

Summary of Minutes from August 16, 2007 Board Meeting

The Texas Board of Chiropractic Examiners (the Board) met in a regularly scheduled board meeting on August 16, 2007. The meeting was held in the William Hobby Building, Tower 3, Room 100 located at 333 Guadalupe Street, Austin, Texas 78701. A recording of the meeting was made and is on file at the Board offices. This is a summary of the minutes of that meeting.

1. CALL TO ORDER AND ROLL CALL

Kenneth Perkins, D.C., President (or Presiding Officer)

Action Taken: Board President Dr. Kenneth Perkins called the board meeting to order at 12:58 PM and determined that a quorum was present. All board members were present with the exception of Ms. Kenya Woodruff, who was excused. Also present were General Counsel Jeb Boyt, Executive Director Glenn Parker, Director of Licensure Pam Harris, and Director of Enforcement Scott Parker.

2. APPROVAL OF MINUTES

Kenneth Perkins, D.C.

Approval of Minutes from May 24, 2007 Board Meeting

Action Taken: The Board considered and approved the minutes for the May 24, 2007 board meeting.

3. PUBLIC COMMENTS

Kenneth Perkins, D.C.

Forum for licensees, the general public or other interested stakeholders to address the Board.

Dr. Perkins opened the floor for public comments. There were none.

4. EXECUTIVE COMMITTEE BUSINESS

Kenneth Perkins, D.C.

4.1 President's Report (*Dr. Perkins*)

Dr. Perkins asked Dr. Kathleen Summers to report on doctors of chiropractic as emergency responders. Dr. Summers informed the board that the federal and state governments would be offering various health care professionals the opportunity to volunteer to serve during emergencies such as hurricanes and other disasters. Dr. Summers will work with staff to research this issue and collect more information to present to the Board.

- 4.2 Executive Director's Report to include update on agency activities
Glenn. Parker

Executive Director Glenn Parker presented a written and an oral report on agency activities highlighting accomplishments in the enforcement area during fiscal year 2007.

- 4.3 Review and approval of Operating Budget for FY 2008

Action Taken: The Board reviewed and approved the Operating Budget for FY 2008.

- 4.4 Review and approve request to increase CE approval fee to cover costs of employee pay raises as required by 80th legislature

Action Taken: None. Executive Director Glenn Parker withdrew this item from the agenda after explaining that it was not necessary to increase fees for the 2008/2009 biennium.

- 4.5 Board Meeting Dates for Calendar 2008 through Calendar 2012

Action Taken: The Board considered and approved tentative board meeting dates through the end of calendar year 2012. Staff has reserved the HPC conference room for the dates adopted and will post the meeting dates on the agency web site.

- 4.6 Establishment of Peer Review Committees – Draft Proposal

Executive Director Glenn Parker presented written materials concerning the statutory authorization and requirements for the establishment of local peer review committees and an executive peer review committee. Mr. Parker also presented a draft of forms that could be used by individuals to apply to serve on one of the committees. Staff will continue to work on the development plans and procedures for the establishment and functioning of the peer review committees. No board action was taken.

5. LICENSURE AND EDUCATIONAL STANDARDS COMMITTEE BUSINESS

David Sime, D.C.

- 5.1 New chiropractic licenses issued since last Board Meeting

Dr. Sime presented data on the number of new chiropractic licenses issued since the last board meeting.

- 5.2 Jurisprudence Exam Statistics since the last Board Meeting

Dr. Sime presented data on jurisprudence examination statistics since the last board meeting.

5.3 Requests for approval to sit for jurisprudence exam:

5.3.1 *Abel Cortz, II, New Applicant*

Action Taken: The board considered and approved without opposition the request by Mr. Abel Cortz, II to sit for the jurisprudence examination.

5.3.2 *Calvin Nguyen, New Applicant*

Action Taken: The board considered and approved without opposition the request by Mr. Calvin Nguyen

6. RULES COMMITTEE BUSINESS

Steve Minors, D.C.

6.1 Proposed Rules Eligible for Adoption: Consideration of adoption of amendment to Rule §77.2 regarding publicity and telemarketing of chiropractic services.

Action Taken: The board considered and approved without opposition the adoption of the amendments to Rule 77.2 without changes as published in the July 6, 2007 edition of the Texas Register.

6.2 Consideration of proposal to amend Rule 80.1 – Delegation of Authority

Action Taken: The board considered and approved without opposition the motion to proposed amendments to Rule 80.1 concerning the delegation of authority by doctors of chiropractic to assistants and other employees. The proposed amendments were published in the September 28, 2007 edition of the Texas Register.

6.3 Update on proposal of new Rule 71.13 concerning the recognition of chiropractic specialties by the Board

Action Taken: None. The board was informed that this proposed new rule would be published in the Texas Register and would eligible for consideration for adoption at the November 1, 2007 board meeting.

6.4 Discussion Items

Dr. Minors may update the Board on questions or issues under consideration in the Rules Committee, including but not limited to:

6.4.1 Chiropractic Assistant rules in other states

Action Taken: None. This item was for discussion only. The board received printed materials regarding the regulation of chiropractic assistants by the State of Florida.

6.4.2 Possible establishment of required CE hours for specific courses

Action Taken: The board authorized General Counsel Jeb Boyt and the Rules Committee to work on developing proposed amendments to Rule 73.3 and 73.7 concerning continuing education requirements. The proposed rule amendments will be considered at the November 1, 2007 board meeting.

6.4.3 Possible recognition of CE providers and courses approved by other entities

Action Taken: None. This item was for discussion purposes only.

6.5 Scope of Practice Questions and Issues

6.5.1 Question re: use of hyperbaric chamber and certification to operate such a facility

Action Taken: None. Dr. Minors asked staff to develop more information on this question.

6.5.2 Question re: referral of a patient by a DC to a psychologist

Action Taken: The Board considered and approved the Rules Committee's recommendation to inform the questioner that a doctor of chiropractic is allowed to refer a patient to a psychologist.

6.5.3 Question re: Is it permissible and within the scope of practice in the state of Texas for a DC to adjust cranial bones to include TMJ?

Action Taken: The Board considered and approved the Rules Committee's recommendation to inform the questioner that it is within scope of practice in Texas for a DC to adjust cranial bones to include TMJ.

6.5.4 Statement on animal chiropractic (general statement for Q&A)

Action Taken: None. General counsel Jeb Boyt and Executive Director Glenn Parker will draft a statement on this issue for Committee and Board consideration.

6.6 Items for Future Discussion

Action Taken: None.

7. ENFORCEMENT COMMITTEE BUSINESS

Scott Isdale, D.C.

7.1 Summary of FY 2007 YTD Complaints Received and Resolved

Dr. Isdale presented a summary of the FY 2007 complaints received and resolved.

7.2 Summary of Enforcement Committee Hearings held on June 21 and July 19, 2007

Dr. Isdale presented a summary of the EC hearings that were held on June 21 and July 19, 2007.

7.3 Update on cases in which respondents are requesting SOAH hearings or in which the Board has received no response to proposed Agreed Orders.

Dr. Isdale presented a short report on the number of open cases for which the next step in the disciplinary process is a hearing at the State Office of Administrative Hearings (SOAH).

7.4 Consideration of SOAH Proposals for Decisions (There are no PFDs to consider for this meeting.)

7.5 Consideration of Accepted Agreed Orders: The Board will consider approval of the following Agreed Orders:

- 7.5.1 Case # 106-067
- 7.5.2 Case # 106-083
- 7.5.3 Case # 106-194
- 7.5.4 Case # 106-118
- 7.5.5 Case # 106-139
- 7.5.6 Case # 106-165
- 7.5.7 Case # 106-197
- 7.5.8 Case # 107-006
- 7.5.9 Case # 107-028
- 7.5.10 Case # 107-029
- 7.5.11 Case # 107-088
- 7.5.12 Case # 107-090

Action Taken: The board considered and approved all the Agreed Orders listed above.

7.6 Recommendations to Approve or Deny Requests to Expunge Records

- 7.6.1 Case # 101-027

Action Taken: The board considered and approved the request to expunge files in connection with Case # 101-027.

8. EXECUTIVE SESSION

Kenneth Perkins, D.C.

The Board may meet in Executive Session to discuss any pending legal and/or personnel issues including but not limited to:

- 8.1. Texas Medical Association lawsuit against the Board
- 8.2. SOAH Hearing for Case #103-04
- 8.3. Annual Evaluation of Executive Director
- 8.4. Consideration of pay increase for Executive Director as authorized by 80th Legislature, effective September 1, 2007.

Board will reconvene in open sessions after Executive Session to vote on items considered in Executive Session as necessary.

Action Taken: The board, legal counsel and essential staff convened in Executive Session at approximately 1:50 PM to consider the items listed above.

9. VOTE ON ITEMS CONSIDERED IN EXECUTIVE SESSION (if necessary)

- 9.1 Annual Evaluation of Executive Director
- 9.2 Approval of pay increase for Executive Director as authorized by 80th Legislature

Action Taken: The board re-convened in open session at approximately 2:10 PM. It then voted to approve the evaluation of Executive Director Glenn Parker as recommended by Board President Dr. Kenneth Perkins and approved the pay increase for Mr. Parker as authorized by the 80th Legislature, to be effective September 1, 2007.

10. CALL FOR FUTURE ITEMS for discussion and/or consideration by the Board

Kenneth Perkins, D.C.

Dr. Perkins asked members, staff and the public to forward any requests for future agenda item to Mr. Glenn Parker or to himself.

11. MEETING REMINDERS

Kenneth Perkins, D.C.

- 11.1 The next Board meeting dates are: (1) November 1, 2007 and (2) February 28, 2008.
- 11.2 The next Enforcement Committee dates are: (1) September 20th or 27th, 2007, (2) October – to be determined, and (3) November 29, 2007. There will not be an Enforcement Committee meeting in December.

Dr. Perkins informed the board and staff of future meeting dates as listed above.

12. ADJOURNMENT

Kenneth Perkins, D.C.

Dr. Perkins adjourned the August 16, 2007 board meeting at 2:15 PM.

Statement:

I affirm that the above is a true and correct rendering of the minutes for the Texas Board of Chiropractic Examiners Board Meeting held on the above referenced date. These minutes were approved by the Texas Board of Chiropractic Examiners at its regularly scheduled meeting held:

November 1, 2007.

Glenn Parker
Executive Director
Texas Board of Chiropractic Examiners

Date