



Texas Chiropractic Board Report

December 2017
Issue Five

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Summary of Actions



A regular quarterly meeting of the Texas Board of Chiropractic Examiners (TBCE) was held November 16, 2017, in Austin. The following is a summary of Board actions taken during this meeting.

The Board voted to adopt amendments to the following rules:

- **Rule 72.9** - The adopted amendment reflects 2017 Sunset Commission recommendation to remove limitation on the number of times an applicant can take the Board's Jurisprudence Exam, in order to achieve a passing score.
- **Chapter 73** - Chapter 73 is repealed to reflect implementation of 2017 Sunset legislation, SB 304, which dissolves the statutory requirement to register chiropractic facilities, effective September 1, 2017.
- **Rule 75.2** - The adopted amendment reflects 2017 Sunset Commission recommendation to implement a biennial (two-year) licensing period in accordance with other similar healthcare professional licensing agencies (effective March 1, 2018).
- **Rule 75.4** - The adopted amendment reflects 2017 Sunset Commission recommendation to implement a biennial (two-year) licensing period in accordance with other similar healthcare professional licensing agencies (effective March 1, 2018).

The Board voted to propose amendments to the following rules, which will be posted at the Texas Register on or before January 12, 2018, for a 30-day comment period:

- **Rule 72.8** - The rule regarding an examinee's "failure to appear for examination" is proposed for repeal to reflect the Board's updated online testing system, wherein examinees do not appear at a physical location.
- **Rule 77.2** - The proposed amendment reflects the implementation of 2017 Sunset legislation, SB 304, effective September 1, 2017, which dissolved the statutory requirement to register chiropractic facilities.

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... Summary of Actions

- **Rule 77.3** - The proposed amendment reflects changes requested by the Texas Chiropractic Association ("TCA") to clarify a patient's right to obtain a receipt for services on the date services were rendered.
- **Rule 77.6** - The proposed amendment reflects the implementation of 2017 Sunset legislation, SB 304, which dissolved the statutory requirement to register chiropractic facilities, effective September 1, 2017.
- **Rule 77.7** - The proposed amendment reflects the implementation of 2017 Sunset legislation, SB 304, which dissolved the statutory requirement to register chiropractic facilities, effective September 1, 2017.
- **Rule 77.8** - The proposed amendment reflects changes requested by the TCA to provide clarity regarding the detail of notes required in patient treatment records, depending on whether the patient presents for initial or subsequent visits.
- **Rule 78.6** - The proposed amendment reflects the implementation of 2017 Sunset legislation, SB 304, which dissolved the statutory requirement to register chiropractic facilities, effective September 1, 2017.
- **Rule 78.12** - The proposed amendment revises the Board's Expert Review Process (and reflects SB 304 statutory change dissolving the Board's requirement to establish a Peer Review Committee).

All proposed and adopted rules are submitted for publication in the *Texas Register* after each quarterly Board meeting.

We encourage all licensees to monitor proposed rules published in the *Texas Register* and to provide comments. Comments must be in writing and sent to the TBCE General Counsel at rules@tbce.texas.gov within the time period specified.

Current and past issues of the Texas Register are available online at: <http://www.sos.state.tx.us/texreg/index.shtml>. To receive email notification of future TBCE proposed, adopted or repealed rules or scheduled open meetings, contact the *Texas Register* at: register@sos.state.tx.us or call (512) 463-5561.



**Texas Board of
Chiropractic
Examiners**

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**Attention
New
Licensees**

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

When you renew your license for the second time, you should have completed sixteen (16) hours of approved CE, including the four (4) hours in Board-required topics and the one-time, eight (8) required hours for Medicare.



Board Disciplinary Actions Taken

Razak Balogun, Lic. No. 9304, Bellaire
Pay \$1,000 for failure to comply with a Board Order and failure to respond to Board inquiries.

Abigail Barnwell, Lic. No. 12810, Houston
Take X-Ray Quality and Safety CE for Lack of Due Diligence.

Charles Barnwell, Lic. No. 4315, Houston
Take X-Ray Quality and Safety CE for Lack of Due Diligence and failing to respond to Board inquiries.

Justin Barnwell, Lic. No. 13109, Houston
Take X-Ray Quality and Safety CE for Lack of Due Diligence.

Thomas Clark, Lic. No. 6532, Bushland
Suspension for Fraud

Melissa Dunlap, DC, Lic. No. 12019, Dallas
Pay \$250 for failing to notify the Board of change of address.

Felix Ekwen, Fac. No. F0010749, Houston
Pass Jurisprudence Exam for unsanitary conditions.

Sandra Fonder, Lic. No. 4080, Fredericksburg
Surrendered her license for failing to report criminal conviction.

Stacy Godsey, Lic. No. 9796, Tyler
Revocation for a criminal conviction.

Uzziah Grigsby, III, DC, Lic. No. 10608, Houston
Pay \$2,000 and an audit for billing for services not rendered.

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...Board Disciplinary Actions



Rueben Guterrez, DC, Lic. No. 12978, Grand Prairie
Pay \$250 and Cease & Desist Order for operating an unregistered facility and failure to respond to Board inquiries.

Randall Johns, Lic. No. 9359, Texarkana
Cease & Desist Order for practicing without a license.

John Mitchell, II, DC, Lic. No. 4272, Houston
Pass the Jurisprudence Exam for failure to furnish records and failure to respond to Board inquiries.

Raymond Newsome, Lic. No. 5472, DeSoto
Revocation for sexual misconduct.

Michael Quadlander, DC, Lic. No. 4846, New Braunfels
Pay \$1,000 and pass Jurisprudence Exam, for failure to furnish records and failure to respond to Board inquiries.

Travis Rader, Lic. No. 9089, Lincoln, NE
Surrender License.

Scott Sims, DC, Lic. No. 5405, Houston
Pay \$1,000, and take billing CE course for submitting incorrect billing codes in patient billings.

Brian Suggs, DC, Lic. No. 4378, San Antonio
Pay \$500, for advertising outside of scope of practice.

Christopher Zaino, DC, Lic. No. 10169, The Woodlands
Pay \$1,250 and remove all out of scope advertisements, for advertising out of scope and expired license.



President's Message



First, I will share good news and salute the chiropractic profession. As the agency's focus on compliance has shifted from the non-D.C. facility owners (statutory change, September 1, 2017) to our licensed D.C.'s, the agency has noted increased compliance and increased efficiency in our investigation process. As expected, licensed doctors are more cooperative and responsive to Board inquiries. For this I applaud the chiropractic profession and thank all of our individual licensees who have necessarily responded to Board inquiries in a timely and professional manner. It is also encouraging to see inquiries from licensees seeking regulatory advice from our General Counsel, prior to implementing their new practice model or business strategy.

Thank you also for opening your emails from the Board and considering where the content may apply to your practice. In our most recent advisory, we brought attention to the risks associated with providing massage therapy to patients. (See [insert link "Massage Therapy Risks in the Chiropractic Practice"]). While sexual misconduct comes in all forms, we have noted a proportionate increase in Board complaints associated with the practice of massage therapy in a chiropractic office. Some cases result from intentional misdeeds by unethical practitioners, while others seem to stem from naïve miscalculation of parameters in the doctor-patient relationship.

Either way, manual therapy techniques that cross the boundaries of patient modesty, even with a valid clinical indication, should be considered as high risk for a sexual misconduct complaint. I highly recommend that you review the article, incorporate the advice into staff meeting discussions and make any necessary revisions to your practice model and procedures. Communicating openly with your staff members about this contentious issue can help everyone in the office recognize the risk, agree to procedural standards and recalibrate behavior as necessary. After all, it is far better to avoid such complaints altogether, than to face the gut-wrenching ordeal of defending yourself against a sexual misconduct allegation.

Closing on a more pleasant note, I wish everyone a peaceful and joyful Christmas and holiday season with family and friends. May the New Year offer opportunities for service and may your commitment to high standards foster positive patient outcomes and success in practice.

Mark R. Bronson, D.C., F.A.C.O



Agency Licensing & Registration Summary through November 30, 2017



| Number of Chiropractic Doctors | |
|--------------------------------|-------|
| Active License | 5,562 |
| CE-Conditional License | 85 |
| Expired License | 328 |
| Inactive License | 666 |
| Non-Renewable License* | 2,711 |
| Probated License | 14 |
| Suspended License | 4 |

| Number of Radiologic Technologists | |
|------------------------------------|----|
| Active Registration | 70 |
| Expired Registration | 36 |

**Compliance & Investigations Information
September 1, 2017 – November 30, 2017**

| Complaints Opened | |
|----------------------------------|-----|
| Complaints Received YTD | 66 |
| Complaints Closed | 55* |
| Average Days to Close Complaints | 216 |
| Closed with Orders | 20 |

| Complaints-Opened for Expired License | |
|---------------------------------------|-----|
| Complaints Opened YTD | 1 |
| Complaints Closed | 2 |
| Average Days to Close Complaints | 186 |
| Closed with Orders | 0 |
| Closed with Letter of Education | 2 |

| Top 3 Closed Complaints by Violation Type | |
|---|---|
| Lack of Due Diligence | 8 |
| Failure to Furnish Records | 6 |
| Billing for services not rendered | 4 |

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

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In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the Board's office, (512) 305-6906 (Voice) or by faxing a request to (512) 305-6705 (FAX).

TBCE Welcomes New DC Licensees

Issued September 2017, through
November 2017.

Richard Thwaites, D.C.
Matthew Delgado, D.C.
Glen Wilkinson, D.C.
Christian Quiroz, D.C.
Jeanette Goodwill, D.C.
Michelle Ogbeide, D.C.
Allana Patel, D.C.
Sarabeth Pohjola, D.C.
Jacob Herring, D.C.
Gregory Priest, D.C.
Richard Pinner, D.C.
Amber Smith, D.C.
Ivy Brown, D.C.
Karina Guardado, D.C.
Jesse Cooper, D.C.
Caroline Graham, D.C.
Matthew Kolker, D.C.
Lindsey Fultz, D.C.
Jennifer Vogt, D.C.
Kyle Clayton, D.C.
Gordon Elder, D.C.
Shelbi Wilson, D.C.
Christopher Cummings, D.C.
Milton Encarnacion Quezada, D.C.
Matthew McNabb, D.C.
Nicholas Bosse, D.C.
Matt Johnson, D.C.
Cortney Showalter, D.C.
Monique Lee, D.C.
Sharanjit Kaur, D.C.
Mazen Zaibak, D.C.
Louis Bertulfo, D.C.
Richard Salazar III, D.C.
Hartman Watson, D.C.
Julie Winckler, D.C.
Chin Suk Cho, D.C.
Lisa Bingham, D.C.
Krystle Kendrick, D.C.
Joshua Valentine, D.C.
Alasha Young, D.C.
Dylan Payne, D.C.

Daniel Hartmann, D.C.
Robert Pompella, D.C.
Weston Kurtz, D.C.
Krista Aschenbeck, D.C.
Katherine Reckelhoff, D.C.
Jonathan Hollier, D.C.
Katherine Allen, D.C.
Jill Willis, D.C.
William Seidl, D.C.
Maria Dorski, D.C.
Jacob Ballard, D.C.
Brandon Drane, D.C.
Keiland Smith, D.C.
Iperlitta Vance, D.C.
Samantha LeBouef, D.C.
Dana Harris, D.C.
Emily Whisman, D.C.
Sonya Dennis, D.C.
Rachel Evans, D.C.
Bethany Pellow, D.C.
Christopher Riedel, D.C.
Justin Quisberg, D.C.
Ambur Perrodin, D.C.
Chistee Lacy, D.C.
Brynne Gingras, D.C.
Nathan Smouse, D.C.
Vu Pham, D.C.
Benjamin Haby, D.C.
William Emerson, D.C.
Stephanie Kahan, D.C.
Kristen Adriano, D.C.
Ashley Fox, D.C.
William Anderson, D.C.
Porcha Anderson, D.C.
Sophie Mills, D.C.
Bryan Abasolo, D.C.
Seth Myers, D.C.
Michael Shiha, D.C.
Djorn Bain, D.C.
Jason Moss, D.C.

Reinstatements:

Willie Ow, D.C.
Edward Le Cara, D.C.

Texas Chiropractic Board Report Memorials



James Frank Orr passed away on August 3, 2017. He graduated from Parker University in 2002 at the top of his class. Following his chiropractic career, he began a new chapter as an orthopedic physician assistant with Dallas Spine Care and Wellspine, bringing his greatest ambition as a surgical assistant to life. The memorial service was held on Thursday, August 17, 2017 at Christ Church Plano.



Dr. Kurt Brown passed away on June 5, 2017. Dr. Brown graduated from Parker Chiropractic College in September of 1990 and moved to Graham, TX. He spent his life as a chiropractor, endeavoring to help those in pain. A rosary was held at St. Mary's Catholic Church on Thursday, June 8, 2017 and a Funeral Mass was held at St. Mary's Catholic Church on June 9, 2017.



Keith Hubbard, DC, passed away December 20, 2017. Dr. Hubbard was a graduate of Texas Chiropractic College and practiced in Canada for 5 years before moving back to Texas, where he practiced for more than 30 years. Dr. Hubbard was a life-long TCA member, a TCA committee chairman and served as a TBCE board member. TCA will update members with service information when it becomes available.

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