

TEXAS BOARD OF CHIROPRACTIC EXAMINERS

**William P. Hobby Building
333 Guadalupe, Suite 3-825
Austin, Texas 78701**

Thursday, August 16, 2018

BOARD MEETING: 9:00 a.m. – Adjournment
Hobby Building, Tower 2, Room 225

BOARD MEETING MINUTES

The Texas Board of Chiropractic Examiners met on November 8, 2018, to consider and act, as necessary, on matters within the jurisdiction of the Board, which are listed on the agenda established for this meeting.

1.0 Call To Order, Roll Call, & Vote On Absences.

Call to Order, Roll Call, and Establishment of a Quorum. Voted as necessary on excusing any absent Board members.

Action Taken: Board President Mark Bronson, DC called the meeting to order at 9:03 A.M. and called the roll. A quorum was announced. The absent board members were deemed excused.

Seven Board Members were present.

Other Board Members present were:

Dr. Karen Campion, Vice-President
Dr. Amy Gonzalez, Secretary/Treasurer
Michael Henry, DC, Member
John Steinberg, Public Member
Dr. Nicholas Baucum, Member
Kendra Woodruff, Public Member

Board Staff Members present:

Patrick Fortner, Executive Director
Lisa Agarwal, Office Manager
Christopher Burnett, General Counsel
Joseph McLaughlin, Staff Attorney
Jennifer Carriker, Compliance Specialist
Jennifer Hertsensberg, Operations Manager
Sarah Matthews, Director of Licensing
Norma Rodriguez, Director of Enforcement

2.0 Approval of 5/17/2018 and 6/20/2018 Minutes.

Action Taken: HENRY, **MOVED** and BAUCUM, **SECONDED** approval of the minutes from the 5/17/2018 and STEINBERG, **MOVED** CAMPION, **SECONDED** approval of the minutes from the 6/20/2018, Board Meeting. After consideration, the Board **APPROVED** the motion.

3.0 President's Report.

Dr. Mark Bronson made a brief oral report to the Board on matters of current interest.

4.0 Staff Reports.

The Executive Director and various staff members presented written and oral reports to the Board concerning matters relevant to each department.

Sarah Mathews, Director of Licensing, discussed the Licensing Dashboard which set out statistical information regarding license renewals, active, inactive, probated, and suspended licenses for September 1, 2017 – July 31, 2018.

Jennifer Hertsberg, Operations Manager, discussed the Financial Report for September 1, 2017 – July 31, 2018.

Norma Rodriguez, Director of Enforcement presented a report for September 1, 2017 – July 31, 2018, regarding complaints and investigation. The report discussed opened, closed, and active complaints. Specific information was provided regarding cases closed by Agreed Order, Cease and Desist Order and administratively.

Action Taken: No action taken.

5.0 Committee Reports

Rules Committee: No Updates

Licensing Committee: No Updates

Education Standards Committee:

- Reviewed 22 TAC §75.5 hours and formats for a redefinition of what we call “live-education.” Pertained to the usage of webinars.

Enforcement Committee:

- No statute of limitations in place right now, needs a rule change or a clarification.
- Possibility of having a voluntary surrender in lieu of disciplinary action. Would be a single sheet agreement versus an agreed order, would require less staff resources. The voluntary surrender would not be considered an admission of guilt. However,

would still be a public document and the surrender will still be posted to national reporting agencies, and they will no longer be licensed in Texas.

- Mr. Burnet is trying to reduce the case load of enforcement by creating a standing board order for an automatic cease and desist for specific cases such as:
 - Expired or
 - Non-renewed licenses
- Visibility of license in their establishment. Specificity of designation needed.
- Sanitary condition regulations needed; none in place. Might be a health board issue that may need to be referred.

Enforcement committee unanimously decided to do away with informal conferences. Based on procedural issues with due process. Allows to better align with due process and will make enforcement committee more efficient and fairer to respondents.

Action taken: no action taken.

6.0 Public Comments.

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

Action Taken: No action taken.

7.0 ED's Delegation of Authority

- Agenda item #7: discussion and possible action on proposed board order delegating authority to the executive director to dismiss or close certain enforcement cases pursuant to Texas Occupations Code §§201.151, 201.158, 201.205, 201.2065, and 201.506, and 22 Texas Administrative Code (TAC) §78.8(c)(3).

8.0 Personal Services Contract with TBCE and Former ED

- Agenda item #8: discussion and possible action on the ratification of a personal services contract between the board and a former executive director of TBCE pursuant to Texas Government Code §669.003
 - Board voted to ratify the contract unanimously.

9.0 Requests for Jurisprudence Exam

a. Jason Evans

Action Taken: HENRY, **MOVED** to approve applicant to sit for the Jurisprudence Exam, and BAUCUM, **SECONDED** approval of Jason Evans, sitting for the Jurisprudence Exam. After consideration, the Board **APPROVED** the motion 7 to 0.

b. Scott Lai

Action Taken: BAUCUM, **MOVED** to **DENY** applicant to sit for the Jurisprudence Exam, and WOODRUFF, **SECONDED DENIAL** of Scott Lai, sitting for the Jurisprudence Exam. After consideration, the Board **DENIED** the motion 7 to 0.

c. Calvin Robinson

Action Taken: STEINBERG, **MOVED** to approve applicant to sit for the Jurisprudence Exam, and WOODRUFF, **SECONDED** approval of Calvin Robinson, sitting for the Jurisprudence Exam. After consideration, the Board **APPROVED** the motion 7 to 0.

d. Erika Lee

Action Taken: BAUCUM, **MOVED** to approve applicant to sit for the Jurisprudence Exam, and STEINBERG, **SECONDED** approval of Erika Lee, sitting for the Jurisprudence Exam. After consideration, the Board **APPROVED** the motion 7 to 0.

10. Expungement Requests

a. Poorvi Sandesara, Lic. No. 11982

Action Taken: HENRY, **MOVED** to approve request for the expungement of TBCE Case No. 2013-307, and STEINBERG, **SECONDED** approval. After consideration, the Board **APPROVED** the motion 7 to 0.

b. John Travis, Lic. No. 6612

Action Taken: HENRY, **MOVED** to approve request for the expungement of TBCE Case No. 101-422, and STEINBERG, **SECONDED** approval. After consideration, the Board **APPROVED** the motion 7 to 0.

11. Cease and Desist Orders

a. Robert C. Louder, Jr., Lic. No. N/A for TBCE Case Nos. 2018-020 and 2018-039.

Action Taken: BAUCUM, **MOVED** and STEINBERG, **SECONDED** to approve the Cease and Desist Order listed in Agenda Item 11. After consideration, the Board **APPROVED** the motion 7 to 0.

12. Default Orders (SOAH)

- a. William P. Hilger, Lic. No. 9799, TBCE Case No. 2017-482; SOAH Docket No. 508.18.3159

Action Taken: STEINBERG **MOVED** and GONZALES, **SECONDED** to approve the default order listed in Agenda Item 12. After consideration, the Board **APPROVED** the motion 7 to 0.

13. Possible Repeal of Rules relating to chiropractic radiological technologists:

- a. 22 TAC §74.1 (Definitions)

ACTION TAKEN: BAUCUM **MOVED** and HENRY, **SECONDED** to approve the repeal of 74.1. After consideration the Board **APPROVED** the motion 7 to 0.

- b. 22 TAC §74.2 (Registration of Chiro Rad Techs)

ACTION TAKEN: BAUCUM **MOVED** and HENRY **SECONDED** to approve the repeal of §74.2. After consideration the Board **APPROVED** the motion 7 to 0.

14. Possible Repeal of Rules relating to professional conduct:

- a. 22 TAC §77.13 (Bribery)

ACTION TAKEN: HENRY **MOVED** and STEINBERG, **SECONDED** to approve the repeal of §77.13. After consideration the Board **APPROVED** the motion 7 to 0.

- b. 22 TAC §77.14 (Coercion of a Public Servant or Voter)

ACTION TAKEN: HENRY **MOVED** and STEINBERG, **SECONDED** to approve the repeal of §77.14. After consideration the Board **APPROVED** the motion 7 to 0.

- c. 22 TAC §77.15 (Improper Influence)

ACTION TAKEN: HENRY **MOVED** and STEINBERG **SECONDED** to approve the repeal of §77.15. After consideration the Board **APPROVED** the motion 7 to 0.

- d. 22 TAC §77.16 (Tampering with a Witness)

ACTION TAKEN: HENRY **MOVED** and STEINBERG, **SECONDED** to approve the repeal of §77.16. After consideration the Board **APPROVED** the motion 7 to 0.

- e. 22 TAC §77.17 (Obstruction or Retaliation)

ACTION TAKEN: HENRY **MOVED** and STEINBERG, **SECONDED** to approve the repeal of §77.17. After consideration the Board **APPROVED** the motion 7 to 0.

15. Discussion and possible action on proposing the amendment of certain Board rules relating to licenses and renewals.

- **22 TAC §75.1**
22 TAC §75.5

- There was a motion to table the discussion for the next meeting.

16: POSTPONED UNTIL THE NEXT BOARD MEETING (7-0)

17: POSTPONED UNTIL THE NEXT BOARD MEETING (7-0)

FINAL ITEMS.

Call for future items for discussion or consideration by the Board.

Future Board meeting dates:

The Board planned meeting dates for calendar year 2018-2019 are subject to change:

November 8, 2018
February 21, 2019
May 16, 2019

Future Enforcement Committee dates:

November 7, 2018
February 20, 2019
May 15, 2019

FINAL ADJOURNMENT: 12:10 P.M.

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. The minutes from the Board Meetings held on May 17, 2018 & June 20, 2018 were **APPROVED** by the Texas Board of Chiropractic Examiners at its regularly scheduled Board meeting held on August 16, 2018.



3/1/2019

Patrick Fortner
Executive Director
Texas Board of Chiropractic Examiners

Date

