

Sunset Self-Evaluation Report



Texas Board of Chiropractic Examiners

August 2003

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Texas Board of Chiropractic Examiners Self-Evaluation Report

I. Key Functions, Powers, and Duties

Please provide the following information about the overall operations of the agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The mission of the Texas Board of Chiropractic Examiners is to promote, preserve, and protect the health, safety, and economic welfare of the people of Texas through the regulation of the practice of chiropractic.

The Texas Board of Chiropractic Examiners exists to ensure the highest quality professionals serve Texas chiropractic patients effectively and ethically. To that end, the Board examines and licenses chiropractors, registers chiropractic facilities, registers chiropractic radiological technicians, and enforces the law that governs the practice of chiropractic (Occupations Code, Title 3, Subtitle C, Chapter 201). The TBCE also provides information to the public, including verification of licensure, and general information about the profession.

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

These functions are needed to protect the public. This profession is directly involved with patient care and without licensing and regulation the consumer's health, safety and economic welfare will be at risk. Every state in the union has laws regarding the practice of chiropractic.

Similar to many other professionals, chiropractors are regulated at two different levels. Licensure is a process that takes place at the state level in accordance with specific state laws. National board examinations are conducted by the National Board of Chiropractic Examiners, thereby creating some national standards for chiropractic care.

D. In general, how do other states carry out similar functions?

To become a chiropractor in the U.S., a person has to have a minimum of 2 years of undergraduate studies that focused on biology and science. Most chiropractic schools have a four year curriculum, but some schools have accelerated 3 year programs. Some states require that

you have a bachelor's degree and a doctor of chiropractic degree (D.C.) to practice. Most chiropractic schools recommend that a bachelor's degree has either been obtained before entry into the program, or they recommend getting a bachelor's at the same time as you get a DC degree.

Licensure: The licensure of chiropractors may differ significantly from state to state. Most states require successful completion of the four part National Chiropractic Board examination prior to licensure. Some states also require passing a state level practical examination in addition to the written board exam. All states recognize training from programs where the chiropractic school has been accredited by the Council of Chiropractic Education (CCE).

E. Describe any major agency functions that are outsourced.

The agency has outsourced the annual financial report, the legislative appropriations request, the strategic plan and the internal audit to small accounting firms.

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

The agency has none at this time.

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Public Information (Open Records) Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1999 - 2003, or earlier significant Attorney General opinions, that affect the agency's operations.

Texas Board of Chiropractic Examiners Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Chapter 201, Occupations Code	Provides authority to license and regulate chiropractic
Chapter 102, Health Professions Council Act	Provides general guidelines to be followed
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
GA-0020	No Impact

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H. Please fill in the following chart:

(Agency Name) Exhibit 2: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Sandra Smith	333 Guadalupe Street Tower 3, Suite 825 Austin, Texas 78701	512-305-6706 512-305-6705	Sandra.smith@ tbce.state.tx.us
Agency's Sunset Liaison	Sandra Smith	333 Guadalupe Street Tower 3, Suite 825 Austin, Texas 78701	512-305-6706 512-305-6705	Sandra.smith@ tbce.state.tx.us

II. History and Major Events

Provide a time line discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- the date the agency was established;
- the original purpose and responsibilities of the agency;
- major changes in responsibilities or statutory authority;
- agency/policymaking body name and composition changes;
- the impact of state/federal legislation, mandates, and funding;
- the impact of significant state/federal litigation that specifically affects the agency's operations; and
- key organizational events, and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

See **History and Major Events Examples** or [click here to link directly to the examples](#).

1943 State regulation of chiropractic was enacted. The statute was declared unconstitutional the following year.

1949 The Texas Board of Chiropractic Examiners was created by the 51st legislature with the primary charge being to “protect the people of the State of Texas.” Governor Jester signed the Chiropractic Licensing Law and the Basic Science Law in May 1949. Both houses signed these new laws after a bitter Chiropractic-Medic legislative battle.

The board conducts examinations, and issues licenses to practice chiropractic. The board promulgates rules and regulations, annually registers persons

licensed to practice chiropractic, and revokes licenses on grounds specified in the Chiropractic Act. It also registers all chiropractic radiological technologists in the State.

- 1993 The agency was given the authority to license and regulate chiropractic facilities.
- 2003 With the passage of SB 211 the agency will begin registering facilities effective September 1, 2003

III. Policymaking Structure

A. Please complete the following chart:

(Agency Name) Exhibit 3: Policymaking Body					
Member Name	Term/ Appointment Dates/ Appointed by ___ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	Address	Telephone & Fax Numbers	E-mail Address
Sandra Jensen, DC	08/23/01-02/01/07 Governor Perry	Industry Rep.	13350 Josey Lane, Suite B Farmers Branch, Tx 75234	(phone)972-243- 5757 (fax) 972-243- 5755	sandrajensen@bigplanet.com
Robert Lee Coburn, DC	04/16/99-02/01/05 Governor Bush	Industry Rep.	211 North Columbia Dr., West Columbia, Tx, 77486	979-345-3181 979-345-1473	coburnchiro@hotmail.com
Narciso Escareno	09/18/00-02/01/07 Governor Bush	Public Member	2035 E. Price Rd. Suite B Brownsville, Tx 78521	956-542-6773 956-542-8441	travelagency@mailcity. com
Serge P. Francois, DC	04/16/99-02/01/05	Industry Rep.	516 Hampton Rd. Dallas, Tx 75208	214-948-6500 214-948-1174	spfrancois@hotmail.com
Paul H. Dickerson	08/23/01-02/01/05	Public Member	100 Louisiana St. Suite 4300 Houston, Tx 77002	713-547-2235 713-236-5683	Paul.Dickerson@hayne sboone.com
Marcia Olivia Daughtrey	03/21/03-02/01/09	Public Member	6713 Hollytree Cr Tyler, Tx 75703	903-586-0637 903-586-4283	modjrd@tyler.net

David Alan Sime, DC	03/21/03-02/01/09	Industry Rep.	2255 Shadow Mountain, Suite E El Paso, Tx 79912	915-581-5745 915-833-5945	doctorsime@dashlink.com
Scott Edward Isdale, DC	03/21/03-02/01/09	Industry Rep.	1201 Winkler Killeen, Tx 76542	254-699-4004 254-699-4056	drscott@dashlink.com
Steve Minors, D.C.	04/23/03-02/01/07	Industry Rep.	1634 E. Cesar Chavez, Austin Tx 78702	512-480-9999 512-457-9450	rehabdoc@rehabfx.com

B. How is the chair of the policymaking body appointed?

The chair is appointed by the governor with the advice and consent of the senate. The governor shall designate a chiropractic member of the board as the board’s president. The president serves in that capacity at the will of the governor.

C. Describe the primary role and responsibilities of the policymaking body.

The board shall administer the purposes of and enforce Chapter 201 of the Occupations Code. The board adopts rules and bylaws necessary to perform the board’s duties.

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

None

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2002? in FY 2003?

By statute the board meets at least twice a year. In FY 2002 the board met six times, in FY 2003 the board will have met six times.

F. What type of training do the agency’s policymaking body members receive?

The policymaking body receives agency orientation given by the Executive Director and agency legal counsel. The body receives a board member policy book from the Health Professions Council.

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

The Board has a policy and procedures manual. It describes the board committees and responsibilities. It describes the rule making procedure, enforcement procedures, and agency operations procedures. A copy will accompany this report.

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart. See Exhibit 4 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Executive Committee	3 members/President, Vice-President, Treasurer serve on the committee.	To oversee the direction of the board.	201.158
Enforcement Committee	2 industry members, 1 public member/appointed by board president	To oversee and conduct the investigation of complaints filed with the board under this chapter and perform other enforcement duties as directed by the board.	201.506
Rules Committee	3 members appointed by the board president	To review and oversee rule changes and implementation	201.158
Technical Standards Committee	3 members appointed by the board president	To review and make determination concerning scope of practice and standard of care issues	201.158
Licensure and Education Committee	3 members appointed by the board president	To review special requests for licensure and to review educational issues.	201.158

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

The board communicates with the association and receives input. The board will typically consider requests from the association to modify rules and or procedures that can be mutually agreed upon.

The board and staff make regular visits to the two chiropractic colleges to educate and answer questions and receive input. Based on some of the input, the board is considering placing the jurisprudence exam online as well as offering agency continuing education online.

The board posts the agenda for board meetings with the Texas Register to allow the public to attend. There is also a 30-day comment period on all proposed rules that provide for input. The board regularly updates the agency website and maintains a customer survey online to receive input.

Every chiropractic facility must display the “Public Interest Information” placard in a prominent place to inform consumers of our office and where to file a complaint. The agency regularly receives input from complainants, which oftentimes determines the severity of a violation, which is incorporated into the disciplinary action.

IV. Funding

A. Describe the agency’s process for determining budgetary needs and priorities.

The agency uses a combination of factors when determining budgetary needs and priorities. Careful consideration is used in the preparation of the biennial operating budget. This plus the legislative appropriations request forms the basis for the budget. In addition, an internal budget is prepared and updated each fiscal year. It shows the amounts allocated for payroll, services, communications, etc... When an increase in a particular area is anticipated, the agency must adjust the budget to accommodate the increase. This usually requires decreasing expenditures elsewhere.

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency's sources of revenue. Please include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency. See Exhibit 5 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 5: Sources of Revenue — Fiscal Year 2002 (Actual)	
Source	Amount
General Revenue Appropriations(after lapse and HPC transfer)	321,337
Appropriated Receipts	16869
Rider appropriation (BRP, SORM, Int. Audit, Sal increase, Longevity, Sub fee)	18070
Fee Revenue	1704280
TOTAL	\$2,060,556

C. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 6 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 6: Federal Funds — Fiscal Year 2002 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
NA				
NA				
TOTAL				

D. If applicable, please provide detailed information on fees collected by the agency. See Exhibit 7 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 7: Fee Revenue and Statutory Fee Levels — Fiscal Year 2002				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Chiropractic Licensing Fee	\$125	292	\$136500	General Revenue
Chiropractor Renewal Fee	\$330	4244	1400574	General Revenue
Rad-Technologist Fee	\$35	47	1645	General Revenue
Rad-Technologist Renewal	\$35	132	4620	General Revenue
Continuing Educ. Sponsor Fee	\$25	324	19571	General Revenue
Facility Licensing Fee	\$40	501	20040	General Revenue
Facility License Renewal	\$40	1802	72080	General Revenue
Administrative Penalties	varies	231	49250	General Revenue

E. Show the agency's expenditures by strategy. See Exhibit 8 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 8: Expenditures by Strategy — Fiscal Year 2002 (Actual)	
Goal/Strategy	Amount
A.Goal Ensure public protection:Licensing Strategy	\$182,106.00
Enforcement	\$174,170.00
GRAND TOTAL:	\$356,276.00

F. Show the agency's expenditures and FTEs by program. See Exhibit 9 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 9: Expenditures and FTEs by Program — Fiscal Year 2002 (Actual)					
Program	Budgeted FTEs, FY 2002	Actual FTEs as of August 31, 2002	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Licensing	5	4.7	0	182106	182106
Enforcement	2	2.0	0	174170	174170
TOTAL	7	6.7	0	\$356276	\$356276

G. Show the agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2004-2005. See Exhibit 10 Example or [click here to link directly to the example](#). Add columns and rows as necessary.

Texas Board of Chiropractic Examiners Exhibit 10: Objects of Expense by Program or Function -- Fiscal Year 2004			
Object-of-Expense Informational Listing	Licensing	Enforcement	Total
Salaries and Wages	\$96,696	\$126,129	\$222,957
Other Personnel Costs	\$3,742	\$5,789	\$9,531
Operating Costs	\$44,432	\$45,600	\$90,032
Capital Expenditures	\$0	\$0	\$0
Total	\$144,870	\$177,518	\$322,388

Objects of Expense by Program or Function -- Fiscal Year 2005			
Object-of-Expense Informational Listing	Licensing	Enforcement	Total
Salaries and Wages	\$96,696	\$126,129	\$222,825
Other Personnel Costs	\$3,742	\$5,789	\$9,531
Other Operating Costs	\$44,432	\$45,600	\$90,032
Capital Expenditures	\$0	\$0	\$0
Total, FY 2005	\$144,870	\$177,518	\$322,388

H. Please fill in the following chart. See Exhibit 11 Example or [click here to link directly to the example.](#)

FISCAL YEAR 2000				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$00	\$00	0%	11.9%
Building Construction	\$00	\$00	0%	26.1%
Special Trade	\$00	\$00	0%	57.2%
Professional Services	\$10,391	\$1,385	13.3%	20.0%
Other Services	\$11,166	\$4,563	40.8%	33.0%
Commodities	\$24,553	\$8,944	36.4%	12.6%
TOTAL	\$46,111	\$14,892	32.2%	
FISCAL YEAR 2001				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$00	\$00	0%	11.9%
Building Construction	\$00	\$00	0%	26.1%
Special Trade	\$00	\$00	0%	57.2%
Professional Services	\$5,157	\$00	0%	20.0%
Other Services	\$13,129	\$3,904	29.7%	33.0%
Commodities	\$36,932	\$11,732	31.7%	12.6%
TOTAL	\$55,219	\$15,636	28.3%	
FISCAL YEAR 2002				

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$00	\$00	0%	11.9%
Building Construction	\$00	\$00	0%	26.1%
Special Trade	\$00	\$00	0%	57.2%
Professional Services	\$8,428	\$00	0%	20.0%
Other Services	\$8,275	\$2,796	33.7%	33.0%
Commodities	\$15,237	\$4,472	29.3%	12.6%
TOTAL	\$31,942	\$7,268	22.7%	

I. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

Yes. The agency subscribes to all Texas Building and Procurement requirements and attempts to utilize HUB's in all purchases.

J. For agency with contracts valued at \$100,000 or more:

	Response / Agency Contact
Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available under contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)	N/A

K. For agencies with biennial appropriations exceeding \$10 million:

	Response / Agency Contact
Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	N/A
Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	N/A
Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	N/A

V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices. See Exhibit 12 Example or [click here to link directly to the example.](#)

Texas Board of Chiropractic Examiners Exhibit 12: FTEs by Location — Fiscal Year 2002			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2002	Number of Actual FTEs as of August 31, 2002
Headquarters	Austin	7	6.7
TOTAL		7	6.7

B. What was the agency's FTE cap for fiscal years 2002 - 2005?

2002-7, 2003-7, 2004-6, 2005-6

C. How many temporary or contract employees did the agency have as of August 31, 2002?

N/A

D. Please fill in the chart below. See Exhibit 13 Example or [click here to link directly to the example.](#)

Texas Board of Chiropractic Examiners Exhibit 13: Equal Employment Opportunity Statistics							
FISCAL YEAR 2000							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	NA	5%	NA	8%	N/A	26%
Professional	3.75	NA	7%	1	7%	2	44%
Technical	N/A	NA	13%	NA	14%	NA	41%
Protective Services	N/A	NA	13%	NA	18%	NA	15%
Para-Professionals	1	NA	25%	1	30%	NA	55%
Administrative Support	1.25	NA	16%	NA	17%	1.25	84%
Skilled Craft	N/A	NA	11%	NA	20%	NA	8%
Service/Maintenance	N/A	NA	19%	NA	32%	NA	27%

FISCAL YEAR 2001							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	NA	5%	NA	8%	NA	26%
Professional	3	NA	7%	1	7%	1	44%
Technical	na	NA	13%	NA	14%	NA	41%
Protective Services	na	NA	13%	NA	18%	NA	15%
Para-Professionals	1	NA	25%	1	30%	1	55%
Administrative Support	2.5	NA	16%	1	17%	1	84%
Skilled Craft	na	NA	11%	NA	20%	NA	8%
Service/Maintenance	na	NA	19%	NA	32%	NA	27%
FISCAL YEAR 2002							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	NA	5%	NA	8%	NA	26%
Professional	1	NA	7%	1	7%	1	44%
Technical	NA	NA	13%	NA	14%	NA	41%
Protective Services	NA	NA	13%	NA	18%	NA	15%
Para-Professionals	1	NA	25%	1	30%	1	55%
Administrative Support	3.75	NA	16%	.25	17%	1	84%
Skilled Craft	NA	NA	11%	NA	20%	NA	8%
Service/Maintenance	NA	NA	19%	NA	32%	NA	27%

<p>E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?</p>

Yes.

Texas Board of Chiropractic Examiners EEO Policy Statement

The Texas Board of Chiropractic Examiners (TBCE) provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, or status as a Vietnam-era or special disabled veteran in accordance with applicable federal, state and local laws. The Texas Board of Chiropractic Examiners complies with applicable state and local laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Texas Board of Chiropractic Examiners expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status. Improper interference with the ability of TBCE's employees to perform their expected job duties is absolutely not tolerated.

Complaint Procedure

The Executive Director is responsible for creating an atmosphere free of discrimination. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related discrimination or harassment based on your race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, or status as a Vietnam-era or special disabled veteran, or if you believe you have been treated in a unlawful, discriminatory manner or have been unlawfully harassed, promptly report the incident to the Executive Director. Once made aware of your complaint, TBCE is committed to commence an immediate, thorough investigation of the allegations. Your complaint will be kept confidential to the maximum extent possible.

If, at the completion of the investigation, TBCE determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken against the offending employee.

The Texas Board of Chiropractic Examiners prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in the complaint investigation. However, if, after investigating any complaint of unlawful discrimination, TBCE determines that an employee intentionally provided false information regarding the complaint, disciplinary action may be taken against the one who gave the false information.

Sandra Smith, Executive Director

The board has not experienced any shortfalls related to the policy.

VI. Guide to Agency Programs

Please complete this section for each agency program (or each agency function, activity, or service if more appropriate). Copy and paste the question boxes as many times as needed to discuss each program, activity, or function. Please contact Sunset staff with any questions about applying this section to your agency.

A. Please complete the following chart.

Texas Board of Chiropractic Examiners Exhibit 14: Program or Function Information — Fiscal Year 2002	
Name of Program or Function	Licensing & Education
Location/Division	Austin/Headquarters
Contact Name	Misty Whitcomb
Number of Budgeted FTEs, FY 2002	5.0
Number of Actual FTEs as of August 31, 2002	4.7

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

The key services and functions of this program are described below separately.

TBCE issues licenses to Doctors of Chiropractic and Chiropractic Facilities as well as registering Radiation Technicians. TBCE's statute authorizes the agency to set fees for these licenses.

Issuance of Chiropractic License

Applicants wishing to practice Chiropractic must take and pass the TBCE Jurisprudence Examination. To be eligible to take the jurisprudence examination, each applicant must have the following:

- A copy of the applicants Doctor of Chiropractic diploma.
- TBCE requires sixty (60) hours of undergraduate (pre-chiropractic) work; these hours must be accepted by the University of Texas at Austin for a bachelor of arts or a bachelor of science degree and they must have been passed with a grade of "C" or better. Foreign transcripts will be evaluated by University of Texas at Austin and should be submitted earlier than normal submissions to ensure approval by the deadline.
- Applicant must graduate from a four-year accredited college of chiropractic, have at least

60 hours credit at a college other than chiropractic, passing Chemistry, Anatomy, Physiology, Bacteriology, Pathology and Public Health with at least a "C".

- Parts I, II, III, IV, and physiotherapy of the National Boards must have been taken and passed.
- Applicant must submit a completed TBCE examination application along with the examination fee and color photo (size 2x2), no later than 30 days prior to the examination date. Applications are available on our website at www.tbce.state.tx.us.

All qualifying applicants will be notified if they are eligible to take the Board's state jurisprudence examination. Examination dates will be provided at that time.

Once examinees have taken and passed the jurisprudence exam, they will be notified in writing, no later than 30 days from the examination date. An official license and wall certificate bearing the State Seal will be issued.

D.C. License Renewal

The agency sends out renewal materials to each active or inactive licensee 60 days before license expiration dates. Renewal of license occurs on the first day of the licensee's birth month. The licensee completes the renewal information and returns it to the agency. TBCE checks the renewal application for completeness, for payment of the required fees, and for compliance with continuing education requirements. The agency also reviews the licensee's record of compliance with TBCE's statute and rules, as well as any felony conviction record. The license is then renewed for another year.

If TBCE finds problems with the renewal, the application may be returned with an explanatory letter; if legal issues, such as the individual's compliance with the agency's law, arise, the case may be forwarded to legal counsel or the commission. The Office of the Attorney General acts as TBCE's legal counsel in these and other legal matters.

After the first license renewal, TBCE's rules require the licensee to complete continuing education classes in the next year of the license. The rules require 16 hours of approved continuing education to be completed each year. TBCE reviews course offerings of providers to determine their acceptability for meeting continuing education requirements. The agency then audits course completions of licensees to ensure the courses are on the approved list.

Licensees who go into inactive status must renew their license inactive status each year for up to 5 years. The sixth year, the licensee must go to an active status and renew by paying the license fee plus submit 16 hours of continuing education. The licensee can return to an inactive status again after that year.

Chiropractic Facility

Chiropractic establishments must have a facility registration to perform any chiropractic adjustments. The TBCE does not require the facility to be owned by a Chiropractor.

The process for receiving a facility registration begins with submission of an application with fees. TBCE reviews the application to determine if requirements are met.

If requirements are not met, the application is returned with a form letter explaining the deficiency. If the application is in order, then TBCE issues a registration that is to be posted in every chiropractic clinic.

Chiropractic Facility Renewal

The statute sets all facility registrations to expire on August 31 every year. The facility renewal forms are sent out 60 days prior to expiration date. Applications submitted are reviewed for completeness and for payment of the required renewal fee. If the application is not complete, TBCE returns the application with a form letter explaining the deficiency.

When the agency determines that the forms are in order, fees paid, and compliance requirements met, then the facility is issued a renewed license for a one-year period.

Registering Radiological Technicians

TBCE registers Radiological Technicians to practice in a Chiropractic Facility.

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

The Texas Board of Chiropractic Examiners was established in 1949, for the purpose of promoting, preserving and protecting the health, safety, and economic welfare of the people of Texas through the regulation of the practice of Chiropractic. TBCE is accountable to the public and provides service in a manner that is ethical, efficient, and courteous. This Board and its employees strive to share knowledge, experience, and abilities in seeking ways to more effectively serve the public.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

The procedures for licensing have remained the same since created, however the Occupations Code (Texas Chiropractic Act) changes occasionally due to legislative changes.

There will always be a continuous need for the program for chiropractic graduates seeking licensure and facility registration in the State of Texas.

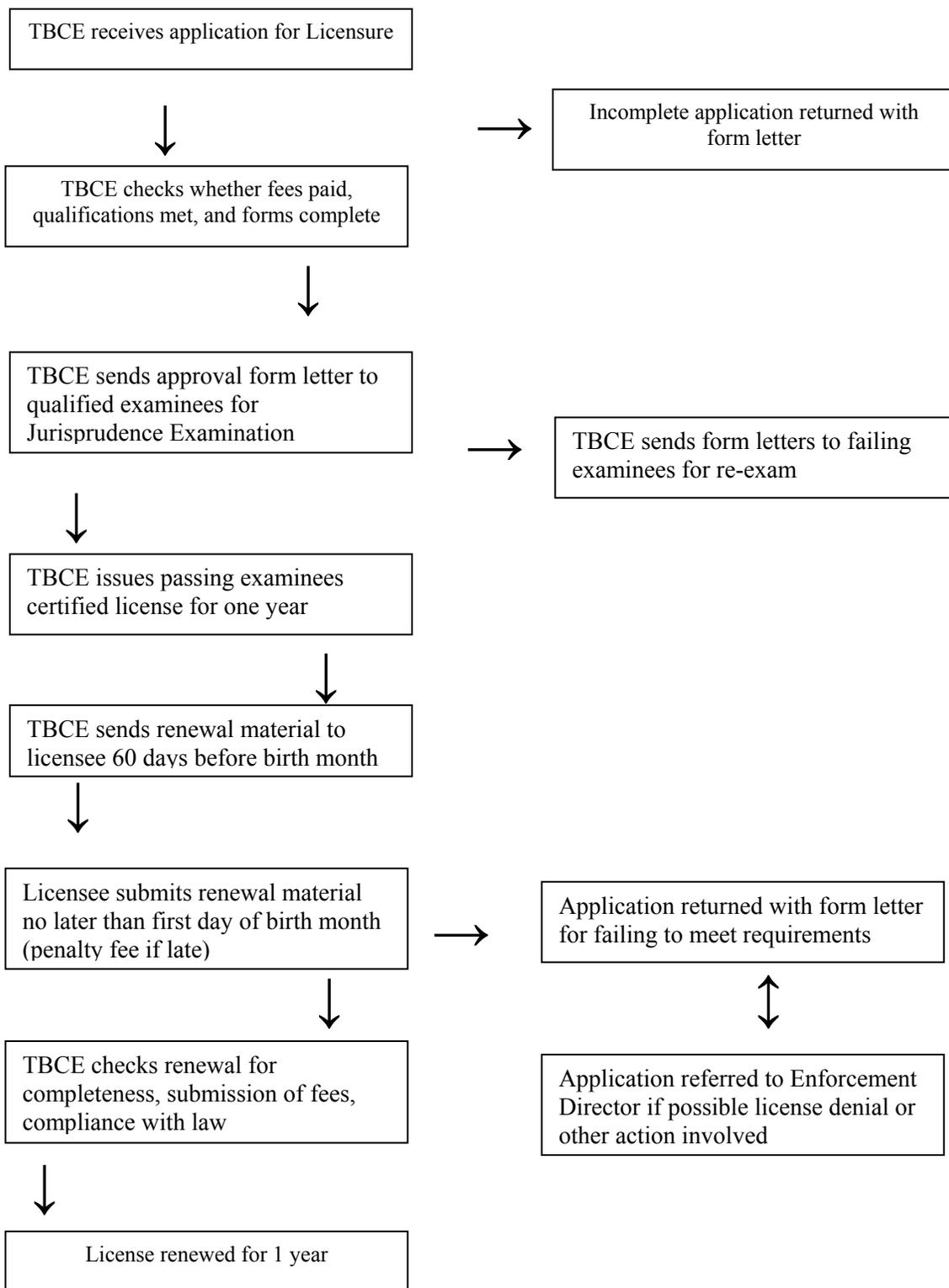
E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This program affects consumers, chiropractic colleges and students, chiropractic associations, Chiropractors, facility owners, and Radiological Technicians.

There are 4,055 registered Active Chiropractors, 643 registered Inactive Chiropractors, 3,120 registered Active Facilities, and 150 registered Active Radiological Technicians for the State of Texas.

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The Director of Licensure & Continuing Education Seminars and the Renewal Specialist administer the licensing program for the State of Texas.



Please note: this chart represents a high-level overview of the licensing process and does not depict all possibilities that could exist in the process.

G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

The Division does not have any current relationships to any local units of government.

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Appropriations are received from the General Revenue Fund. The agency is self-supporting. The TBCE generates sufficient revenues from licensing, credentialing and examination fees to support its operations. All revenue is deposited into the General Revenue Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Funding is scarce and extrapolated by the emergence of Texas Online, which requires staff time to send and receive files and for the reconciliation of those files.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no internal or external programs that provide identical or similar services or functions.

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

There are no other divisions that perform the functions of the Licensing and Examination Division.

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

Please see the Chiropractic Act and Board Rules for further information regarding the Licensing and Examinations Division.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A. Refer to “M” in the Enforcement Division section.

A. Please complete the following chart.

Texas Board of Chiropractic Examiners Exhibit 14: Program or Function Information — Fiscal Year 2002	
Name of Program or Function	Enforcement
Location/Division	333 Guadalupe, Ste 3-825 Austin, TX 78701
Contact Name	Jessica Harwell, Director of Enforcement
Number of Budgeted FTEs, FY 2002	2.0
Number of Actual FTEs as of August 31, 2002	2.0

Please note: various attorneys in the Office of the Attorney General have in the past also assisted The Enforcement Division. These attorneys have handled cases specifically referred to them by the Board as well as defending appeals of orders entered by the Board.

B. What are the key services of this function or program? Describe the major activities involved in providing all services.

The Enforcement Program protects the public by ensuring that chiropractors licensed by the Board adhere to the minimum standards of conduct that the Board has set for its licensees in the Act and the Rules. See *22 TAC Chapter 75*. The Enforcement program also ensures that non-licensees do not mislead the public by performing or offering services that only licensees are qualified to perform or misrepresenting that they are chiropractors. The key services and functions of this program are:

1. The public receives competent professional services by licensees because chiropractors adhere to minimum standards set by the Board. Chiropractors are required to adhere to minimum standards so the public can receive competent professional chiropractic services.
2. The public receives competent professional chiropractic services because non-licensees cannot perform or offer to perform services for which they are not qualified or misrepresent that they are chiropractors.
3. Chiropractors that do not adhere to minimum standards are sanctioned appropriately for their conduct, including revocation of licenses where appropriate.
4. Non-licensees who perform or offer to perform services for which they are not qualified or misrepresent that they are chiropractors are sanctioned.
5. The public has free and open access to a forum that will consider claims of professional misconduct by a chiropractor.
6. The Enforcement Program includes two main subject areas along with miscellaneous functions. The main subject areas are misconduct by licensees and unlawful practice by non-licensees. The major activities involved in providing all services or functions of this program can be summarized as follows:

Misconduct by licensees:

- a) The Enforcement Division investigates claims of misconduct by a licensee. This investigation includes interviewing witnesses, locating and obtaining documents, reviewing and analyzing complaints, corresponding with witnesses and licensees, preparing reports and researching appropriate standards. This work is both paper and time intensive.
- b) The Division presents the results of the investigation of claims of misconduct by a

licensee to the Enforcement Committee members of the Board for its evaluation. This presentation includes preparing a concise accurate summary of all significant issues in the file, selecting and organizing the supporting documentation, duplicating and assembling the data and sending it to the committee members.

- c) The Division coordinates all meetings of the Enforcement Committee. The Division is responsible for posting notices in compliance with the Open Meetings Act. The Division also schedules the meetings.
- d) The Division advises the Enforcement Committee on the appropriate disposition of any alleged violation. This includes research and judgment about the law and the application of the law to the facts of any given complaint and Board precedent.
- e) The Division documents the results of the Committee's consideration of the files. This documentation includes preparing and editing Committee reports and corresponding with the persons affected to inform them of the results of the Committees' determination and recommendation.
- f) The Division negotiates with respondents against whom discipline has been recommended to reach an Agreed Order imposing such sanction or corrective action. This negotiation includes the preparation of correspondence and Agreed Orders, along with telephone conferences.
- g) The Division prosecutes its cases at administrative hearings when discipline or corrective action was recommended and the licensee did not sign an Agreed Order. Preparing a matter for a hearing before an Administrative Law Judge of the State Office of Administrative Hearings includes assisting the assigned Assistant Attorney General in preparing pleadings and conducting discovery, responding to pleadings and discovery, preparing and responding to motions, working with and preparing witnesses for deposition and for trial, preparing for and taking depositions of the opponent's witnesses, working with expert witnesses, attending hearings and trial, and preparing post trial pleadings. The administrative hearing process is time consuming and labor intensive.

Unlawful Practice by non licensee

- a) The Enforcement Division investigates all claims of unlawful practice by non-

licensees. This investigation includes interviewing witnesses, reviewing and analyzing complaints, corresponding with knowledgeable parties, and on occasion working with expert witnesses, and researching appropriate standards.

- b) When the Division concludes that conduct violates applicable standards, the Division attempts to negotiate an acceptable resolution with the non-licensee. If a resolution can be achieved and appropriately documented, the file is closed.
- c) When the Division concludes that conduct violates applicable standards and a resolution cannot be achieved by agreement, the Division prepares the file for referral to the Office of the Attorney General. This task includes preparing referral letters and affidavits. The Division assists the Attorney General's office as requested after the referral.

Miscellaneous

- a) The Enforcement Division also assists with the general legal functions of the Board. Therefore, the Division keeps the board in compliance with the *Open Meetings Act*, the *Public Information Act* and the *Administrative Procedures Act*.
 - b) The Enforcement Division assists the Licensure Division in evaluating those candidates who may not be qualified for licensure, for example, because of prior criminal convictions. In some instances the Enforcement Division assists with administrative hearings requested by candidates to whom licensure or permission to sit for the exam has been denied. These administrative hearings involve all of the elements of trial preparation described above and are conducted before an Administrative Law Judge of the State Office of Administrative Hearings.
7. The Division assists in preparing all Orders for presentation to the Board. This task includes reviewing any proposal for decision, preparing the orders, Board summaries and correspondence.
 8. The Division assists in the defense of Board orders, which are appealed to state district court. This task includes reviewing pleadings, teaching the Office of the Attorney General about the details of the case, and often working with respondents to develop other solutions to their proposals.

9. The Division maintains portions of the Board's centralized computer system to record the handling of complaints against licensees.
10. The Division monitors compliance with orders previously issued by the Board. This task includes investigating the conduct of licensees subject to orders and coordinating with other entities involved in the performance of an order. Those other entities may include medical doctors or other licensed professionals who may be requested to report to the Board periodically on a licensee pursuant to an order.

C. When and for what purpose was the program or function created? Describe any statutory or other requirements for this program or function.

The Enforcement Program in some form has been a part of the Board's function since the Board was created in 1949. The purpose of the Enforcement Program has always been the same, although its form and structure has changed over the years.

Because the Enforcement Program principally affects the property interests of chiropractors in their licenses, it is bounded first by the constitutional constraints of the due process clauses of the Constitutions of the United States and the State of Texas. In addition, the State of Texas has enacted a uniform Administrative Procedures Act, Tex. Gov't Code, Chapter 2001 et seq. (Vernon's 2001). Contested cases under the Chiropractic Act are tried before the State Office Of Administrative Hearings, and are affected by the provisions of the State Office of Administrative Hearings Act, Tex. Gov't Code (Vernon's 2001) Chapter 2003. The Chiropractic Act has specific statutory sections that address the bases and grounds for discipline. See Sections 201.502 of the Act.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program or function will no longer be needed?

The Enforcement Division is the “policeman” of the Board and also its district attorney. Although it is theoretically possible that there will come a time when there is perfect compliance with all the regulations of the Board by all licensees and no enforcement function would be needed, it is unlikely that perfection will ever be achieved.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The persons served by the Enforcement Program are all persons and entities located anywhere who rely on chiropractic services performed by licensed chiropractors, the people of the State of Texas who rely on the Doctor of Chiropractic designation for adherence to a minimum standard of conduct and all licensed chiropractors who rely on the Board to police their profession and uphold their professional reputation

F. Describe how the program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The agency enforces its own statute, and is also authorized to take action against individuals who have violated provisions in other laws related to the practice of chiropractic.

Currently, the typical complaint process begins when the agency receives a complaint from a consumer (please see flowchart on next page). TBCE determines whether the complaint alleges a violation over which it has jurisdiction. If not, the complaint is sent to another agency with responsibility and a notice is sent to the complainant. If TBCE has jurisdiction, TBCE acknowledges receipt of the complaint in writing and assigns a case number to the complaint. The agency initiates a formal investigation and sends a letter to the licensee requesting a response. The investigator makes telephone calls or, in some instances, in-person visits to determine the facts of the complaint, and then submits findings to the Enforcement Committee with her findings and recommendations.

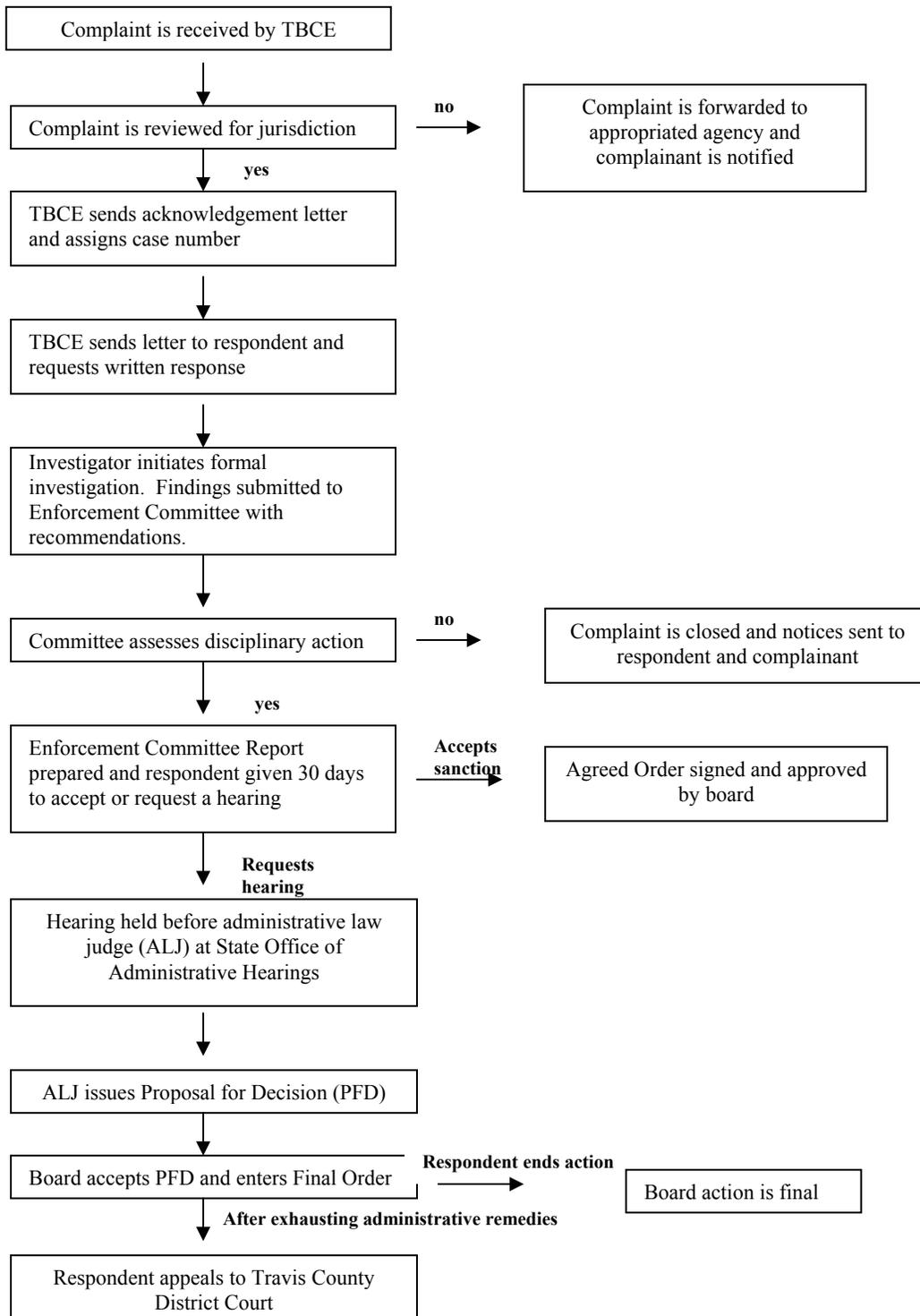
The Enforcement Committee is a three-member committee of the Board that reviews investigative reports, holds informal conferences, and makes recommendations to the full Board on a complaint’s

disposition. If no violation is found, or if the Committee does not recommend disciplinary action, written notification is sent to both the complainant and the respondent closing the case.

If the Committee does recommend disciplinary action, the investigator prepares and issues an Enforcement Committee report, and the statute gives the respondent 30 days to accept a recommended sanction or request a hearing before an administrative law judge of the State Office of Administrative Hearings. If the respondent accepts the sanction, an Agreed Order is prepared, signed by the respondent, and approved by the Board. If the respondent requests a hearing, the administrative law judge issues a Proposal for Decision, and the Board has the option of final approval, or, in limited circumstances, modification of the ruling. After Board action, a licensee could request a rehearing or, if the Board denied the rehearing, the licensee could file an appeal in the State District Court of Travis County.

There are no field or regional offices. The Director of Enforcement or Executive Director conducts periodic field inspections and investigations.

Self-Evaluation Report



G. If the program or function works with local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency.

The Division does not have any current relationships to any local units of government.

H. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Enforcement Division is funded by general revenue. The current budget for the Enforcement Division is \$172,874.00. Administrative penalty amounts generated for fy02=\$49,250

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The Enforcement Program does an excellent job addressing the cases that are brought to the attention of the Board, under the circumstances (the Division currently consists of only one FTE). However, the Enforcement Division is entirely reliant on the public and other agencies to refer matters to it for consideration, and is limited in most instances to investigations conducted from the office. In other states, Board staffs include additional investigators to travel around the state collecting evidence of claims under consideration by the Board and discovering new claims

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Because only the Board can confer the license necessary to perform chiropractic services in Texas, there is no other program that duplicates the work of the enforcement program of the Board

K. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Board coordinates its activities with referring entities by investigating every referral of a potential violation, by keeping the referring entity informed of the progress and result of the investigation, and by requesting access to and, where appropriate, relying on the results of investigations conducted by other agencies. The Board also investigates every report it receives that its licensee may have been disciplined by another regulatory body. The Board has no MOUs.

L. Please provide any additional information needed to gain a preliminary understanding of the program or function.

Please see the Chiropractic Act and Board Rules for further information regarding the Enforcement Division.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Regulation is needed to give the people of Texas the assurance that a person who holds the designation of Doctor of Chiropractic is bound by specific professional and ethical standards.

Enforcement is part of the Board's overall regulatory program.

To review:

- Regulation of chiropractors is needed to ensure compliance with minimum standards of conduct necessary to protect the public in its dealings with licensees.
- Where non-compliance is identified as a result of the enforcement program, the Board

decides on a sanction or remediation appropriate to the circumstance.

- The Board processes complaints about regulated entities as described in section B above
- Section 201.501 of the Chiropractic Act authorizes the Board to:
 - revoke or suspend the person's license, place on probation a person whose license has been suspended, or reprimand a license holder;
 - impose an administrative penalty;
 - require the license holder to report regularly to the Board on matters that are the basis of the probation;
 - limit practice to the areas prescribed by the Board;
 - continue or review continuing professional education until the license holder attains a degree of skill; satisfactory to the Board in those areas that are the basis of the probation; or
 - require a license holder who violates this chapter to participate in a continuing education program.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Texas Board of Chiropractic Examiners Enforcement Exhibit 15: Complaints <u>Against</u> Regulated Entities or Persons – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	678	698
Number of complaints resolved	619	425
Number of complaints dropped/found to be without merit	322	192
Number of sanctions	297	233
Number of complaints pending from prior years	94	179
Average time period for resolution of a complaint	65 days	132 days
Number of entities inspected or audited by the agency	0	2
Total number of entities or persons regulated by the agency	6779	7590

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

The agency has recently converted to the Texas Online renewal system.

The agency recently converted to the USPS leave accounting system.

The agency has recently revised its policy and procedures manual, personnel manual and disaster recovery/business continuity manual.

The agency has increased the number of licensees.

The agency has increased deposits to general revenue over last year.

The agency has eliminated the complaint backlog.

The agency is preparing licenses in-house to save on calligrapher fees.

The agency is preparing its documents library to begin imaging of documents.

The agency has met or exceeded six of its' performance measures.

The agency has initiated rule changes to provide for:

- Licensees to take the jurisprudence examination online
- Licensees to take mandated agency developed two hours of continuing education
- A reduction in the time necessary to submit requests for continuing education approval (from 100 days to 60 days)
- Offering continuing education to licensees who attend Board meetings

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

Performance measures are submitted quarterly to the Board. Personnel evaluations are performed at least once a year. The customer survey is given once a year. The resulting information is then used for streamlining efforts, payroll actions and policy improvements.

C. What are the agency's biggest opportunities for improvement?

The increased utilization of technology is the biggest opportunity for improvement. With the implementation of an online jurisprudence exam and online continuing education, the industry and consumers will benefit.

The agency would benefit from legislation to further enhance enforcement efforts including inspection authority.

The agency would benefit from the Health Professions Council providing better service for the agency. This agency realizes few benefits from its membership and appropriation transfer to the Council. The executive director has volunteered for the consolidation committee.

D. How does the agency ensure its functions do not duplicate those of other entities?

The occupation that is under the purview of the agency is unique. The only other entities that duplicate functions are chiropractic licensing agencies in other states. Since the chiropractic doctors do not prescribe pharmaceuticals, nor provide surgery, they are differentiated from medical doctors. In addition, this agency registers facilities. The way the agency ensures its functions are not duplicated, especially in the area of enforcement, is to provide assistance to other interested entities such as the Texas Workers Compensation Commission and the Texas Department of Insurance so that resources are combined to effectively resolve common areas of concern with licensees.

E. Are there any other entities that could perform any of the agency's functions?

If the Health Professions Council were able, they could perform the IT functions of our agency.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

The survey on the agency website enables the Executive Director to review customer satisfaction and make appropriate changes. In addition, the agency has an open policy for reviewing complaints from consumers. The Executive Director reviews all incoming complaints.

G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

The process for handling complaints against the agency includes the development of a complaint file. Parties will be informed within 15 working days about the process. The process will include review by the Executive Director, input from the Agency Counsel, and if determined necessary, placed on the agenda for the next board meeting. All complaints will be documented and mediated for resolution.

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.

Texas Board of Chiropractic Examiners Exhibit 16: Complaints <u>Against the Agency</u> – Fiscal Years 2001 and 2002		
	FY 2001	FY 2002
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped/found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	0

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

The agency observes the Open Records Act. The procedure is:

Open Records Procedures

All open records request **must** be made in writing (by mail, fax or email.) Once the request is submitted, an email is sent out to the staff and to legal counsel asking if anyone has any information on these chiropractors before a search of the records is made. After a response is received from all the staff, then a search is made and the pages counted .An invoice is made according to the fee schedule.

\$.10/pg + \$15.00/hr processing fee.

1- 20 pages - ¼ hr.

- 21 – 50 pages – ½ hr.
- over 50 pages – 1 hr.
- over 200 pages – 1 1/2 hrs.
- over 201 pages is determined by the Open Records Coordinator

Once the fee is received it is date stamped, the requestor’s name and company and money are entered into the mail log, the amount is put on top of the requestor’s letter and the files are copied (exception: patient medical records, peer reviews, papers that have “confidential” stamped on it. Social Security numbers are redacted from the copies.)

The copies are sent out with a form letter (which is in Word – Open records response) and three copies are made (one to be put in their professional file, one to be sent to the doctor and one to be attached to the open records request and written on it (completed mm/dd/yy). These papers are kept in the completed open records file. Periodically, a requestor may ask for a certified copy of the files. There is a form (Word – Document Certification) that needs to be filled out in the appropriate places and then signed by the Executive Director in front of a notary. This form should be copied and attached with the completed requestor letter.

There is a ten-day turnaround on open records requests.

J. Please fill in the following chart with updated information and be sure to include the most recent e-mail address if possible.

Texas Board of Chiropractic Examiners Exhibit 17: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Chiropractic Society of Texas/R. J. Kelly, DC	3804 South Gessner, Houston, Texas 77063	713-780-0555	
National Board of Chiropractic Examiners/Horace Elliot	901 54th Avenue Greeley, Colorado 80634	970-356-9100	nbce@nbce.org
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)			
Group or Association Name/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Texas Chiropractic Association/Patte Kent, Executive Director	815 Brazos St. Suite 802, Austin, Texas 78701	512-477-9292 512-477-9296	pkent@chirotxas.com
American Chiropractic	1701 Claraendon Blvd., Arlington	800-986-4636	memberinfo@am

Association/Barbara Wills, President	Va. 22209		erchiro.org
LIAISONS AT OTHER STATE AGENCIES (with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone & Fax Numbers	E-mail Address
Health Professions Council/Charles Horton	333 Guadalupe #2-220, Austin, Texas 78701	512-305-8550 512-305-8553	www.hpc.state.tx.us
Legislative Budget Board/ Thomas Galvan	1501 Congress Ave. 5 th floor, Austin Texas 78701	512-463-1200 512-475-2902	www.lbb.state.tx.us
Office of the Attorney General/Frank Knapp	209 W. 14 th St., Austin, Texas 78701	512-475-4195 512-474-1062	www.frank.knapp@oag.state.tx.us
Department of Information Resources/Allan Martin	300 W. 15 th , Ste. 1300 Austin, Texas 78701	512-463-5973	allan.martin@dir.state.tx.us
State Auditors Office/Stacey McClure, analyst	1501 N. Congress Ave. Ste 4.224, Austin, Texas 78701	512-936-9500	sao@sao.state.tx.us
Comptroller of Public Accounts	111 E. 17th, Austin, Texas 78701	512-463-3848	cpa@cpa.state.tx.us

VIII. 78th Legislative Session Chart

Fill in the chart below or attach information if it is already available in an agency-developed format. In addition to summarizing the key provisions, please provide the intent of the legislation. For example, if a bill establishes a new regulatory program, please explain why the new program is necessary (e.g., to address specific health and safety concerns, or to meet federal mandates). For bills that did not pass, please briefly explain the issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See Exhibit 18 Example or [click here to link directly to the example](#).

Texas Board of Chiropractic Examiners Exhibit 18: 78th Legislative Session Chart		
Legislation Enacted - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
SB 211	Carona	Provides for disciplinary actions against chiropractors who work in unlicensed facilities.
SB 842	Carona	Provides for the licensing of out of state licensees.
HB 660	Allen	Provides for confidentiality of ongoing investigations.

HB 2985	Capelo	Provides for the establishment of the Office of Patient Protection
SB 1574	Carona	Provide for the sharing of information with TWCC
Legislation Not Passed - 78th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
SB 305	Barrientos	Allows chiropractors to write handicap prescriptions. This bill had opposition from the Texas Medical Association.
SB 1266	Goolsby	Called for training in order to perform spinal manipulations. Unsure why this bill did not pass.
SB 1062	Carona	Language was merged with SB 211

IX. Policy Issues

A. Brief Description of Issue

Should the agency be given specific inspection authority?

B. Discussion

Currently, the agency has no specific authority to conduct facility inspections. Since the profession of chiropractic deals with the delivery of medical services, it is imperative that the environment in which the service is delivered be safe for the consumer. In addition, the ability for investigation of patient files and records will accelerate and benefit enforcement cases and improve on performance measures.

C. Possible Solutions and Impact

New legislation could be drafted to give the agency the authority to conduct on site inspections of facilities. The impact would require an additional full time employee to conduct the inspections.

A. Brief Description of Issue

Should the agency have an in house attorney?

B. Discussion

The agency has been the recipient of several lawsuits over the past few years. The industry and the consumers would benefit from the agency having an immediate resource on legal issues. The agency currently shares an Assistant Attorney General, from the Office of the Attorney General, with ten other agencies. This has proven to be inadequate for the agency and enhances the liability of the agency.

C. Possible Solutions and Impact

Provide for an in house attorney. A half time position would meet the needs of the agency. The agency would incur salary expenses as a result of hiring an in house attorney. This could be compensated by the fact that the agency may not have to incur legal expenses.

A staff attorney will have a better knowledge of the enabling statute and agency rules if he/she has to focus on one set of statutes and rules.

A staff attorney is immediately available to deal with problems and to answer questions that arise.

Day to day communication with staff and board members leads to better working relationships.

A staff attorney will know and understand agency needs and procedures better than an attorney from the A.G.'s office.

A staff attorney will be in a position to provide better representation before SOAH.

A. Brief Description of Issue

Should the agency increase its educational requirements to a minimum of 120 hours of undergraduate work in order to receive a license?

B. Discussion

In the chiropractic community there is a move underway to increase the number of undergraduate hours in order to become licensed. Texas has an interest in maintaining the highest of standards for the profession.

C. Possible Solutions and Impact

New legislation including this requirement will provide the solution. Since the National Board may be requiring this amount of education anyway, the impact is predicted to be minimal. However, the chiropractic colleges may voice strong opposition.

A. Brief Description of Issue

Should chiropractors be allowed to issue temporary handicap-parking (up to six months) permits to patients?

B. Discussion

Since chiropractors engage in many issues concerning the mobility of patients, the ability to issue handicap- parking permits will enhance the level of care provided to consumers. This issue came up at the last legislative session carried by Barrientos. The bill did not pass due to opposition from the Texas Medical Association.

C. Possible Solutions and Impact

New legislation can be drafted to accomplish the writing of handicap prescriptions by chiropractors. The impact will be to reduce the number of visits to a physician to obtain the permits.

A. Brief Description of Issue

Should chiropractors be allowed to use the term “chiropractic physician?”

B. Discussion

There are several states that allow chiropractors to use this term when identifying themselves. It would benefit the chiropractic community to be able to use this term because currently some insurance carriers will not reimburse a chiropractor for certain procedures because they do not have the use of the term physician. In addition, the federal government recognizes through Medicare lists, chiropractors as physicians.

There were two attorney general opinions regarding this issue. The first one stated that chiropractors could use the term physician. The second one overturned the first and stated that chiropractors may not call themselves physicians. There was opposition from the Texas Medical Association and other medical associations.

C. Possible Solutions and Impact

New legislation would enable chiropractors to refer to themselves as chiropractic physicians. The impact would be that they are properly reimbursed for health care procedures that might otherwise be denied.

A. Brief Description of Issue

Should the agency permit only licensed chiropractors to be facility owners?

B. Discussion

The majority of complaints against facility owners is generated from those not owned by chiropractors. Requiring that only chiropractors be allowed to own and register facilities will give the agency greater control over facility compliance. This issue was addressed at the last Sunset review.

C. Possible Solutions and Impact

New legislation will enable the agency to license only those facilities owned by chiropractors. There are approximately 400 non-DC owned facilities. The impact would be to have these owners sell the facility to a chiropractor or cease to operate.

X. Comments

Please provide any additional information needed to gain a preliminary understanding of the agency.

DCs Personal files
(Application, C. E. credits, Verification request, address changes)

D C Renewals
(For every year)

Facilities
(Application, renewal for each year)

Rad-Tech
(Application, renewal for each year)

