

**TEXAS BOARD OF CHIROPRACTIC EXAMINERS
William P. Hobby Building
333 Guadalupe, Suite 3-825
Austin, Texas 78701**

MINUTES FOR THE MAY 8, 2008 BOARD MEETING

The Texas Board of Chiropractic Examiners (the Board) met in a regularly scheduled board meeting on May 8, 2008. The meeting was held in the William P. Hobby Building, Tower 2, Room 225 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, INTRODUCTION OF NEW MEMBERS AND ROLL CALL

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

- 1.1 Call to order and introduction of new board member Dr. Janette Kurban, D.C.

Action Taken: Dr. Kenneth called the meeting to order at 1:00 PM and introduced new board member Dr. Janette Kurban.

- 1.2 Roll call and establishment of quorum

Action Taken: Dr. Perkins called the roll and determined that a quorum was present. Board members present were:

Dr. Kenneth Perkins, President
Dr. Scott Isdale, Vice President
Ms. Marcia Daughtrey, Public Member
Dr. Janette Kurban
Dr. Kathleen Summers
Dr. Cynthia Tays
Ms. Kenya Woodruff, Public Member

Board members not present, but excused, were:

Mr. Armando Elizarde, Jr.
Dr. David Sime

Staff members and others present were:

Mr. Jeb Boyt, General Counsel & Assistant Attorney General
Mr. Joe Thrash, General Counsel & Assistant Attorney General
Mr. Glenn Parker, Executive Director
Ms. Pam Harris, Director of Licensing
Mr. Scott Parker, Director of Enforcement
Ms. Mary Feys, Administrative Assistant for Enforcement
Mr. Bill Zilar, Investigator
Ms. Anita Wilkerson, Administrative Assistant
Ms. Jennifer Hertsenberg, Administrative Assistant for Licensing

2. APPROVAL OF MINUTES

Dr. Kenneth Perkins, D.C.

Action Taken: The Board reviewed and approved without changes the minutes from the February 28, 2008 Board Meeting.

3. PUBLIC COMMENTS

Dr. Kenneth Perkins, D.C.

Action Taken: Dr. Perkins opened the floor for comments from licensees, the general public or other interested stakeholders. There were no public comments made.

4. EXECUTIVE COMMITTEE BUSINESS

Dr. Kenneth Perkins, D.C.

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

Action Taken: None. Dr. Kenneth Perkins updated the Board on the FCLB & NBCE Meetings in Atlanta April 28 – May 3, 2008, and on other topics of interest. Dr. Perkins noted the speech by Dr. Mike Flynn of Louisiana at the FCLB meetings in Atlanta and encourage members to read copies of the speech.

4.2 Doctors of Chiropractic as Emergency Responders - Update (*Dr. Summers*)

Action Taken: None. Dr. Summers presented an update on efforts to include doctors of chiropractic as participants in the Emergency Responders program in Texas and will continue to work with other state officials as possible. Dr. Summers commented that she would like to see all doctors of chiropractic in Texas trained in CPR and first aid as part of their ongoing continuing education requirements.

4.3 Executive Director's Report on agency activities, including but not limited to recent agency activities, statistical reports, audits, and upcoming events (*Glenn Parker*)

Action Taken: None. Mr. Parker gave the Board written and oral reports on agency activities. No new or unusual problems were noted and the agency is expected to end the fiscal year within its appropriations for expenditures.

4.4 Strategic Plan for 2009 - 2013 (*Glenn Parker*)

Action Taken: Mr. Parker presented the Board with an outline of the topics to be included in the Strategic Plan. The Board authorized Mr. Parker to complete the Strategic Plan in accordance with the outline presented with the Executive Committee members providing additional input as desired.

4.5 Legislative Appropriations Request for 2010 – 2011 (*Glenn Parker*)

Action Taken: Mr. Parker presented the Board with an outline of exceptional items that would be considered for inclusion in the agency's Legislative

Appropriations Request (LAR) for 2010-2011. The Board authorized Mr. Parker to complete the LAR based on the discussion and the items presented.

- 4.6 HPC Business Process Work Plan from the Office of the Governor
(*Glenn Parker*)

Action Taken: None. Mr. Parker reviewed the HPC Business Process Work Plan with the Board.

- 4.7 Board Committee Appointments (*Dr. Perkins*)

Action Taken: Dr. Perkins recommended and the Board approved committee appointments as follows, effective immediately:

Executive Committee: Dr. Perkins (Chair), Dr. Isdale and Dr. Summers

Rules Committee: Dr. Kurban (Chair), Dr. Perkins, Mr. Elizarde, Ms. Woodruff

Licensing & Education Committee: Dr. Sime (Chair), Ms. Daughtrey, Dr. Summers

Enforcement Committee: Dr. Isdale (Chair), Dr. Tays, Ms. Woodruff

- 4.8 Selection of Board Vice President and Board Secretary-Treasurer (*Dr. Perkins*)

Action Taken: The Board voted to continue Dr. Isdale as Vice-President and confirmed Dr. Summers as the new Secretary-Treasurer.

5. LICENSURE AND EDUCATIONAL STANDARDS COMMITTEE BUSINESS

Dr. David Sime, D.C.

- 5.1 Requests for approval to sit for Jurisprudence Examination

- 5.1.1 Kimberly Inez Farias, Applicant

Action Taken: None. Ms. Farias did not appear (for the second consecutive meeting).

- 5.1.2 Travis Andrew Strasser, Applicant

Action Taken: After consideration of Mr. Strasser's application and relevant history, the Board unanimously approved Ms. Strasser's request to take the Jurisprudence Examination with the provision that, should he pass the examination and qualify to be licensed, his license shall be placed on probation for a period of three years from the date of licensure.

- 5.1.3 Linton Daniel Wilgus, Applicant

Action Taken: After consideration of Mr. Wilgus' application and relevant history, the Board approved by a vote of 4-2 in favor of allowing Mr. Wilgus to take the Jurisprudence Examination. Should he pass the

examination Mr. Wilgus must meet further stipulations required by the Board in order to become licensed, including agreeing to work under a mentor for a two-year period, report to the Board on a stipulated time schedule, and agree to have his license remain on probation with the Board for an additional ten (10) years after the two-year monitoring period.

6. RULES COMMITTEE BUSINESS

Ms. Kenya Woodruff, J.D.

- 6.1 Consideration of Proposed New Rules or Rules Amendments Eligible for Adoption

There are no New Rules or Rules Amendments eligible for adoption at this meeting.

Action Taken: None

- 6.2 Consideration of Proposals for New Rules or Amendments to Existing Rules

- 6.2.1. Proposed New Rule 75.19 (Cease and Desist Orders) concerning delegation to the Enforcement Committee of authority to issue Cease & Desist orders on behalf of the Board

Action Taken: After discussion, the Board approved publishing proposed New Rule 75.19 in the Texas Register for public review and comment.

- 6.3 Scope of Practice Questions and Issues

There were no specific scope of practice questions submitted to the Rules Committee for answers during this meeting.

Action Taken: None

- 6.4 Update on other issues under consideration by the Committee, including Manipulation Under Anesthesia (MUA)

Action Taken: None. The Rules Committee and the Board received public comment and discussion on the issue of Manipulation Under Anesthesia but took no action. The Committee also informed the Board that it is considering drafting proposed rules or rule changes affecting qualifications to perform acupuncture, ethical standards for chiropractors, record keeping, and draping a patient during treatment.

7. ENFORCEMENT COMMITTEE BUSINESS

Dr. Scott Isdale, D.C.

- 7.1 This item has been removed from the agenda and incorporated as part of the Executive Director's Report (Agenda Item # 4.3).

Action Taken: None

7.2 Consideration of SOAH Proposals for Decisions

Action Taken: None. There were no SOAH Proposals for Decisions at this meeting.

7.3 Consideration of Accepted Agreed Orders: The Board will consider approval of the following Agreed Orders that have been accepted by the Respondents:

- 7.3.1 Case # 104-050 ** Agreed Order Received as of April 21, 2008
- 7.3.2 Case # 106-188 ** Agreed Order Received as of April 21, 2008
- 7.3.3 Case # 107-198 ** Agreed Order Received as of April 21, 2008

Action Taken: The Board approved each of the above Agreed Orders as presented.

7.4 Recommendations to Approve or Deny Requests to Expunge Records

- 7.4.1 Case # 101-008 EC Recommendation to Expunge
- 7.4.2 Case # 101-063 EC Recommendation to Expunge
- 7.4.3 Case # 101-198 EC Recommendation to Expunge
- 7.4.4 Case # 102-339 EC Recommendation to Expunge
- 7.4.5 Case # 102-179 EC Recommendation to Expunge

Action Taken: The Board approve each of the above requests to Expunge Records.

7.5 Statutory Revocations for Felony Convictions and Imprisonment

- 7.5.1 Case # 102-046 Thomas Roy Clark (DC Lic #6532)
- 7.5.2 Case # 103-287 Jeffrey Charles Mann (DC Lic #4599)
- 7.5.3 Case # 104-026 Mary Beth Matthews (DC Lic #5073)

Action Taken: The Board voted unanimously to revoke the doctor of chiropractic license for each of the individual licensees named above.

8. EXECUTIVE SESSION

Dr. Kenneth Perkins, D.C.

The Board may meet in Executive Session for:

Consultation with counsel pursuant to Section 551.071, Government Code wherein the Board and essential staff will receive a briefing from assigned Assistant Attorney General concerning pending or contemplated litigation and settlement offers including but not limited to:

- 8.1 Texas Medical Association lawsuit against the Board
- 8.2 Status of Case #103-04 against Richard I. Guidry

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

Action Taken: None. Board member Ms. Marcia Daughtrey left the meeting at 2:30 PM. The Board recessed at 2:45 PM and then resumed in Open Session at 2:50 PM. The Board then convened in Executive Session at 2:53 PM. The Board re-convened in Open Session at 3.21 PM. The Board took no actions on matters considered during the Executive Session.

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

Dr. Kenneth Perkins, D.C.

Action Taken: Dr. Perkins invited Board Members and interested parties to submit potential agenda items to himself or Executive Director Glenn Parker.

10. MEETING REMINDERS & ADJOURNMENT

Dr. Kenneth Perkins, D.C.

10.1 The remaining Board meeting dates for Calendar Year 2008 and for Calendar Year 2009 are:

- (1) August 14, 2008
- (2) November 6, 2008
- (3) February 25, 2009
- (4) May 14, 2009
- (5) August 13, 2009
- (6) November 12, 2009

10.2 The next Enforcement Committee dates are tentatively scheduled for:

- (1) May 27, 2008
- (2) June 24, 2008
- (3) July 22, 2008
- (4) August 14, 2008 (day of board meeting)
- (5) September 23, 2008
- (6) October 21, 2008
- (7) November 6, 2008 (day of board meeting)

10.3 Adjournment at: 3:23 PM.

Action Taken: Dr. Perkins reminded board members, staff and attorneys of the dates for future meetings and adjourned the board meeting at 3:23 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 from the board meeting held on May 8, 2008 were approved by the Texas Board of Chiropractic Examiners at its regularly scheduled meeting held: **August 14, 2008.**

Glenn Parker
Executive Director
Texas Board of Chiropractic Examiners

August 14, 2008
Date