

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.

Special points of interest:

- Documentation Rule Update
- Fee Increases
- Repeat: Probation of Licenses for CE Non-compliance
- Designated Doctor Facility Issues
- Acupuncture Lawsuit
- Stakeholder Input

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Documentation Rule Updated

You may have heard by now that the TBCE has updated Board Rule 80.5 to more specifically outline what documentation is required to be done by a Doctor of Chiropractic. The amendment to this rule is effective April 24, 2014.

See below for the text of the rule change. Underlined portions are new language, while text struck through has been deleted.

§80.5 Maintenance of Chiropractic Records

(a) An adequate chiropractic record, as described in this section, for each patient shall be maintained for a minimum of six years from ~~[the anniversary date of]~~ the date of last treatment.

(b) If a patient was younger than 18 years of age when last treated by a licensee, the chiropractic records of the patient shall be maintained until the patient reaches age 21 or for six years from the date of last treatment, whichever is longer.

(c) Chiropractic records that relate to any civil, criminal or administrative proceeding shall not be destroyed until the proceeding has been finally resolved.

(d) Chiropractic records shall be maintained for such longer length of time than that imposed by this section when mandated by other federal or state statute or regulation.

(e) Each licensee practicing at a facility and each facility is equally responsible for compliance with this section.

(f) 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, legible, and signed or initialed by the licensee or the person providing treatment~~[, and legible]~~. Electronic signatures are acceptable.

(g) Licensees are required to perform an appropriate history and exam based on the nature of the presenting problem described by the patient and in accordance with accepted documentation guidelines. Accepted guidelines include, but are not limited to, the latest edition of the American Chiropractic Association Clinical Documentation Manual, American Medical Association CPT Code Book, 1997 DG and/or Chiropractic Service Manual Guidelines set forth by CMS.

(h) All patient records for an initial visit shall include:

- (1) Patient History;
- (2) Description of symptomatology or wellness care;
- (3) Examination findings, including imaging and laboratory records when clinically indicated;
- (4) Diagnosis;
- (5) Prognosis;
- (6) Assessment(s);
- (7) Treatment Plan;
- (8) Treatment provided or recommended; and
- (9) Periodic reassessment(s) when appropriate, with a minimum of once per calendar year.

(i) Each patient visit after the initial visit is considered a subsequent visit unless there is a new illness or injury. The following

(Cont'd on page 5...)

Texas Board of Chiropractic Examiners

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Executive Director

A Message from the Executive Director



I know it is halfway through the year, but since we did not have a newsletter in January, I'd like to welcome you all to 2014! I hope you all had a wonderful holiday season and are enjoying some beautiful spring weather. As some of you know, I have been out of the office on maternity leave; I gave birth to a beautiful healthy baby boy at the end of December. Things are going well on the homefront, and I'm excited to be back at the TBCE (where I can talk about more than bottles and diapers!).

While I was out, the TBCE staff was led by our former Executive Director, Glenn Parker, who graciously came out of retirement to work part-time for the agency in my absence. I very much appreciate his leadership of the agency, as I know things were kept running smoothly.

In this issue of the *Report*, we provide an update on fee increases that were imposed January 1st. We were successful in not having to raise annual renewal fees for licensees, as we recognize that these fees were recently raised already.

Also, the *Report* includes an update on the recent amendment to the Board rule on documentation. Many licensees have received emails concerning this rule amendment and have questions about what the new requirements are. We have pasted the entire new rule here for you to read.

Significantly, the TBCE and I (in my official capacity) were sued by the Texas Association of Acupuncture and Oriental Medicine. Mr. Snoddy, our agency General Counsel, provided an excellent article for this edition of the *Report* detailing the lawsuit.

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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Fee Increases—Effective Jan. 1st

The 83rd Legislature raised appropriations for the TBCE to hire three additional staff members (two field investigators and one administrative assistant), but mandated that the agency raise fees to generate increased revenue.

At a Board meeting on November 21st, the Board voted to adopt the following fee increases:

- \$10 increase for initial DC applications
- \$10 increase for initial DC license (prorated)
- \$30 increase for inactive license processing
- \$5 increase for new facility applications
- \$35 increase for CE applications

These increases are effective January 1st. Forms with the new fees are available on our [website](#) under the Forms/Downloads link.

Please note that the field investigator positions are NOT peace officer positions. The TBCE did not request peace officer or armed status for investigators.

All fees are listed in Board Rule 75.7(a). Click on the “Attached Graphic” link under subsection (a) to see the most current fee table.

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.

The Friendly Face at our Front Desk

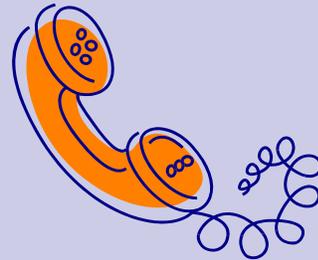


If you have called the TBCE main line recently, you may have been surprised to have a friendly “live” voice answer your call. In January 2012, we hired Sarah Matthews as our Licensing Assistant and agency Receptionist. Since that time, Sarah has helped hundreds of chiropractors and facility owners with licensing or registration issues.

Sarah graduated from Pflugerville High School in 2000 and grew up in the Austin area. Her entire family has a passion for the University of Texas Longhorns.

She lives in Hutto with her husband, Scott, 5-year-old daughter Claire, 3-year-old son Bredt, and a big Boxer pup named Braxton. She enjoys spending time with her family, swimming, and watching movies.

Our agency has gotten countless compliments on Sarah’s great customer service. Her passion for helping licensees and members of the public is very much appreciated by the Board!



TBCE Meeting Schedule

2014

Board Meeting Dates

May 22, 2014

August 21, 2014

November 13, 2014

AGENCY LICENSING & REGISTRATION INFORMATION

Number of DCs

Active License	4,995
Expired License	270
Probated-CE License	339
Inactive License	610
Probated License	16
Suspended License	7
Non-Renewable License	2,191

Number of Facilities

Active Registration	4,126
Expired Registration	191

Number of Radiologic Technologists

Active Registration	107
Expired Registration	39

Information current as of April 30,2014

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

Rule 80.5 Update cont'd...

i) Each patient visit after the initial visit is considered a subsequent visit unless there is a new illness or injury. The following information must be reported in each patient's file on each subsequent visit:

(1) Updated History

- (A) Review of the chief complaint(s);
- (B) Changes, if any, since the last visit;

(2) Physical Exam

- (A) Examination of the area involved in the diagnosis;
- (B) Assessment of any change in the patient's condition since last visit;

(3) Treatment

- (A) Documentation of treatment given;
- (B) Documentation of patient's response to the treatment rendered on that visit;
- (C) Change in treatment plan or planned referrals if indicated.

(j) All licensed chiropractors shall observe and comply with all documentation laws pertaining to health care providers under state and federal law. Nothing within this section should be construed to constrain or limit the obligation of chiropractors to meet duly authorized law, rules and regulations.

Repeat Article: What Is Probation for CE Status??

If you've recently renewed your license, you may have received a letter in the mail informing you that your license was renewed but in a probated status. Before you panic, read on...

All active licensees are required to complete sixteen (16) hours of CE per year, including the four (4) required hours in Ethics, Coding/Documentation, and Risk Management. Additionally, all licensees were required to complete eight (8) hours of CE in Medicare coding/documentation during either calendar year 2011 or 2012. (New licensees are required to complete the Medicare hours within the first year of licensure.)

If you did not have sixteen (16) hours (including all required hours) of CE on file with the Board prior to your renewal, your license was renewed in a probated status.

Additionally, if you have not completed your Medicare hours as required, your license was renewed in a probated status. Note: Board Rule 73.2(a) requires you to have completed your CE hours BEFORE renewing your license.

Board Rule 73.5 states that a licensee who fails to meet the minimum CE requirements shall have his/her license placed in a probated status for a period of twelve (12) months when renewed. During this probation, the licensee must complete the deficient hours. (Note that this is in addition to your regular CE requirements! Hours made up from past years cannot count toward a current year!) **This probation is NOT a disciplinary action!**

If you fail to complete the deficient hours during the year of probation, then at your next renewal, your

license will be considered expired backdated to the beginning date of the probation period. This will render your license non-renewable!!

Note: some licensees renew their license "early" – i.e. before the expiration date. If you do this, but you have not completed all CE or we don't have proof of completion on file, your license will still be renewed as probated, even though you think you have another few weeks to complete your CE. When you renew, you are attesting that you have completed all CE requirements!

**

If you have questions, please contact Jennifer Hertsenberg at jennifer@tbce.state.tx.us or Sarah Matthews at sarah@tbce.state.tx.us.



Designated Doctor Facility Issues

Recently, a question was asked about whether Designated Doctors needed separate facility registrations wherever performing these services. The Board opined that DDs do NOT need separate facility registrations for each location; following the Board rule on out-of-facility practice (Board Rule 80.7) is appropriate for DDs.

Note, this rule requires licensees to submit information such as the name of the location, number of visits per week, contact information, etc to the Board within 10 days of services rendered. However, the Board also opined that it did not feel it was necessary for DDs to submit this information within 10 days. We will be considering an amendment to this rule during our upcoming rule recodification to determine whether to exempt DDs from the requirements of Board Rule 80.7. In the meantime, we will not be enforcing the reporting requirements of the rule for DDs, but DDs should be aware that their work is currently considered out-of-facility

TBCE Welcomes New DC Licensees

The Texas Board of Chiropractic Examiners issued 139 new licenses between October 1, 2013 and December 31, 2013.

Congratulations to the following doctors!

Whitney Anderson, D.C.	William Denning, D.C.
Jonathon Anderson, D.C.	Duvelsa Dunn, D.C.
Carl Arnold, D.C.	Dustin Etemadi, D.C.
Megan Arnold, D.C.	Samantha Favreau, D.C.
Colin Baillargeon, D.C.	Robert Flippin, Jr., D.C.
Mark Baker, D.C.	Sarah Flood, D.C.
Agnes Barboza, D.C.	Robert Fredrickson, D.C.
Royce Barnett, D.C.	Stuart Frith, D.C.
John Barrington, Jr., D.C.	Amber Galipp, D.C.
Jessica Basala, D.C.	Sinan Gocmen, D.C.
Nicholas Baucum, D.C.	Courtney Gowin, D.C.
Amber Bloom, D.C.	Brandon Hardin, D.C.
Dori Bonitatibus, D.C.	Mohammad Heidari, D.C.
LaKesha Braxton, D.C.	Bryan Henss, D.C.
Kelsey Brown, D.C.	Mark Hetzer, D.C.
Curtis Brust, D.C.	Steven Horwitz, D.C.
Tyler Bryant, D.C.	Edward Hurta, IV, D.C.
Robert Burgett, D.C.	Nicholas Jackson, D.C.
Alison Butera, D.C.	Jessica Joiner, D.C.
Derick Carson, D.C.	Scott Jurica, D.C.
Matthew Carter, D.C.	Bonnie Juul, D.C.
Timothy Chapman, D.C.	Ihab Kayello, D.C.
Tapiwa Chiwawa, D.C.	Michael Kearns, D.C.
Jaymond Clark, D.C.	Ian Kelly, D.C.
Roy Clements, D.C.	Michael King, D.C.
Linda Cruz, D.C.	Heather King, D.C.
Nancy Davis, D.C.	Emily King, D.C.
Gerald Dembrowski, D.C.	John Kolich, D.C.
Justin Dempsey, D.C.	

(Continued on page 8)



Reminder: CE for New Licensees

Because your first renewal cycle is pro-rated and is usually not a full twelve months long, completion of your CE requirements is not required until after your first license renewal. When you renew your license for the second time, you then should have completed sixteen (16) hours of approved CE, including the four (4) hours in Board-required topics (ethics, risk management, and documentation/coding).

You must also complete at least eight (8) hours of CE in Medicare coding/documentation within twelve (12) months of when you received your license. These hours can count towards your regular CE requirement.

Therefore, if you are born in February and licensed on November 1, 2013, you are required to complete eight (8) hours of Medicare coding/documentation CE by November 1, 2014. You would then need to complete another eight (8) hours of CE, including the four (4) Board-required hours by February 1, 2015.

If you have questions regarding these requirements, please read through Board Rule 73.3. You may also contact Jennifer Hertsenberg, Director of Licensure, at jennifer@tbce.state.tx.us or Sarah Matthews, Licensing Assistant, at sarah@tbce.state.tx.us.

A list of all approved CE courses can be found on the [TBCE website](#) under the "Continuing Education" link.



New Licensees Cont'd...

Kathryn Larson, D.C.	Chance O'Looney, D.C.	Candice Subaitis, D.C.
Truc Le, D.C.	Denise Parker, D.C.	Douglas Taylor, D.C.
Edward Le Cara, D.C.	Kelleigh Payne, D.C.	James Taylor, D.C.
Shanna Lee, D.C.	Jessica Pempek, D.C.	Jamienne Taylor, D.C.
Arnaldo Lopez, D.C.	Nichole Porteus, D.C.	Donald Thigpen, D.C.
Valerie Lopez, D.C.	Steven Prentice, D.C.	Joseph Thomas, D.C.
Christie Mahaffey, D.C.	Jennifer Price, D.C.	Maxwell Tran, D.C.
Brian Mann, D.C.	Emily Puente, D.C.	Marc Trotter, D.C.
Jinna Mann, D.C.	Craig Raschke, D.C.	Gregory Turpin, D.C.
Justin Marchegiani, D.C.	Troy Reistroffer, D.C.	Michael Voissement-Crone, D.C.
Shaun Marek, D.C.	Francine Rice, D.C.	Wayne Wallen, D.C.
Jessica Martin, D.C.	Jeannie Riley, D.C.	April Wells, D.C.
Jarrad Martin, D.C.	Louie Robinson IV, D.C.	Austin Wendell, D.C.
Cassidie Marzluff, D.C.	Eric Salinas, D.C.	Julia Westcott, D.C.
Lukasz Matusiewicz, D.C.	Kirby Sanders, D.C.	Travis White, D.C.
Douglas McClellan, D.C.	Brent Sather, D.C.	Jessica Williams, D.C.
Sean McKnight, D.C.	Ashley Sawinski, D.C.	Lindsey Wolf, D.C.
Jo Ann Melendez, D.C.	Frederick Schmidt, D.C.	Benjamin Wolfington, D.C.
Adam Milroy, D.C.	Shon Scott, D.C.	Shauna Wood, D.C.
Travis Moore, D.C.	Shanna Scott, D.C.	Sarah Woodhouse, D.C.
Julia Moore Miller, D.C.	Logan Sherman, D.C.	Jared Wooley, D.C.
Noah Morganti, D.C.	Brandon Siegmund, D.C.	Reed Woytek, D.C.
Whitney Mullins, D.C.	Jesse Silva, Jr., D.C.	Wade Woytek, D.C.
Sokorro Munoz, D.C.	Jason Slade, D.C.	James Younghusband, D.C.
Allison Murillo, D.C.	Nick Speegle, D.C.	Sharon Zhang, D.C.
Scott Nims, D.C.	Bryan Stephens, D.C.	Nathan Zimring, D.C.
Brandon Nutt, D.C.	Claire Stigler, D.C.	
Reese Ochoa, D.C.	Samantha Stuart, D.C.	**CONGRATS!**

Litigation Update: TAAOM vs. TBCE—The Acupuncture Lawsuit

On February 5, 2014, the Texas Association of Acupuncture and Oriental Medicine (TAAOM) filed an Original Petition for Declaratory Judgment in the 201st District Court to contest 22 Texas Administrative Code § 75.17 (TBCE Rule 75.17) authorizing chiropractors to perform acupuncture. Also at issue is the TBCE's reliance upon an attorney general opinion (Tex. Att'y Gen. Op. DM-471 (1998)) that concluded that acupuncture is within the scope of the practice of chiropractic.

The Original Petition first posits that a chiropractor may only perform procedures that are within the scope of practice of chiropractic as defined by Texas Occupations Code section 201.002. TAAOM contends that all incisive and surgical procedures are outside the scope of chiropractic practice with the lone exception of "the use of a needle for the purpose of drawing blood for diagnostic testing." *Id.* § 201.002(a) (3) They further contend that the Chiropractic Act further limits the practice of chiropractic "to analyzing, examining, or evaluating the biomechanical condition of the spine and musculoskeletal system, and performing nonsurgical, nonincisive procedures, including adjustment and manipulation, to improve the

subluxation complex or the biomechanics of the musculoskeletal system. *Id.* § 201.002(b) (1)-(2)." TAAOM also asserts that in the early 1990s, the TBCE asserted that acupuncture and other procedures involving needles were within the scope of practice of chiropractic. And, that in response, the legislature responded by enacting the present statutory language in the Chiropractic Act prohibiting chiropractors from performing procedures involving needles except for those used to draw blood for diagnostic testing. It further notes that an attorney general opinion ((Tex. Att'y Gen. Op. No, DM-415) (1996)), issued subsequently, declared that acupuncture is outside of the scope of chiropractic.

In 1997, TAAOM notes that the legislature amended the Acupuncture Chapter to limit acupuncture to the "nonincisive, nonsurgical" insertion of acupuncture needles" but did not explicitly amend the Chiropractic Act to permit chiropractors to perform acupuncture. Next, TAAOM asserts that the 1998 attorney general opinion which followed the amendment of the Acupuncture Chapter was improper because the Chiropractic Act and the Acupuncture Chapter should not have been read *in pari materia* - i.e. read as affecting the Chiropractic

Act. In summation, TAAOM argues that the similarity of the language does not permit a legal interpretation that would allow the Chiropractic Act to be interpreted in light of the Acupuncture Chapter.

Additionally, the TAAOM notes that the Texas Medical Association (TMA) challenged several rules that followed the 2005 legislative session which were promulgated by the TBCE to clarify the specific activities that are included in the scope of practice of chiropractic, including needle EMG, on the grounds that they were an incisive procedures involving a needle. Because the district court ruled in favor of TMA on needle electromyography and the ruling was sustained by the court of appeals, TAAOM argues that the remaining portions of the rule, including acupuncture, are incisive because it enlarges the class of incisive procedures that chiropractors are allowed to perform from a lone exception of drawing blood for diagnostic testing. Thus, TAAOM asserts that Rule 75.17 has impermissibly expanded the scope of practice of chiropractic that has been limited by the Chiropractic Act.

Finally, the TAAOM asserts that only acupuncturists licensed by the Acupuncture Board receive adequate training to ensure the

public's safety and health because chiropractors lack the education and training to safely perform the procedure of acupuncture.

On February 28, 2014, the TBCE filed an Original Answer and Affirmative Defenses. The Original Answer denies each allegation in TAAOM's Original Petition and demands strict proof of each allegation. The TBCE also asserted a defense of limitations. Specifically, TBCE asserts that the challenged rule provisions have been in effect for more than four years and the statute of limitations (i.e. the amount of time before a lawsuit cannot be filed to obtain relief) has run and the lawsuit may not be sustained in any court of law. In short, because the TBCE adopted its scope of practice rule to be effective on June 11, 2010, the TBCE contends that this rule challenge is untimely.

Further, the TBCE asserts a defense of laches. Laches is the equitable concept in the law that the law should not reward those who have slept on their rights. Laches requires that two elements be satisfied. The first is the unreasonable delay by one having legal or equitable rights in asserting them. Here, the TBCE believes that a present challenge to the 1998 attorney general opinion approving acupuncture by

(Continued on page 16)

TBCE Board Disciplinary Actions Taken October 2013 to March 2014

To view the actual Board Order, visit:

http://www.tbce.state.tx.us/verify_menu.html

BRANDON ADAMS, D.C., Lic. No. 11110, Plano

On November 21, 2013, the Board and Brandon Adams, D.C., entered into an Agreed Order requiring Dr. Adams to pay a fine of \$1,000. The Board found Dr. Adams operated an unregistered facility for approximately twenty (20) months.

TEDDY AN, D.C., Lic. No. 10682, Dallas

On February 20, 2014, the Board and Teddy An, D.C., entered into an Agreed Order requiring Dr. An to pay a fine of \$500. The Board found Dr. An operated a facility with an expired registration for approximately five (5) years.

LORI ANTMAN D.C., Lic. No. 4392, Galveston

On February 20, 2014, the Board and Lori Antman, D.C., entered into an Agreed Order requiring Dr. Antman to pay a fine of \$1,000, receive a Letter of Reprimand and retake the Jurisprudence Exam. The Board found Dr. Antman employed a person who committed an act constituting the practice of chiropractic when the person was not licensed.

PATRICK BARNETT, D.C., Lic. No. 7258, Shenandoah

On November 21, 2013, the Board and Patrick Barnett, D.C., entered into an Agreed Order requiring Dr. Barnett to pay a fine of \$1,250. The Board found Dr. Barnett failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

TINA BENNETT-BURTON, D.C., Lic. No. 10635, Dallas

On November 21, 2013, the Board and Tina Bennett-Burton, D.C., entered into an Agreed Order requiring Dr. Bennett-Burton to pay a fine of \$250. The Board found Dr. Bennett-Burton failed to timely notify the Board of a change in address.

MICHAEL BEYER, JR., D.C., Lic. No. 8122, Kingwood

On November 21, 2013, the Board and Michael Beyer, D.C., entered into an Agreed Order requiring Dr. Beyer to pay a fine of \$250. The Board found Dr. Beyer failed to timely notify the Board of a change in address.

NEIL BOECKING, D.C., Lic. No. 9693, San Antonio

On February 20, 2014, the Board and Neil Boecking, D.C., entered into an Agreed Order requiring Dr. Boecking to pay a fine of \$500. The Board found Dr. Boecking operated two facilities with expired registrations for three (3) months each.

PAUL BREEDING, D.C., Lic. No. 4323, Wimberley

On February 20, 2014, the Board and Paul Breeding, D.C., entered into an Agreed Order requiring Dr. Breeding to pay a fine of \$1,250. The Board found Dr. Breeding failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

MICHAEL BRUCE, D.C., Lic. No. 5323, Baytown

On November 21, 2013, the Board and Michael Bruce, D.C., entered into an Agreed Order requiring Dr. Bruce to pay a fine of 3,000. The Board found Dr. Bruce operated an unregistered facility for over six (6) years.

FERNANDO CANO, D.C., Lic. No. 9397, Dallas

On February 20, 2014, the Board and Fernando Cano, D.C., entered into an Agreed Order requiring Dr. Cano to pay a fine of \$500 and successfully complete continuing education in billing and coding. The Board found Dr. Cano failed to provide a patient with charges on the date of providing services. The Board also found Dr. Cano billed inappropriately for services rendered.

ED CERDAY, Facility No. F0010609, San Antonio

On February 20, 2014, the Board and Ed Cerday entered into an Agreed Order requiring Mr. Cerday to pay a fine of \$500. The Board found Mr. Cerday operated an unregistered facility for over three (3) months.

ED CERDAY, Facility No. F0010608, Austin

On February 20, 2014, the Board and Ed Cerday entered into an Agreed Order requiring Mr. Cerday to pay a fine of \$500. The Board found Mr. Cerday operated an unregistered facility for over three (3) months.

OSCAR DE VALLE, Facility No. F0010419, Houston

On November 21, 2013, the Board and Oscar De Valle entered into an Agreed Order requiring Mr. De Valle to pay a fine of \$1,000. The Board found Mr. De Valle operated an unregistered facility for approximately twenty one (21) months.

KENNETH EFIRD, D.C., Lic. No. 9958, Missouri City

On November 21, 2013, the Board and Kenneth Efird, D.C., entered into an Agreed Order requiring Dr. Efird to pay a fine of \$500. The Board found Dr. Efird engaged in deceptive advertising by advertising himself to be a faculty/staff member of the National Academy of Manual and Physical Medicine and the National Academy of MUA Physicians, when in fact he was not. The Board also found Dr. Efird advertised himself to be a "state advisor" for the TBCE and the Texas Chiropractic Association (TCA), when he was not affiliated with either organization as a "state advisor."

JAMES EIFLING, D.C., Lic. No. 4179, Austin

On February 20, 2014, the Board and James Eifling, D.C., entered into an Agreed Order requiring Dr. Eifling to pay a fine of \$250. The Board found Dr. Eifling failed to timely notify the Board of a change in address. In a separate order dated February 20, 2014, the Board and Dr. Eifling entered into an Agreed Order issuing Dr. Eifling a Letter of Reprimand for operating an unregistered facility for approximately seventeen (17) months.

ROBERT EKIN, D.C., Lic. No. 9007, Indianapolis

On November 21, 2013, the Board and Robert Ekin, D.C., entered into an Agreed Order issuing Dr. Ekin a Letter of Reprimand. The Board found Dr. Ekin failed to timely renew his chiropractic license.

HEATHER ELLIS, D.C., Lic. No. 11046, Corpus Christi

On November 21, 2013, the Board and Heather Ellis, D.C., entered into an Agreed Order requiring Dr. Ellis to pay a fine of \$250. The Board found Dr. Ellis failed to timely notify the Board of a change in address.

JOSE ESQUIVEL, D.C., Lic. No. 9700, Dallas

On November 21, 2013, the Board and Jose Esquivel, D.C., entered into an Agreed Order requiring Dr. Esquivel to pay a fine of \$1,250. The Board found Dr. Esquivel failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

TBCE Board Disciplinary Actions cont'd...

ROBIN FUQUAY, D.C., Lic. No. 8726, Austin

On November 21, 2013, the Board and Robin Fuquay, D.C., entered into an Agreed Order requiring Dr. Fuquay to pay a fine of \$500. The Board found Dr. Fuquay operated an unregistered facility for over eight (8) months. Additionally, the Board and Dr. Fuquay entered into a second Agreed Order requiring Dr. Fuquay to pay a fine of \$250. The Board found Dr. Fuquay failed to timely notify the Board of a change in address.

CHANDLER GEORGE, D.C., Lic. No. 5079, Roanoke

On November 21, 2013, the Board and Chandler George, D.C., entered into an Agreed Order requiring Dr. George to pay a fine of \$250. The Board found Dr. George failed to timely notify the Board of a change in address.

BRADLEY GESSNER, D.C., Lic. No. 10446, Pharr

On November 21, 2013, the Board and Bradley Gessner, D.C., entered into an Agreed Order issuing Dr. Gessner a Letter of Reprimand. The Board found Dr. Gessner failed defaulted on a student loan.

BYRAN HARRISON, D.C., Lic. No. 9014, Carrollton

On November 21, 2013, the Board and Bryan Harrison, D.C., entered into an Agreed Order requiring Dr. Harrison to successfully complete the NBCE Ethics and Boundaries course prior to becoming eligible to take the Jurisprudence exam, submit proof of weekly attendance at Alcoholics Anonymous meetings for a minimum of ten consecutive weeks prior to becoming eligible to take the Jurisprudence exam, and have his license immediately suspended and probated for two years upon issuance. The Board found Dr. Harrison failed to be arrested and convicted for felony and misdemeanor alcohol-related offenses prior to his application for licensure.

TORRY HINSON, D.C., Lic. No. 8826, Houston

On November 21, 2013, the Board and Torry Hinson, D.C., entered into an Agreed Order requiring Dr. Hinson to pay a fine of \$250. The Board found Dr. Hinson failed to timely notify the Board of a change in address.

BRUCE HORN, D.C., Lic. No. 9314, Fort Worth

On February 20, 2014, the Board and Bruce Horn, D.C., entered into an Agreed Order issuing Dr. Horn a Letter of Reprimand. The Board found Dr. Horn failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

PAULA HOWELL, D.C., Lic. No. 5666, Houston

On February 20, 2014, the Board and Paula Howell, D.C., entered into an Agreed Order requiring Dr. Horn to pay a fine of \$500. The Board found Dr. Howell operated a facility with an expired registration for over ten (10) months.

LINH HUYNHLE, D.C., Lic. No. 10417, Houston

On November 21, 2013, the Board and Linh Huynhle, D.C., entered into an Agreed Order requiring Dr. Huynhle to pay a fine of \$1,000 or be issued a Letter of Reprimand in lieu of the \$1,000 penalty upon returning to good standing with the student loan administering agency. The Board found Dr. Huynhle defaulted on a student loan and failed to respond to a Board inquiry.

DREW JOHNSON, D.C., Lic. No. 6691, College Station

On November 21, 2013, the Board and Drew Johnson, D.C., entered into an Agreed Order requiring Dr. Johnson to pay a fine of \$500. The Board found Dr. Johnson advertised and operated his

chiropractic facility without a certificate of registration.

HOMER JOHNSON, III, D.C., Lic. No. 11930, Addison

On November 21, 2013, the Board and Homer Johnson, III, D.C., entered into an Agreed Order requiring Dr. Johnson to pay a fine of \$250. The Board found Dr. Johnson failed to timely notify the Board of a change in address.

JASON JONES, D.C., Lic. No. 9076, Dallas

On February 20, 2014, the Board and Jason Jones, D.C., entered into an Agreed Order requiring Dr. Jones to pay a fine of \$500. The Board found Dr. Jones operated a facility with an expired registration for over ten (10) months.

MONICA KANU, D.C., Lic. No. 10425, Garland

On February 20, 2014, the Board and Monica Kanu, D.C., entered into an Agreed Order requiring Dr. Kanu to pay a fine of \$500. The Board found Dr. Kanu operated a facility with an expired registration for over two (2) months.

DAVID LIANG, D.C., Lic. No. 8713, Mansfield

On November 21, 2013, the Board and David Liang, D.C., entered into an Agreed Order requiring Dr. Liang to pay a fine of \$2,500. The Board found Dr. Liang operated two unregistered facilities with for over five (5) years.

SCOTT MAPES, D.C., [INACTIVE] Lic. No. 9320, Norfolk (NE)

On February 20, 2014, the Board and Scott Mapes, D.C., entered into an Agreed Order requiring Dr. Mapes to pay a fine of \$250. The Board found Dr. Mapes failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

T. WAYNE MASK, D.C., Lic. No. 5173, Crockett

On February 20, 2014, the Board and T. Wayne Mask, D.C., entered into an Agreed Order requiring Dr. Mask to pay a fine of \$3,000. The Board found Dr. Mask practiced chiropractic with an expired license for almost four (4) months, operated a facility with an expired registration for over four (4) years and five (5) months, and failed to respond to a Board inquiry.

MARTIN MATISCIK, Facility No. F008273 (Closed), McKinney

On February 20, 2014, the Board and Martin Maticcik entered into an Agreed Order requiring Mr. Maticcik to pay a fine of \$1,000 and refund \$280 to the complaining patient. The Board found Mr. Maticcik operated a facility in which a patient entered into a prepaid treatment plan. He did not ensure the patient's file contained adequate documentation required of a prepaid treatment plan and failed to refund the patient the total amount due when care was discontinued by the patient.

MICHAEL MELTON, D.C., Lic. No. 2491, Los Fresnos

On February 20, 2014, the Board and Michael Melton, D.C., entered into an Agreed Order requiring Dr. Melton to pay a fine of \$1,000. The Board found Dr. Melton operated an unregistered facility for over twelve (12) months.

DARIN MITCHELL, D.C., Lic. No. 7872, Houston

On February 20, 2014, the Board and Darin Mitchell, D.C., entered into an Agreed Order requiring Dr. Mitchell to pay a fine of \$500. The Board found Dr. Mitchell operated a facility with an expired registration for over six (6) months.

TBCE Board Disciplinary Actions cont'd...

LUCAS MOLITOR, D.C., Lic. No. 10925, Dallas

On November 21, 2013, the Board and Lucas Molitor, D.C., entered into an Agreed Order requiring Dr. Molitor to pay a fine of \$250. The Board found Dr. Molitor failed to timely notify the Board of a change in address.

ANNETTE MORRIS, Facility No. F003731, Houston

On February 20, 2014, the Board and Annette Morris entered into an Agreed Order requiring Ms. Morris to pay a fine of \$250. The Board found Ms. Morris failed to timely release requested chiropractic records.

DAVID MORRISSEY, D.C., Lic. No. 10117, Houston

On February 20, 2014, the Board and David Morrissey, D.C., entered into an Agreed Order requiring Dr. Morrissey to pay a fine of \$250. The Board found Dr. Morrissey failed to timely notify the Board of a change in address.

YULIANA NURMAN, D.C., Lic. No. 11904, Dallas

On November 21, 2013, the Board and Yuliana Nurman, D.C., entered into an Agreed Order requiring Dr. Nurman to pay a fine of \$250. The Board found Dr. Nurman failed to timely notify the Board of a change in address.

TODD OCZKOWSKI, D.C., Lic. No. 8418, Flower Mound

On November 21, 2013, the Board and Todd Oczkowski, D.C., entered into an Agreed Order requiring Dr. Oczkowski to pay a fine of \$250. The Board found Dr. Oczkowski failed to timely notify the Board of a change in address.

UZUNMA OGBA, Facility No. F005643, Houston

On February 20, 2014, the Board and Annette Morris entered into an Agreed Order issuing Mr. Ogba a Letter of Reprimand. The Board found Mr. Ogba failed to comply with a Board Order.

MARY PACE, D.C., Lic. No. 9190, Houston

On November 21, 2013, the Board and Mary Pace, D.C., entered into an Agreed Order requiring Dr. Pace to pay a fine of \$500. The Board found Dr. Pace altered a substitute chiropractor's daily notes, resulting in changes to certain CPT codes and the number of units used for therapeutic exercises. For three patients, the documentation as billed was questioned as to whether they fully support the treatment described in the patient chart. The Board found a violation of lack of proper diligence in the practice of chiropractic.

KENNETH PARKER, D.C., Lic. No. 10541, Keller

On November 21, 2013, the Board and Kenneth Parker, D.C., entered into an Agreed Order requiring Dr. Parker to pay a fine of \$250. The Board found Dr. Parker failed to timely notify the Board of a change in address.

WAYNE PARKS, D.C., Lic. No. 9035, League City

On November 21, 2013, the Board and Wayne Parks, D.C., entered into an Agreed Order suspending (probated) the license of Dr. Parks until such time as his student loan in question is paid in full. The Board found Dr. Parks failed to pay a student loan and had a judgment entered against him by the State of Texas.

ROBERT PERETTI, D.C., Lic. No. 8911, Irving

On November 21, 2013, the Board and Robert Peretti, D.C., entered into an Agreed Order requiring Dr. Peretti to pay a fine of \$1,000,

suspending his license for nine months (probated in full), and requiring him to pay full restitution to the complainant. The Board found Dr. Peretti promoted and accepted payment for goods and services which he failed to provide; he also refused to refund payments he accepted for goods and services not provided. Additionally, Dr. Peretti failed to timely notify the Board of a change in address and failed to respond to a Board inquiry.

ROBERT PERETTI, D.C., Lic. No. 8911, Irving

On November 21, 2013, the Board and Robert Peretti, D.C., entered into an Agreed Order requiring Dr. Peretti to pay a fine of \$250. The Board found Dr. Peretti failed to use "D.C." or "Chiropractor" in conjunction with "Dr. Robert Peretti" on public communications.

JENNIFER PETTIBONE, D.C., Lic. No. 5935, Dallas

On February 20, 2014, the Board and Jennifer Pettibone, D.C., entered into an Agreed Order requiring Dr. Pettibone to pay a fine of \$500. The Board found Dr. Pettibone operated an unregistered facility for over seven (7) months.

DAVID PHIPPS, D.C., Lic. No. 4280, Richardson

On November 21, 2013, the Board and David Phipps, D.C., entered into an Agreed Order requiring Dr. Phipps to pay a fine of \$2,000. The Board found Dr. Phipps practiced chiropractic with an expired license and failed to respond to a Board inquiry.

PHILLIP RODRIGUEZ, D.C., Lic. No. 9200, Grand Prairie

On November 21, 2013, the Board and Phillip Rodriguez, D.C., entered into an Agreed Order requiring Dr. Rodriguez to pay a fine of \$250. The Board found Dr. Peretti failed to timely notify the Board of a change in address.

H. RICK ROYSTON, D.C., Lic. No. 9821, Allen

On November 21, 2013, the Board and H. Rick Royston, D.C., entered into an Agreed Order requiring Dr. Royston to pay a fine of \$250. The Board found Dr. Royston failed to timely notify the Board of a change in address.

POORVI SANDESARA, D.C., Lic. No. 11982, Houston

On February 20, 2014, the Board and Poorvi Sandesara, D.C., entered into an Agreed Order requiring Dr. Sandesara to pay a fine of \$1000 and issuing a Letter of Reprimand. The Board found Dr. Sandesara practiced chiropractic without a license prior to being licensed.

MICHAEL SHAW, D.C., Lic. No. 9295, Dallas

On February 20, 2014, the Board and Michael Shaw, D.C., entered into an Agreed Order requiring Dr. Shaw to pay a fine of \$250. The Board found Dr. Shaw failed to timely notify the Board of a change in address.

YONG SHIN, D.C., Lic. No. 9206, Flower Mound

On November 21, 2013, the Board and Yong Shin, D.C., entered into an Agreed Order requiring Dr. Shin to pay a fine of \$500. The Board found Dr. Shin operated an unregistered facility for over one (1) year.

LAURENCE SMITH, D.C., Lic. No. 10965, Lakeway

On February 20, 2014, the Board and Laurence Smith, D.C., entered into an Agreed Order requiring Dr. Smith to pay a fine of \$1,000. The Board found Dr. Smith failed to timely notify the Board of his criminal convictions.

TBCE Board Disciplinary Actions cont'd...

STEPHANIE SMOUSE, D.C., Lic. No. 10228, Deer Park
 On November 21, 2013, the Board and Stephanie Smouse, D.C., entered into an Agreed Order requiring Dr. Smouse to pay a fine of \$250. The Board found Dr. Smouse failed to timely notify the Board of a change in address.

BENJAMIN SPITZENBERGER, D.C., Lic. No. 10939, Liberty Hill
 On February 20, 2014, the Board and Benjamin Spitzenberger, D.C., entered into an Agreed Order requiring Dr. Spitzenberger to pay a fine of \$500. The Board found Dr. Spitzenberger operated a facility with an expired registration for over two (2) months.

ROXANNE SWENEY, D.C., Lic. No. 10524, Austin
 On February 20, 2014, the Board and Roxanne Sweney, D.C., entered into an Agreed Order requiring Dr. Sweney to pay a fine of \$250. The Board found Dr. Sweney failed to timely release requested patient records.

JEREMY TAYLOR, D.C., Lic. No. 11601, Fort Worth
 On November 21, 2013, the Board and Jeremy Taylor, D.C., entered into an Agreed Order requiring Dr. Taylor to pay a fine of \$250. The Board found Dr. Taylor failed to timely notify the Board of a change in address.

W. BRENT THOMPSON, D.C., Lic. No. 2412, Dallas
 On November 21, 2013, the Board and W. Brent Thompson, D.C., entered into an Agreed Order issuing Dr. Thompson a Letter of Reprimand. The Board found Dr. Thompson failed to comply with a Board Order.

SHANE THOMPSON, D.C., Lic. No. 9538, El Paso
 On November 21, 2013, the Board and Shane Thompson, D.C., entered into an Agreed Order requiring Dr. Thompson to pay a fine of \$250. The Board found Dr. Thompson failed to timely notify the Board of a change in address.

SHAMONICA TRUNELL, D.C., Lic. No. 9664, Waco
 On November 21, 2013, the Board and Shamonica Trunell, D.C., entered into an Agreed Order requiring Dr. Trunell to pay a fine of \$250. The Board found Dr. Trunell failed to timely notify the Board of a change in address.

DAN UNG, D.C., Lic. No. 8188, Houston
 On February 20, 2014, the Board and Dan Ung, D.C., entered into an Agreed Order requiring Dr. Ung to pay a fine of \$250. The Board found Dr. Ung failed to timely release requested patient records.

LANDAN WEBSTER, D.C., Lic. No. 11125, Dallas
 On November 21, 2013, the Board and Landan Webster, D.C., entered into an Agreed Order requiring Dr. Webster to pay a fine of \$250. The Board found Dr. Webster failed to timely notify the Board of a change in address.

DARRELL WEST, D.C., Lic. No. 9301, Amarillo
 On November 21, 2013, the Board and Darrell West, D.C., entered into an Agreed Order requiring Dr. West to pay a fine of \$500. The Board found Dr. West failed to use the word "chiropractor," "D.C.," or "Doctor of Chiropractic" in advertising. Dr. West also placed a newspaper advertisement that failed to distinguish between a non-chiropractic business enterprise and his chiropractic facility.

WESLEY WHEELER, D.C., Lic. No. 5335, Channelview
 On November 21, 2013, the Board and Wesley Wheeler, D.C., entered into an Agreed Order requiring Dr. Wheeler to pay a fine of \$250. The Board found Dr. Wheeler failed to timely notify the Board of a change in address.

MARIO WONG, Pflugerville
 On February 20, 2014, the Board and Mario Wong entered into an Agreed Order issuing Mr. Wong a Cease and Desist Order. The Board found Mr. Wong practiced chiropractic without a license during his massage therapy services.

JERROD WRIGHT, D.C., Lic. No. 6927, Southlake
 On November 21, 2013, the Board and Jerrod Wright, D.C., entered into an Agreed Order requiring Dr. Wright to pay a fine of \$250. The Board found Dr. Wright failed to timely notify the Board of a change in address.

Stakeholder Input Requested

On April 21st, the Rules Committee sent another call to Texas DCs to share stakeholder input on the following topics:

CONTINUING EDUCATION:

Board Rule 73.3 requires DCs to complete 16 hours of CE each year. Currently, only 6 hours are allowed to

be taken online. Additionally, "video" courses are not allowed to be used for CE credit. Finally, there are currently restrictions on who can teach a CE course.

The Rules Committee is gathering information about whether the number of online hours should be

increased (and if so, by how much) and whether video courses should be allowed, given the nature of online media. Also, the Committee is gathering information about whether additional health care professionals should be allowed to teach CE.

(Continued on page 14)

Stakeholder Input Requested (cont'd...)

Additionally, Rule 73.3 requires 4 of the 16 CE hours to be in "required" topics - 2 hours in ethics, 1 hour in risk management and 1 hour in coding/documentation. The Rules Committee is gathering information about whether these hours should be changed (increased, decreased, certain hours eliminated, etc).

INACTIVE STATUS: Board Rule 73.4 allows DCs to put their licenses on an inactive status if they are not actively practicing. Currently, DCs are allowed to stay on an inactive status for a maximum of 5 years.

The Rules Committee is gathering information about whether licensees should be allowed to stay on inactive

status for a longer period of time before being required to renew in an active status (which requires completion of CE hours). It has been suggested that the maximum inactive status be increased from 5 years to 20 years

SPECIALTIES: Board Rule 71.15 currently recognizes two specialty fields - chiropractic orthopedics and chiropractic radiology. In December 2012, the Board voted to repeal Rule 71.13, which allowed other specialty fields to apply to the Board for recognition.

The Board's intent was to discontinue formally recognizing individual specialty fields, while still allowing licensees to publicize credentials earned

in these fields.

The Rules Committee is gathering information about whether Board Rule 71.15 should be repealed, since the Board is no longer recognizing individual specialty fields.

Please send any comments or stakeholder input to rules@tbce.state.tx.us with the subject "Stakeholder Input."

Thank you!!



Summary of Actions

A regular meeting of the TBCE was held November 21, 2013, in Austin. The following is a summary of Board actions taken during this meeting.

- The Board voted to allow three (3) applicants the opportunity to take the jurisprudence examination after considering their individual circumstances.
- The Board denied one applicant for approval to own and operate a facility as a non-D.C. owner due to his criminal felony conviction and concerns surrounding the ongoing operations at the facility (improper usage of a Nurse Practitioner and unlicensed practice of massage therapy).

(Continued on page 15)

November 21st Summary of Actions (cont'd...)

- The Board voted to adopt a rule amendment to Rule 75.7, regarding Required Fees. The adoption was published in the *Texas Register* on December 6, 2013. The adoption of the amendment can be viewed here: <http://www.tbce.state.tx.us/AdoptedRules/FY2014/AAR75-7-122013.pdf>
- The Board voted to adopt a rule amendment to Rule 75.17(e), regarding Scope of Practice. The adoption was published in the *Texas Register* on December 6, 2013. The adoption of the amendment can be viewed here: <http://www.tbce.state.tx.us/AdoptedRules/FY2014/AAR75-17-122013.pdf>
- The Board voted to propose a rule amendment to Rule 73.7, regarding Approved Continuing Education Courses. This proposed amendment was published in the *Texas Register* on December 20, 2013. Comments were accepted through January 19, 2014. The proposed amendment can be viewed here: http://www.tbce.state.tx.us/ProposedRules/FY2013/PAR73-7_12-2013.pdf
- The Board voted to propose a rule amendment to Rule 80.5, regarding Maintenance of Chiropractic Records. This proposed amendment was published in the *Texas Register* on December 20, 2013. Comments were accepted through January 19, 2014. The proposed amendment can be viewed here: http://www.tbce.state.tx.us/ProposedRules/FY2013/PAR80-5_12-2013.pdf
- Forty-one (41) Agreed Orders imposing disciplinary action and one (1) Board order declining to impose disciplinary action were approved by the Board. The Board also approved one (1) request for expungement of disciplinary action and denied one (1) request for expungement of disciplinary action.



Summary of Actions

*A regular meeting of the TBCE was held November 21, 2013, in Austin.
The following is a summary of Board actions taken during this meeting.*

- The Board voted Dr. Campion as the NBCE delegate and Dr. Tays as the alternate delegate. (Dr. Campion later withdrew as the delegate, and Dr. Riggs was named in her place.)
- Drs. Thomas and Montgomery volunteered to serve as examiners for the May Exam. Dr. Riggs volunteered to serve as a participant for the Part IV Test Committee in June.
- The Board voted Dr. Tays as the FCLB delegate and Dr. Campion as the alternate delegate. (Dr. Campion later withdrew as the alternate delegate, and Dr. Riggs was named in her place.)
- The Board voted to allow one (1) new applicant the opportunity to take the jurisprudence examination after considering her individual circumstance.

(Continued on page 16)

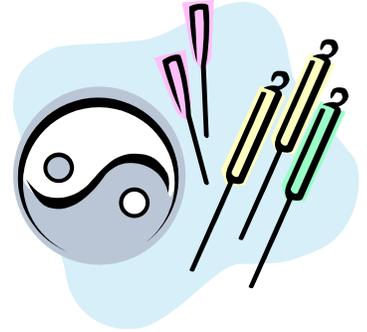
Acupuncture Lawsuit (cont'd...)

chiropractors upon which the TBCE relied, now sixteen years old and counting, is unreasonable. Second, the defense of laches requires a good faith change of position by another to his detriment because of the delay. In 1996, the TBCE relied upon an attorney general opinion that declared that acupuncture was outside the scope of practice of chiropractors. However, since the 1998

attorney general opinion reversed course, the TBCE did as well. It has been the consistent position of the TBCE since that opinion that acupuncture is within the scope of practice of chiropractic. By some estimates, almost one-third of the chiropractors in Texas practice in accordance with the rules promulgated with reliance upon the 1998 attorney general opinion. Thus, the TBCE contends

that because TAAOM has unconscionably delayed taking any action since 1998 that the doctrine of laches applies and this lawsuit is barred.

On April 8, 2014, TAAOM filed an Amended Original Petition for Declaratory Relief. The case is presently pending in the 201st District Court and was assigned on April 14, 2014, to be heard by Judge Orinda Naranjo.



February 20th Summary of Actions (cont'd...)

- The Board voted to table one (1) revoked licensee seeking a new license pending additional information from the applicant. The Board also denied one (1) revoked licensee seeking a new license the opportunity to sit for the Jurisprudence examination.
- The Board voted to adopt a rule amendment to Rule 73.7, regarding Approved Continuing Education Courses. This adoption was published in the *Texas Register* on April 18, 2014. The adoption can be viewed here: <http://www.tbce.state.tx.us/AdoptedRules/FY2014/AAR73-7-022014.pdf>
- The Board voted to adopt a rule amendment to Rule 80.5, regarding Maintenance of Chiropractic Records. This adoption was published in the *Texas Register* on April 18, 2014. The adoption can be viewed here: <http://www.tbce.state.tx.us/AdoptedRules/FY2014/AAR80-5-022014.pdf>
- Twenty-nine (29) Agreed Orders imposing disciplinary action were approved by the Board. The Board also approved two (2) requests for expungement of disciplinary action and denied one (1) request for expungement of disciplinary action.



Please note the TBCE office will be closed on Monday, May 26th for Memorial Day. We will also be closed on Friday, July 4th for Independence Day. Please plan accordingly!



STAFF CONTACT INFORMATION

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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*.....512-305-6704

Mary Feys, *Enforcement Assistant*.....512-305-6901

LEGAL

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

Scott Stalaker, *Legal Assistant*.....512-305-6706

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

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

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



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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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