

Summary of Minutes from September 14, 2006 Board Meeting

The Texas Board of Chiropractic Examiners (the Board) met in a regularly scheduled board meeting on September 14, 2006. The meeting was held in the William Hobby Building, Tower 2, Room 225 located at 333 Guadalupe Street, Austin, Texas 78701. A tape recording of the meeting was made and is on file at the Board offices. This is a summary of the minutes of that meeting.

Agenda Item # 1: Call to Order and Roll Call

Dr. Sandra Jensen, Board Chair, called the meeting to order at 12:48 PM and called the roll of board members. Members present were:

- Dr. Sandra Jensen (President)
- Dr. Scott Isdale (Vice President)
- Dr. Steve Minors (Secretary)
- Ms. Marcia Daughtrey
- Dr. Kenneth Perkins
- Dr. Kathleen Summers
- Ms. Kenya Woodruff

Board members not present were:

- Dr. David Sime
- Mr. Narciso Escareno (who had been present for committee meetings earlier but who had to leave before the board meeting because of an emergency)

Also present were:

- Jeb Boyt, Assistant Attorney General & Board Counsel
- Joe Thrash, Assistant Attorney General & Board Counsel
- Glenn Parker, Executive Director
- Frank Rodriguez, Director of Enforcement
- Pam Harris, Director of Licensing
- Anita Wilkerson, Administrative Assistant

Action Taken: Dr. Jensen determined that a quorum was present and moved to Agenda Item #2.1

Agenda Item #2:1: Approval of Minutes for Emergency Board Meeting held on April 13, 2006.

Action Taken: The Board reviewed and approved the minutes for April 13, 2006.

Agenda Item #2.2: Approval of Minutes from May 11, 2006 Board Meeting

Action Taken: The Board reviewed and approved (with grammatical corrections) the minutes for May 11, 2006.

EXECUTIVE COMMITTEE (Dr. Sandra Jensen)

Agenda Item #3.1: President's Report

Dr. Jensen informed the Board that the National Board has its Part IV examination coming up in November and that she would be attending at the Portland, Oregon site. Dr. Jensen also reported that board member Dr. Kathleen Summers is considering attending the Part IV examination at a different site. Dr. Jensen also reported that the Federation of Chiropractic Licensing Boards (FCLB) has a District IV meeting scheduled for Salt Lake City on October 12-14. She stated that Dr. Kenneth Perkins and Executive Director Glenn Parker will attend on behalf of the Board.

Dr. Jensen also reported that she had attended a meeting at the Governor's request in July concerning the state's budgeting process and the role of the Governor's appointees.

On August 22, 2006, Dr. Jensen and Mr. Parker presented the Board's Legislative Appropriations Request to a committee composed of representatives of the Governors Budget Office and the Legislative Budget Board.

On September 13, 2006, Dr. Isdale and Mr. Parker presented the Board's Legislative Appropriations Request to the Senate Finance Committee.

Dr. Jensen reported that the Texas Chiropractic Association's convention was held in Corpus Christi in June. Dr. Minors reported that topics of discussion at the convention include scope of practice and needle EMG procedures and the process the Board had gone through in establishing the scope of practice rules.

Action Taken: None – the report was for informational purposes only.

Agenda Item #3.2: Duties of the Executive Director

Dr. Jensen presented to the Board and to Executive Director Glenn Parker a listing of the duties of the Executive Director. Dr. Jensen emphasized that it is the Board's job to oversee the rule-making policies and procedures of the Board and it is the Executive Director's job to oversee the administrative policies and procedures of the agency. The Board and Mr. Parker agreed with the listing of duties.

Action Taken: The Board approve the duties of the Executive Director as presented by Dr. Jensen.

Agenda Item #3.3: November Board Meeting is scheduled for November 16, 2006

Action Taken: Dr. Jensen reminded the Board and Staff that the next Board meeting is scheduled to be held on Thursday, November 16, 2006.

Agenda Item #3.4: Set Board Meeting dates for FY 2007 and possibly for FY 2008

Action Taken: The Board reviewed the planned meeting dates for the remainder of FY 2007 and for FY 2008 and adopted the following dates for board meetings, subject to changes as necessary:

November 16, 2006

February 22, 2007
May 24, 2007
August 9, 2007
November 1, 2007
February 28, 2008
May 8, 2008
August 14, 2008

All board meetings are scheduled to be held in Tower 2, Room 225 of the Hobby Building, located at 333 Guadalupe Street, Austin 78701.

Agenda Item #3.5: Executive Director’s Report to include update on agency activities

Executive Director Glenn Parker gave a written and an oral report to the Board concerning agency activities, including an update on staff activities in entering complaints, investigating cases, issuing Agreed Orders, issuing new licenses, approving continuing education applications, and renewing licenses. Mr. Parker also informed the Board of plans to create a new database within the 2007 fiscal year and reported that the agency would finish FY 2006 within its financial appropriations. Mr. Parker also reported that he hoped to hire a part-time accountant as soon as a qualified candidate could be identified.

Action Taken: None – the report was for information purposes only.

Agenda Item #3.6: Strategic Plan for 2007 – 2011

Mr. Parker presented the Strategic Plan to the Board and discussed the agency’s needs for the coming five-year period, including a need for more resources for enforcement and a new database.

Action Taken: The Board approved the 2007-2011 Strategic Plan as presented.

Agenda Item #3.7: Legislative Appropriations Request for 2008/2009

Mr. Parker present to the Board the Legislative Appropriations Request for 2008/2009 and discussed the Exceptional Items requested, including funding for an additional investigator, funding for FBI and DPS background checks for new applicants, and funding for travel expenses for the enforcement staff.

Action Taken: Dr. Isdale asked that the LAR be amended before the Legislature convenes to request additional funding to prepare cases to go the State Office of Administrative Hearings (SOAH). The Board approved the Legislative Appropriations Request as presented with instructions to Mr. Parker to revise the LAR to ask for additional funding for preparing cases to be taken to the State Office of Administrative Hearings. The LAR will be amended before the Legislature convenes in January, 2007.)

Agenda Item #3.8: Report on the American Chiropractic Network

Mr. Jeb Boyt, Board counsel reported on materials that he had assembled regarding the American Chiropractic Network (ACN) and United Healthcare. The Board is concerned about two practices related to ANC and United Healthcare: (1) the alleged reduction of utilization of doctors of chiropractic by threatening DCs with termination from the network if their utilization

averages vary from rigid statistical benchmarks; and (2) and the alleged restriction or denial of care deemed medically necessary by the provider based on ACN's utilization protocols.

Dr. Steve Minors recused himself from discussion of this agenda item.

Mr. Boyt then reported that entities in several states are concerned about these same issues and that a lawsuit has been filed in the state of Florida. Mr. Boyt recommended that the Board consider drafting a letter to the ACN and United Healthcare expressing concerns regarding the general nature of the these activities and allegations. Mr. Boyt also reported that Board has received at least one complaint from a Texas doctor of chiropractic alleging the denial of payment by United Healthcare for services he provided.

Dr. Kathleen Summers then recused herself from discussion of this agenda item.

Dr. Isdale commented that doctors of chiropractic should be aware that the Board will still expect them to continue to provide the appropriate level of care to their patients regardless of the issues and outcomes surrounding this topic.

Action taken: Mr. Boyt is to draft a letter to ACN and United Healthcare for the Board to consider at the November 16, 2006 board meeting.

Agenda Item #3.9: Possible Legislative Issues for 80th Legislature

Executive Director Glenn Parker briefly informed the Board of some issues that may be addressed by the Legislature during the coming session, including progress being made in implementing changes to the statute that resulted from the passage of the agency's Sunset Bill (HB 972) during the 79th Legislative Session.

Action Taken: None required – the report was for information purposes only.

Agenda Item #3.10: Status Report on Implementation of HB 972

Mr. Parker gave a written report and an oral report to the Board concerning the implementation of new provisions in HB 972, the Sunset Bill for the Board that was passed during the 79th Legislature. Mr. Parker reported that the Board:

1. Has adopted Scope of Practice rules
2. Is in the process of adopting Fraud rules
3. Is in the process of setting up Peer Review Committees for assistance with standard of care issues and other matters
4. Has eliminated fees for going onto Inactive Status
5. Has eliminated the Technical Standards Committee
6. Has adopted rules requiring 90 hours of undergraduate work instead of the former 60 hours
7. Has implemented revised calculations for fees for late renewals

Mr. Parker also reported that the Board has not yet made significant progress in:

1. Adopting policies or rules encouraging negotiated rule-making or alternative dispute resolution

2. Establishing an effective working relationship with the Texas Department of Insurance or the Workers Compensation Commission concerning fraud and malpractice complaints (although some progress is being made in this area)

Action Taken: None – this agenda item was for information only.

Agenda Item #3.11: Possible request for Attorney General’s Opinion on the definition of the term “surgical procedure” (Tex. Occ. Code §201.002 (a) (4). (Jeb Boyt)

Mr. Jeb Boyt, Assistant Attorney General and Board Counsel, informed the Board that he was nearing completion of the final draft of a letter from the Board to the Attorney General to request an AG’s Opinion on the legality (interpretation, application and constitutionality) of the definition of the term “surgical procedure” as it applies to the Texas Occupations Code [Chiropractic Act – see §201.002 (a)(4)].

Action Taken: The Board requested that Mr. Boyt complete the draft and send it to Board Chair Dr. Sandra Jensen for her final review and signature.

Agenda Item #4.1: Discussion of HB 972’s requirements for Board to establish peer review committees. Glenn Parker

Glenn Parker gave an oral report to the Board in regard to the requirements found in HB 972 for the Board to re-establish both an executive peer review committee and local peer review committees. A primary purpose of the peer review committees will be to assist the Enforcement Committee and the Board in reviewing cases involving standard of care complaints. The Board may refer cases to the peer review committees but is not required to do so.

Action Taken: Mr. Parker will seek input from the Texas Chiropractic Association and other interested parties in regard to setting up the local peer review committees and will develop drafts of nomination forms, qualifications, and procedures concerning the re-establishment of the peer review committees.

Agenda Item #4.2: Call for nominations membership on peer review committees (nominees to be considered/selected at November board meeting). Sandra Jensen, D.C.

Action Taken: None – this item was tabled until more information can be developed.

LICENSURE AND EDUCATIONAL STANDARDS COMMITTEE
(David Sime, D.C)

Agenda Item #5.1: New licenses issued since last Board Meeting

L & E Committee member Kenya Woodruff reported that the Board has issued 71 new DC licenses for the period May 12, 2006 through August 22, 2006. Of those, 46 licensees are male and 26 are female. Action Taken: None.

Agenda Item #5.2: Jurisprudence Exam Statistics since the last Board Meeting

Ms. Woodruff reported the Jurisprudence Examinations statistics for the period of May 12, 2006 through August 22, 2006. A total of 84 examinations were administered, with 67 candidates passing and 9 candidates not passing. Of the 84 examinations, 8 were re-taking the examination after a prior failure. The 84 examination candidates included 32 females and 52 males. Action Taken: None.

Ms. Woodruff also reported that the 84 examinees came from 11 different schools of chiropractic, including 36 candidates from the Parker College of Chiropractic and 22 candidates from Texas Chiropractic College. Action Taken: None.

Dr. Isdale asked what progress has been made on revising the Jurisprudence Examination. Director of Licensure Pam Harris reported that Assistant Attorney General Mr. Joe Thrash has approved the questions and that we are waiting for the vendor (Prometric) to clarify some issues concerning the cost of changing the examination and any validation issues. Dr. Isdale asked if the new questions would have to be validated. Mr. Parker responded that it was his understanding that Prometric would provide that service. Action Taken: None.

Agenda Item #5.3: Request for approval of Continuing Education Course on Disaster Preparedness (provided by Dr. Rebecca Burton)

Ms. Woodruff reported the L&E Committee considered this staff request to review this proposed course for inclusion of this course as an approved continuing education course under the public health category. Ms. Woodruff recommended that the board approve the course.

Action Taken: The Board approved the course for continuing education.

Agenda Item #5.4: Requests for Reinstatement of License

Agenda Item #5.4.1 – Bradley D. Gessner, D.C.

Ms. Woodruff reported that the L&E Committee reviewed Dr. Gessner's request for reinstatement of his license and is recommending that Dr. Gessner be allowed to sit for the jurisprudence examination as a prerequisite for reinstatement of his license. The Board discussed the issues concerning Dr. Gessner's request. Dr. Gessner was present for the discussion but made no comments prior to the Board's decision.

Action Taken: Board approved motion to allow Dr. Gessner to sit for the Jurisprudence Examination. There was one "nay" vote.

Agenda Item #5.4.2 – Ronnie Ray Huse, D.C.

Ms. Woodruff reported that Dr. Huse was unable to attend the Committee hearing held earlier in the day due to a medical procedure or condition, and that the Committee had taken no action on his request. The Committee will put Dr. Huse's request on its agenda for November 16, 2006.

Action Taken: The Board tabled this item without discussion.

Agenda Item #5.4.3 – Mike Maddox, D.C.

Ms. Woodruff report that Dr. Mike Maddox had appeared before the L&E Committee earlier in the day and had requested the reinstatement of his license. Dr. Maddox was not present during the Board meeting. Ms. Woodruff reported that the Committee was recommending that Dr. Maddox's request to be reinstated (be allowed to renew late for good cause) be denied because he had continued to work during the period after his license expired.

Action Taken: Board voted to deny Dr. Maddox's request to have his license reinstated.

Agenda Item #5.4.4 – Tony Sappington, D.C.

Ms. Woodruff reported that the L&E Committee earlier in the day had considered Dr. Sappington's request to have his license reinstated. Ms. Woodruff reported that the Committee's recommendation was to allow Dr. Sappington to take the Jurisprudence Examination, with the stipulation that – if he passes – his license will be placed on probation until the end of his court-order probationary period for a criminal offense that is scheduled to end on October 21, 2007. Ms. Woodruff further recommended that the Board not end the probationary period on Dr. Sappington's license until it receives written proof that he has successfully completed his court-order probation.

Staff and counsel clarified that the Board had approved Dr. Sappington's request for reinstatement at its May 11, 2006 Board meeting. However, a subsequent criminal history background check revealed that Dr. Sappington had been convicted of a crime. Dr. Sappington had not disclosed his prior criminal conviction when he requested reinstatement of his license because the agency forms used to request reinstatement do not ask about criminal convictions.

Ms. Woodruff moved that Dr. Sappington's license be reinstated with the stipulation that his license be probated to run concurrently with his probation in Harris County which is schedule to conclude on October 21, 2007. The motion failed for lack of a second.

Dr. Kenneth Perkins moved that, due to Dr. Sappington's failure to disclose his conviction, the Board defer consideration of Dr. Sappington's request to have his license reinstated until after he successfully completes the Harris County probationary period on October 21, 2007. Dr. Isdale seconded the motion made by Dr. Perkins. After discussion Dr. Perkins withdrew his motion with Dr. Isdale's approval of the withdrawal.

Dr. Scott Isdale then moved that the Board approve Dr. Sappington's request to have his license reinstated, that the license be placed on probation to run concurrently with the Harris County probation, and that a complaint be forwarded to the Enforcement Committee concerning Dr. Sappington's conviction on the DWI charge.

Action Taken: The Board approved the motion made by Dr. Isdale to: (1) reinstate Dr. Sappington's license; (2) place the license on probation for a period to run concurrently with the Harris County probationary period that is scheduled to end on October 21, 2007; and (3) staff file a complaint on behalf of the Board regarding Dr. Sappington's DWI conviction.

Agenda Item #5.5: Requests for Approval to Sit for Texas Jurisprudence Exam

Agenda Item #5.5.1: Robin Rivers, D.C.

Ms. Woodruff informed the Board that the L&E Committee earlier in the day had considered Dr. Rivers' request to sit for the Jurisprudence Examination and voted to approve her request. Dr. Rivers was present and spoke to the Board. Ms. Woodruff moved that the Board approve Dr. Rivers' request.

Action Taken: Board approved Dr. Rivers' request to take the Jurisprudence Examination.

Agenda Item #5.5.2: Charles E. St. George, D.C.

Ms. Woodruff informed the Board that the L&E Committee earlier in the day had considered and approved Dr. St. George's request to be approved to take the Jurisprudence Examination. Dr. St. George was present and spoke to the Board concerning a complaint filed against him with the Arizona Chiropractic Board. Ms. Woodruff moved that the Board approve Dr. St. George's request.

Action Taken: Board approved Dr. St. George's request to take the Jurisprudence Examination.

Agenda Item #5.5.3 – Jorge R. Sanchez, Applicant

Ms. Woodruff informed the Board that the L&E Committee earlier in the day had considered and approved Mr. Sanchez's request to be allowed to take the Jurisprudence Examination. Mr. Sanchez was present for the board meeting. Ms. Woodruff moved that the Board approve Mr. Sanchez's request.

Action Taken: Board approved Mr. Sanchez's request to take the Jurisprudence Examination.

RULES COMMITTEE (*Steve Minors, D.C.- Chair*)

Agenda Item #6.1: Amended Rules for Adoption

Agenda Item #6.1.1: Rule 73.4 – Licenses and Renewals

Dr. Steve Minors moved that the Board adopt Rule 73.4 without changes. Mr. Jeb Boyt reported that the Board had received no comments on the proposed rule.

Action Taken: Board adopted Rule 73.4 as published without changes.

Agenda Item #6.1.2: Rule 75.17 – Scope of Practice

Mr. Jeb Boyt reported that the Board had received comments on the proposed definition of "incision" and recommended that the Board revise the definition to

include say "...made with a knife or hot laser." Mr. Boyt also recommended two other minor changes to the preamble. Dr. Steve Minors moved that the Board adopt Rule 75.17 with the minor changes as recommended by Mr. Boyt.

Action Taken: Board adopted Rule 75.17 with recommended changes.

Agenda Item #6.2: Proposed New Rules

Agenda Item #6.2.1: Proposed Rule 80.9 – Fraud (status report)

Dr. Minors reported that no action was taken by the Rules Committee on proposed Rule 80.9. The Board was informed that it will be published in the Texas Register as previously proposed by the Board.

Agenda Item #6.3: Proposed Amended Rules

Agenda Item #6.3.1: Proposed Rule 75.2 Regarding Patient Abandonment

Dr. Minors reported that the Rules Committee had tabled a proposed amendment to Rule 75.2 until it can establish a better definition of patient abandonment.

Agenda Item #6.4: Proposed Memorandum of Understanding

Agenda Item #6.4.1: Proposed Memorandum of Understanding (MOU) with Texas Board of Veterinary Medical Examiners regarding Animal Chiropractic

Dr. Minors reported that the Rules Committee had taken no action on the proposed MOU concerning animal chiropractic. Mr. Boyt referred the Board to a draft of the MOU in the Board packet and reported that he will attend the next meeting of the Veterinary Board in October.

Agenda Item #6.5: Discussion Items

Agenda Item #6.5.1: Possible study to accumulate data to show what doctorate and postgraduate trainings consists of at CEE approved chiropractic colleges – Stakeholder update

Dr. Minors reported that the Rules Committee had tabled this agenda item.

Agenda Item #6.5.2: Telephonic Solicitation

Dr. Minors reported that the Rules Committee earlier in the day had taken testimony on the issue of telephonic solicitation.

Agenda Item #6.5.3: Chiropractic specialties recognition

Dr. Minors reported that the Rules Committee had tabled this agenda item.

Agenda Item #6.6: Unresolved Questions

Agenda Item #6.6.1: Where can I locate the “accepted standards of the chiropractic profession” for treatment? - Hobert (Mercury Insurance)

Dr. Minors reported that the Rules Committee considered the question and recommends that a letter be sent stating that Rule 75.2 addresses her question and made a motion to the Board to send the letter and a copy of Rule 75.2.

Action Taken: Board approved sending letter and a copy of Rule 75.2.

Agenda Item #6.6.2: Is it legal to have prepaid plans within the state of Texas? If not, would you explain which payment plans are legal? - Neuerburg and Troha

Dr. Minors reported that the Rules Committee considered the question and recommends that a letter be sent informing the questioners that per the insurance code prepaid plans are legal within the state of Texas. Dr. Minors made a motion recommending that the letter be sent. Dr. Minors referenced Section 21.79 subsection E of the Insurance Code, paraphrased as prepaid plans being OK because they are something that an insurance plan cannot duplicate, e.g. a discount given for payment in advance.

Action Taken: Board approved sending a letter to inform the questioners that per the insurance code prepaid plans are legal in Texas.

Agenda Item #6.6.3: I would like to know if there are any rules/guidelines as far as to what can be advertised in the state of Texas. For example, are we allowed to use testimonials in newspapers, magazines, or other ads? – Fajardo and Smith

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.4: What is and what is not acceptable, where telemarketers misrepresent themselves to the public and lead them to believe that the telemarketer is calling from an insurance company and directs them to a chiropractic clinic that hired the telemarketer? – Walker and Hall

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.5: If I am licensed in Chiropractic and certified in Biofeedback, can I do radionics? – Linderman

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.6: Can a chiropractic physician, D.C., be board certified in pain management? – Pizzillo

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.7: Does the doctor who renders treatment have to or does not have to sign the SOAP notes? – Davidson

Agenda Item #6.6.8: Are there any rules which regulate chiropractic office records? – McDaniel

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.9: Could you answer a few scope of practice questions concerning hiring personnel? – Steffine

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.10: Must each separate location of a clinic have a separate facility registration even though all locations are owned by the same entity, operate under the same federal tax number, and share the same bank account and billing system? - Enlow.

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.11: Must a multidisciplinary rehabilitation clinic offering chiropractic care along with medical services and physical therapy always include either “chiropractor”, “Doctor, D.C.”, or “Doctor of Chiropractic, D.C.” when advertising the name of the clinic? – Riggs

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.6.12: What is the definition of the word “gift” when being used for referrals? – Smith

Action Taken: None – Tabled by Rules Committee because of time constraints.

Agenda Item #6.7: Future Items for Discussion and Committee Schedule

Dr. Minors reported that there were no new items identified by the Rules Committee for consideration. The Rules Committee is scheduled to meet next on November 16, 2006

ENFORCEMENT COMMITTEE (Scott Isdale, D.C. – Chair)

Agenda Item #7.1: Consideration of SOAH Proposals for Decisions

Action Taken: None - There were no Proposal For Decisions (PFDs) to consider for this meeting.

Agenda Item #7.2: Consideration of Accepted Agreed Orders

Action Taken: Upon recommendation of the Enforcement Committee and motion by Dr. Scott Isdale, Chair of the Enforcement Committee, the Board considered and approved without changes the following 19 Agreed Orders that had been approved previously by the Enforcement Committee and agreed to by each licensee in question:

- | | | | |
|-------|---------------|-----------|---------------------|
| 7.2.1 | Case #104-113 | Lic #4040 | Zachary Parnassus |
| 7.2.2 | Case #104-117 | Lic #2751 | Terry Smedstad |
| 7.2.3 | Case #105-030 | Lic #7928 | Christopher Twiford |

7.2.4	Case #105-033	Lic #7928	Christopher Twiford
7.2.5	Case #105-036	Lic #4434	Joan Edwards
7.2.6	Case #105-041	Lic #6527	Gregory Bunting
7.2.7	Case #105-084	Lic #3025	David W. Dudycha
7.2.8	Case #105-089	Lic #7918	Luis R. Marioni
7.2.9	Case #105-109	Lic #4079	Sherry Durrett
7.2.10	Case #105-121	Lic #7123	Rita Shawn Davis
7.2.11	Case #106-042	Lic #8166	Quoc Thai Nguyen
7.2.12	Case #106-056	Lic #7895	Kevin White
7.2.13	Case #106-066	Lic #7121	Robert DaSilva
7.2.14	Case #106-069	Lic #0000	Jorge Rene Sanchez
7.2.15	Case #106-082	Lic #6733	Ray Laurin Nannis
7.2.16	Case #106-093	Lic #6754	Alexander Riley
7.2.17	Case #106-113	Lic #3575	Shawna Hudson
7.2.18	Case #106-133	Lic #4710	Steven James Tutt
7.2.19	Case #106-145	Lic #9359	Randall Baugh Johns

Agenda Item #7.3: Recommendations to Approve or Deny Requests to Expunge Records

Action Taken: Upon the recommendation of the Enforcement Committee and motion by Dr. Scott Isdale, Chair of the Enforcement Committee, the Board considered the following four (4) requests to expunge specific disciplinary actions from a licensee’s files and took the actions noted.

7.3.1	Case #100-7	James Gafken (1 of 2)	Denied
7.3.2	Case #100-8	James Gafken (2 of 2)	Denied
7.3.3	Case #91-06	Helms Hollis	Approved
7.3.4	Case #103-123	David Krenek	Approved

Agenda Item #7.4: Summary of June 22, 2006 Enforcement Committee Hearings

Action Taken: Dr. Isdale informed the Board that the Enforcement Committee considered 32 cases at its June 22, 2006 meeting. Of those 32 cases, 16 were closed for “no violation” or “insufficient evidence” and 16 were recommended for disciplinary action, including 1 case recommended for revocation of license and 2 cases recommended for letters of reprimand.

Agenda Item #7.5: Summary of Number of Current Pending Cases/Complaints

Action Taken: Dr. Isdale, on behalf of the Enforcement Committee, reported that as of September 1, 2006, the agency had 250 pending complaints. The agency received 208 new complaints during fiscal year 2006 and closed 143 complaints.

Agenda Item #7.6: Committee Meeting on September 28, 2006 and future schedule

Action Taken: Dr. Isdale, of behalf of the Enforcement Committee, informed the Board that the Enforcement Committee has scheduled meetings for itself on the following dates for calendar year 2007 (subject to change as necessary):

- January 25, 2007
- March 22, 2007
- May 3, 2007

July 26, 2007
September 27, 2007
November 29, 2007

Agenda Item #8: PUBLIC COMMENT

Dr. Jensen opened the floor for public comments from anyone in attendance. Comments were made by Dr. Mike Martin, Dr. Scott Wofford, and Dr. Greg Nelson of the Texas Chiropractic Association offering their ongoing support for the Board. Dr. Wofford is President-Elect of the TCA and Dr. Nelson is Secretary-Treasurer of the Association.

Agenda Item #9: CALL FOR FUTURE ITEMS

Action Taken: Dr. Jensen called for Board members to submit any items for discussion and/or consideration by the Board for future meetings. There were no items submitted at this time. Dr. Jensen requested that all tabled and future items be placed on the agenda for the next board meeting.

Agenda Item #10: MEETING REMINDERS

Action Taken: Dr. Jensen reminded Board and Staff members that the next Enforcement Committee meeting date is Thursday, September 28, 2006 and the next Board meeting date is Thursday, November 16, 2006.

Agenda Item #11: ADJOURNMENT

Action Taken: Dr. Jensen adjourned the meeting at 2:36 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 16, 2006.

Glenn Parker
Executive Director
Texas Board of Chiropractic Examiners

Date