harris, Raymond	DC 4086	Fine	8/16/2012	Spring Branch
Haynes, Dawsheen	DC 10856	Written Reprimand	11/17/2011	Haslet
Helm, Justin	DC 11954	Suspension/Probated w/ Stipulations	2/23/2012	San Antonio
Hoang, Richard	DC 8252	Fine	8/16/2012	Houston
Holladay, Monica	DC 7858	Fine	5/24/2012	Buffalo
Housewright, Rick	DC 4968	Fine	5/24/2012	Lubbock
Hubert, J. Chris	DC 10896	Fine	8/16/2012	Tyler
Isaac, Godwin	F 6152	Fine	2/23/2012	Houston
Isaac, Godwin	F 6152	Fine	8/16/2012	Houston
James, Derrill	DC 9616	Fine	11/17/2011	Houston
Karam, Chuck	F 8577	Revocation	8/16/2012	Round Rock
Kemp, Jessica	DC 10546	Fine	2/23/2012	Spring
Kiely, Patrick	DC 7154	Revocation	2/23/2012	Southlake

Taken During Fiscal Year 2012

Name	Lic #	Discipline	Date of Action	City
Kolmakov, Anatoly	F 8571	Fine	2/23/2012	Plano
Lai, Scott-Tan	DC 9363	Suspension/Probated w/ Stipulations	8/16/2012	Carrollton
LaMarche, Gilles		Cease and Desist	2/23/2012	Dallas
LaRock, Wilford	DC 2467	Fine	2/23/2012	El Paso
Light, Andrew	DC 9626	Fine	8/16/2012	Cleveland
Lipkin, Gary	DC 3056	Fine	11/17/2011	Longview
Macie, James		Cease and Desist	8/16/2012	San Antonio
Mack, Stephen	DC 9319	Fine	5/24/2012	Richmond
Marrott, Dwayne	F 9825	Fine	8/16/2012	El Paso
Martinez, Nestor	DC 7166	Fine	5/24/2012	Houston
Mazaheri, Natasha	DC 10136	Fine	5/24/2012	Waxahachie
McCoy-Moore, Tiffany	DC 6315	Fine	11/17/2011	Flower Mound
Mohajer, Parissa	DC 10123	Fine	2/23/2012	Houston
Morales, Vincent	DC 8721	Fine	5/24/2012	San Antonio
Owens, Muriel	DC 5580	Fine	2/23/2012	Alvin
Patel, Dipti	DC 9326	Fine	5/24/2012	Houston
Pham, Tom	DC 7878	Revocation	8/16/2012	Carrollton
Procter, Brent	DC 9372	Cease and Desist	8/16/2012	Santo
Rodriguez, Joe	DC 8175	Fine	5/24/2012	Pflugerville
Rodriguez, Mario	DC 9714	Fine	5/24/2012	Grand Prairie
Romick, Ronald	DC 6597	Suspension/Probated w/Stipulations	11/17/2011	Houston
Russell, David	DC 6761	Revocation	11/17/2011	McKinney
Sharnowski, Donald	DC 8642	Fine	8/16/2012	Hereford
Shepherd, Karl	DC 9480	Fine	5/24/2012	Plano
Skelton, Robert	DC 6118	Fine	11/17/2011	Waxahachie
Song, Hachang	DC 9211	Fine	8/16/2012	Carrollton
Soomar-Kheraj, Ashraf	DC 10490	Fine	8/16/2012	Lewisville
Spears, Timothy	DC 8538	Fine	5/24/2012	Arlington
Stinnett, Stephen	DC 7073	Fine	11/17/2011	Humble
Stubbs, James	DC 11968	Suspension/Probated w/ Stipulations	2/23/2012	Austin
Thomas-Key, Elizabeth	DC 8845	Written Reprimand	2/23/2012	Palestine
Trevino, Gerardo	DC 8187	Fine	5/24/2012	Southlake
Ung, Dan	DC 8188	Fine	2/23/2012	Houston
Vige', Maxie	DC 9381	Fine	5/24/2012	League City
Vincent, Stephen	DC 11132	Fine	8/16/2012	Amarillo
Vu, Dung	DC 7082	Fine	2/23/2012	Houston
Walker, Roger	DC 11575	Fine	11/17/2011	Dallas
Williams, Jr., John	DC 11294	Fine	11/17/2011	Houston
Wright, Lance	DC 4772	Fine	2/23/2012	Aubrey
Yarbrough, Eric	DC 6928	Revocation	11/17/2011	Amarillo

TBCE Board Disciplinary Actions

Name	Lic #	Discipline	Date of Action	City
Adkins, Mary	DC 6403	Fine; Retake Jurisprudence Test	2/21/2013	San Antonio
Anthony, Nicholas	DC 11744	Fine	2/21/2013	Abilene
Barton, Kevin	DC 9594	Fine	2/21/2013	San Antonio
Brasseur, Glen	DC 6196	Fine	5/23/2013	Battle Creek
Burke, Terry	DC 5141	Fine	5/23/2013	Puyallup
Calhoun, George	DC 5536	Fine	12/4/2012	Liberty Hill
Chikere, Oakey	F 10115	Fine	5/23/2013	Houston
Christensen, Kelly	DC 9737	Fine	5/23/2013	Sherman
Clark, Tom	F 10276	Fine	5/23/2013	Amarillo
Creed, Christopher	DC 5071	Fine	5/23/2013	Carrollton
Davidson, Richard	DC 5444	Fine	2/21/2013	Dallas
Davis, Carey	DC 6057	Fine	2/21/2013	San Antonio
De Bose, Arthur	F 6627	Revocation	2/21/2013	Houston
DeVore, John	DC 9063	Fine	2/21/2013	Mckinney
Egstad, John	DC 5252	Fine	5/23/2013	McKinney
Ellis, Jesse	DC 11834	Fine	5/23/2013	Marlow
Emah, Ndon	DC 8810	Suspension/Probated w/Stipulations; Fine	12/4/2012	Houston
Esposito, Thomas	DC 6858	Fine	12/4/2012	Carrollton
Francescangeli, Jaime	DC 10873	Fine	12/4/2012	Allen
Funderburk, Ursula	DC 6673	Fine	5/23/2013	Houston
Garcia, Candido	DC 6157	Fine	5/23/2013	Pearland
Garcia, Rene	DC 9855	Revocation	12/4/2012	Scotch Plains
Gates, Joshua	DC 9611	Suspension/Probated; Fine; Retake Jurisprudence Test	2/21/2013	Killeen
Gatewood, Douglas	F 9362	Fine	2/21/2013	Frisco
Gradilla, Jose	DC 10167	Suspension/Probated w/Stipulations	5/23/2013	Carrollton
Guillory, Jude	DC 8554	Suspension/Probated; Fine	5/23/2013	The Woodlands
Hammonds, Billy	DC 4901	Fine	2/21/2013	Colleyville
Hankel, Crystal	DC 11661	Fine	5/23/2013	Sanger
Hawkins, Neal	DC 6371	Revocation	12/4/2012	DeSoto
Hendrikz, Earl	DC 11399	Fine	5/23/2013	Houston
Hernandez, Kelly	DC 10391	Fine	2/21/2013	Irving
Hickey, Brian	DC 8137	Fine	2/21/2013	Arlington
Higginbotham, Richard	DC 8047	Fine	5/23/2013	Eules
Himmelsehr, Craig	DC 8299	Fine	5/23/2013	Mesquite
Hoover, David	DC 4458	Fine	5/23/2013	Fort Worth
Jodie, David	DC 6690	Fine	5/23/2013	Dallas

Taken During Fiscal Year 2013 (Qtrs 1-3)

Name	Lic #	Discipline	Date of Action	City
Johnson, Everett	DC 11127	Fine	5/23/2013	Coppell
Kontaratos, James	DC 5097	Fine	5/23/2013	Plano
Kordic, Christopher	DC 11801	Fine	5/23/2013	McKinney
Krogh, Lance	DC 10915	Fine	5/23/2013	Panhandle
Kuykendall, Kieran	DC 10597	Fine	5/23/2013	Austin
Kuykendall, Stephen	DC 5272	Fine	2/21/2013	Pasadena
Larks, Kevin	DC 4351	Fine	5/23/2013	Sugarland
Laurents, John	DC 4686	Fine	5/23/2013	Beaumont
Leago, III, Ross	DC 9862	Fine	5/23/2013	Dickinson
Leist, Derek	DC 11409	Fine	5/23/2013	Olney
Lewis, Jeffrey	DC 11345	Fine	12/4/2012	Corpus Christi
Lindsey, Chase	DC 10007	Suspension	5/23/2013	Bryan
Magbag, Jr., Jose	DC 8367	Fine	2/21/2013	Houston
Malay, Jade	DC 6310	Fine	5/23/2013	Carrollton
Mansfield, Dale	DC 2347	Fine	12/4/2012	Midland
Mark, Crystal	DC 8310	Fine	12/4/2012	The Woodlands
McClinton, Gary	DC 4689	Fine	5/23/2013	Nacogdoches
McCuaig, Patrick	DC 11027	Fine	5/23/2013	Lubbock
Moore, Jason	DC 10451	Fine	5/23/2013	Ft. Worth
Munoz, Amarisa	DC 11049	Fine	5/23/2013	Depew
Munoz, Martin	DC 11021	Fine	5/23/2013	Depew
Needham, David	DC 10634	Fine	5/23/2013	Whitehouse
Offenburger, Stephen	DC 10484	Fine	5/23/2013	San Antonio
Ogba, Uzunma	F 5643	Fine	12/4/2012	Houston
Parsons II, James	DC 7178	Fine	2/21/2013	Pearland
Peck, Michael	DC 4808	Fine	5/23/2013	Huntsville
Phipps, David	DC 4280	NBCE E&B Exam	2/21/2013	Richardson
Porter, David	DC 8783	Revocation	2/21/2013	San Antonio
Quintanilla, Jesus	DC 8851	Fine	5/23/2013	Corpus Christi
Quintero, Mirna	F 9933	Fine	12/4/2012	Irving
Reid, Jody	DC 6107	Fine	5/23/2013	Big Spring
Roberts, Dennis	DC 6907	Written Reprimand	12/4/2012	Houston
Root, Heith	DC 6005	Fine	5/23/2013	San Antonio
Salazar, Eloy	F 7216	Fine	12/4/2012	McAllen
Santiago, Julio	DC 9202	Fine	2/21/2013	Duncanville
Schoettle, Alice	DC 6770	Fine; NBCE E&B Exam	12/4/2012	Houston
Shapiro, Herbert	DC 4841	Fine	5/23/2013	Missouri City

Fiscal Year 2013 (Qtrs 1-3) Disciplinary Actions

continued from page 11

Name	Lic #	Discipline	Date of Action	City
Shirley, Jeffrey	DC 4994	Written Reprimand	12/4/2012	The Woodlands
Shirley, Jeffrey	DC 4994	Written Reprimand; Fine	2/21/2013	Flower Mound
Silva, James	DC 4760	Fine	2/21/2013	San Antonio
Simmons, Jimmy	DC 8864	Fine	5/23/2013	Humble
Smith, Laurence	DC 10965	Fine	5/23/2013	Lakeway
Stafford, Charles	DC 6484	Fine	5/23/2013	Irving
Stafford, Charles	DC 6484	Fine; Cease and Desist	2/21/2013	Irving
Stolar, Lawrence	DC 4526	Fine	5/23/2013	Grapevine
Stoltz, Inson	DC 8925	Fine	5/23/2013	Lewisville
Strickland, Mark	DC 5194	Fine	5/23/2013	Copeville
Syed, Shahid	F 9827	Fine	5/23/2013	Conroe
Tieperman, Lori	DC 10184	Fine	5/23/2013	Little Elm
Tillmann, Richard	DC 6340	Fine	12/4/2012	Houston
Tomblin, Justin	DC 11169	Fine	5/23/2013	Denton
Torres, Jacob	DC 11313	Fine	2/21/2013	San Antonio
Tran, Victor	DC 9772	Fine	12/4/2012	Pflugerville
Trimmier, Andrew	DC 11713	Fine	5/23/2013	San Antonio
Vazquez, Alfredo	DC 10532	Fine	5/23/2013	League City
Viernow, Joseph	DC 2741	Fine	2/21/2013	Arlington
Waikem, Patrick	DC 8485	Fine	5/23/2013	San Antonio
Webb, Charles	DC 5202	Fine	5/23/2013	San Antonio
Williams, Jr., John	DC 11294	Fine	12/4/2012	Houston
Yun, Hyon	DC 9247	Fine	5/23/2013	Killeen

The Lady Behind the Licenses—Meet Your Director of Licensure!



Jennifer Hertsenberg is the Director of Licensure for the Texas Board of Chiropractic Examiners. She has been employed with the agency since April 9, 2007.

Jennifer first joined our team as an administrative assistant in the licensing department and took over the hot seat when our previous Director of Licensure, Pamela Harris retired.

Jennifer received a Bachelor of Arts degree in English from Texas State University in December of 2005.

She lives in Hutto with her husband Dillon, three year old son Brandon and two miniature dachshunds, Ginger and Jasmine. She enjoys traveling, reading, mani/pedis and is a French fry and cupcake connoisseur.

Scope of Practice Rule Changes—What’s In and What’s Out?

Cosmetic treatments, needle EMG and MUA are all outside the scope of chiropractic practice, effective January 2013

The Board amended Board Rule 75.17 in January 2013 to detail some procedures that are excluded from the chiropractic scope of practice in Texas.

First, cosmetic treatments are specifically listed as outside the scope of chiropractic practice. Cosmetic treatments are defined as those “primarily intended by the licensee to address the outward appearance of a patient.” Examples of cosmetic treatments include laser hair removal, laser facials or skin resurfacing, laser toenail fungus removal, laser fat removal (if done for purely aesthetic reasons), etc.

Next, needle electromyography (EMG) was removed from Rule

75.17 as an approved procedure, as a result of litigation with the Texas Medical Association. Needle EMG was held to in fact be an “incisive procedure” due to the use of needles. Because the Chiropractic Act specifically states that incisive procedures are not allowed, needle EMG is no longer a procedure that can be done by Texas DCs within scope of practice. Note that the incisive nature of needle EMG does not matter on the type of needle, as was suggested by a few emails circulating after the court decision.

Finally, manipulation under anesthesia (MUA) was also removed from Rule 75.17 as an approved procedure, also as a

result of the TMA litigation. The courts held MUA to be a surgical procedure because it is listed in the surgical section of the CPT Codebook.

The Board has received questions about whether assisting with MUA or needle EMG as a medical assistant is allowable. If you will be acting as a DC in any manner, including giving advice, making clinical decisions, etc, then you are using your DC license and would be acting outside scope of practice. If you are being delegated tasks by an MD/DO, you must inquire with the Texas Medical Board if such delegation is allowable to an assistant. Also, you should discuss with your own attorney.

Chiropractic and Acupuncture in Texas

Acupuncture is incorporated into many Texas chiropractors’ practices. However, do you know what you can treat with acupuncture under your DC license?

Many DCs believe that holding a DC license entitles them to practice acupuncture without limit. However, this is not the case.

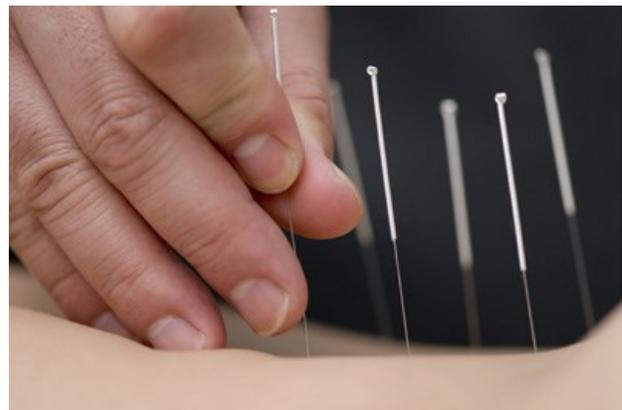
The reason DCs are allowed to use acupuncture in their practices is because of the statutory definition of acupuncture. The Acupuncture Act (Section 205 of the Occupations Code) defines acupuncture as “nonsurgical” and “nonincisive.” The Chiropractic Act states that DCs can use “nonsurgical, nonincisive procedures . . . to improve the subluxation

complex or the biomechanics of the musculoskeletal system.”

Therefore, acupuncture by DCs in Texas can be done only to improve the subluxation complex or biomechanical condition of the musculoskeletal system.

It is not disputed that the treatment of a subluxation complex can impact other body systems. However, the treatment given by the DC should focus on the subluxation complex.

If you want to practice acupuncture beyond the limits of chiropractic scope of practice, you must be licensed by the Texas State Board of Acupuncture Examiners (www.tmb.state.tx.us).



AGENCY LICENSING & REGISTRATION INFORMATION

Number of DCs

Active License	5,179
Expired License	361
Inactive License	671
Probated License	19
Suspended License	6
Non-Renewable License	2,055

Number of Facilities

Active Registration	3,970
Expired Registration	243

Number of Radiologic Technologists

Active Registration	123
Expired Registration	28

Information current as of July 31, 2013

If you'd like to submit a question to be answered in our newsletter, please email it to tbce@tbce.state.tx.us!



TBCE Staff Wins State Agency Fit Challenge

During the spring, agency staff participated in the 2013 Get Fit Texas State Agency Physical Activity Challenge, hosted by the Department of State Health Services. Staff members completed physical activity for at least 30 minutes a day, five days a week for six to ten weeks.

One agency in each of three size categories with the highest percentage of participating

employees completing the program was designated as the "Fittest State Agency in Texas."

Eight of the TBCE staff members participated, making the TBCE the "Fittest State Agency" in the small agency division.

Pictured here with the agency trophy are some members of Team Chiro: (from left to right) Barbara Perez (Legal Assistant), Sarah

Matthews (Receptionist/Licensing Assistant), Hal ten Brink (General Counsel—retired), Jennifer Hertsenberg (Director of Licensure), Scott Parker (Director of Enforcement), Yvette Yarbrough (Executive Director), Brett Spencer (DSHS Challenge Coordinator), and Arlethia Middleton (Chief Financial Officer).

Go Team Chiro!!

STAFF CONTACT INFORMATION

Main Office Number.....512-305-6700
 Office Fax Number.....512-305-6705
 Website.....www.tbce.state.tx.us
 Office Hours: 8:00 am until 5:00pm, Monday–Friday, except holidays

LICENSING

Jennifer Hertsenberg, *Director of Licensing*512-305-6702

- New DC Applications, DC Renewals & Inactive Status
- Facility Registration Applications and Renewals
- Radiologic Technologist Registration Applications and Renewals
- Approval of CE Course Applications

Sarah Matthews, *Licensing Assistant*.....512-305-6707

- License and Continuing Education Verifications
- Changes of Address
- Open Records Requests

Mary Ann Garcia, *Administrative Assistant*.....512-305-6703

- Sales of Demographic Lists

ENFORCEMENT

Scott Parker, *Director of Enforcement*.....512-305-6708

Steve Franz, *Investigator*.....512-305-6707

Mary Feys, *Enforcement Assistant*.....512-305-6703

LEGAL

Bryan Snoddy, *General Counsel*.....512-305-6715

Barbara Perez, *Legal Assistant*.....512-305-6706

ADMINISTRATION

Yvette Yarbrough, *Executive Director*.....512-305-6716

Arlethia Middleton, *Chief Financial Officer*.....512-305-6709

Nikell Williams, *Programmer Analyst*.....512-305-7874



Know the Law!

To order your copy of the Statutes and Rules that govern the practice of chiropractic in Texas, complete this order form and mail with a check or money order to:

TBCE

333 Guadalupe, Ste 3-825

Austin, TX 78701

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Purpose of the Texas Chiropractic Board Report

The purpose of the *Texas Chiropractic Board Report* is to disseminate information concerning the laws and regulations governing the practice of chiropractic in Texas to doctors of chiropractic, chiropractic facility owners, facility employees, the public, and other interested stakeholders.

The newsletter provides information on current issues in chiropractic regulation, rules adopted or under consideration for adoption, information concerning licensure and practice, and disciplinary actions taken by the Board against licensees or others who violate the Texas Chiropractic Act or Board rules.

While the TBCE attempts to ensure that all information presented in the newsletter is accurate, the Board cannot guarantee that the contents are accurate or legally correct in all circumstances.

In compliance with the Americans With Disabilities Act, this document may be requested in alternate formats by contacting the Board's office at 512-305-6700 (Voice), 512-305-6705 (Fax), via e-mail at tbce@tbce.state.tx.us, or by visiting the Board's office at 333 Guadalupe St, Suite 3-825, Austin, Texas 78701.

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The Texas Board of Chiropractic Examiners has its offices in the William P. Hobby Building, which is located at the corner of 4th and Guadalupe streets in downtown Austin (see address above). Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, except for designated holidays.

The agency's website is: www.tbce.state.tx.us. Please check the website regularly for current information.

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