

## **Texas Medical Board**

### **ANNUAL REPORT OF NONFINANCIAL DATA**

*For the Year Ended August 31, 2022*

**STEPHEN “BRINT” CARLTON, J.D.  
EXECUTIVE DIRECTOR**



## TEXAS MEDICAL BOARD

Mailing Address: P.O. Box 2018, Austin, TX 78768-2018  
Location Address: 1801 Congress Avenue, Suite 9.200, Austin, TX 78701  
Phone (512) 305-7100 • Fax (512) 305-7007

December 30, 2022

Honorable Greg Abbott, Governor  
Honorable Glenn Hegar, Texas Comptroller  
Mr. Jerry McGinty, Director, Legislative Budget Board  
Ms. Lisa Collier, State Auditor

Ladies and Gentlemen:

We are pleased to submit the *Annual Report of Nonfinancial Data* of the Texas Medical Board for the year ended August 31, 2022, in compliance with Texas Government Code Annotated, Section 2101.0115, and in accordance with the instructions for completing the Annual Report of Nonfinancial Data.

The accompanying report has not been audited and is considered to be independent of the Texas Medical Board's *Annual Financial Report*.

If you have any questions, please contact Mr. Joey Estrada, PMP, Chief Financial Officer, at 512-305-7052 or by email at [joey.estrada@tmb.state.tx.us](mailto:joey.estrada@tmb.state.tx.us).

Sincerely,

A handwritten signature in black ink that reads "Stephen Brint Carlton".

STEPHEN 'BRINT' CARLTON, J.D.  
Executive Director  
Texas Medical Board

## TABLE OF CONTENTS

### I. SCHEDULES

Appropriation Item Transfer	4
HUB State Agency Progress Report	5
Indirect Cost	6
Schedule of Space Occupied	7

### II. ADDENDUMS

A. Report of Investigations Pending Over One Year	9
1. Table 1: Complaints in Investigations	12
2. Table 2: Cases in Litigation	14
B. Report of Investigations Pending Over Six Months w/o Information Hearing	16
1. Table 1: Investigations Pending Over Six Months	18
C. Complaints Received and Complaint Disposition by Type	20

# ATTACHMENT B

## ***Unaudited*** ***Texas Medical Board (503)***

### **APPROPRIATION ITEM TRANSFERS\***

For the Fiscal Year Ended August 31, 2022

#### **ITEM OF APPROPRIATION**

			<u>Transfers-In</u>	<u>Transfers-Out</u>	<u>Net Transfers</u>
<b>A. Goal: LICENSURE</b>					
Strategies:					
A.1.1.	13005	Licensing	\$ 82,149	\$ -	\$ 82,149
		Total, Goal A: Licensure	\$ 82,149	\$ -	\$ 82,149
<b>B. Goal: ENFORCEMENT</b>					
Strategies:					
B.1.1	13002	Enforcement	\$ 51,203	\$ -	\$ 51,203
B.2.1	13003	Public Education	19,835	(13,003)	6,832
B.2.2	13012	Physician Health Program	-	(38,200)	(38,200)
		Total, Goal B: Enforcement	\$ 71,038	\$ (51,203)	\$ 19,835
<b>C. Goal: INDIRECT ADMINISTRATION</b>					
Strategies:					
C.1.1	13800	Indirect Administration-Licensing	\$ -	\$ (101,984)	\$ (101,984)
C.2.1	13801	Indirect Administration-Enforcement	-	-	-
		Total, Goal C: Indirect Administration	\$ -	\$ (101,984)	\$ (101,984)
		<b>NET APPROPRIATION ITEM TRANSFERS</b>	<u>\$ 153,188</u>	<u>\$ (153,188)</u>	<u>\$ -</u>

\* This schedule does not include Benefit Replacement Pay transfers or Rider Reduction transfers.

ATTACHMENT C

***Unaudited***  
***Texas Medical Board (503)***

**HUB STRATEGIC PLAN PROGRESS REPORT**

For the Fiscal Year Ended August 31, 2022

(Source: Texas Government Code, Section 2161.124)

Category	Actual for FY 21 *	Actual for FY 22 *	Actual for FY 23 **
Professional services contracts			24%
Other services contracts	6%	6%	26%
Commodities contracts	45%	78%	21%


\* **Actual** = Percent spent with HUBS from HUB report.

\*\* **Goal** = Strategic Plan HUB goal.

  
\_\_\_\_\_  
Prepared By

Jacki Jackson  
\_\_\_\_\_  
Printed Name

512.305.7062  
\_\_\_\_\_  
Phone Number

  
\_\_\_\_\_  
APPROVED BY (Signature Required)

Joey Estrada, PMP, CFO  
\_\_\_\_\_  
Printed Name

512.305.7052  
\_\_\_\_\_  
Phone Number

# ATTACHMENT D

## **Unaudited** **Texas Medical Board (503)**

### **INDIRECT COST SCHEDULE**

For the Fiscal Year Ended August 31, 2022

#### **A. Payroll-related Costs**

*(must reconcile to Exhibit II, Annual Financial Report)*

FICA Employer Matching Contribution	\$ 862,081
Group Health Insurance	1,569,209
Retirement	51,370
Unemployment	5,016
FICA Employee Share Paid by State	957,524

<b>Total Payroll-related Costs</b>		<b>\$ 3,445,200</b>
------------------------------------	--	---------------------

Workers' Compensation	-
Benefit Replacement Pay (BRP)	1,711

<b>Total Workers' Compensation and BRP</b>		<b>\$ 1,711</b>
--	--	-----------------

#### **B. Indirect Costs**

*(not reported on operating statements)*

Bond Debt Service Payments	
TBPC	\$ -
TPFA	-
Other (if applicable)	-

<b>Total Indirect Costs</b> <i>(not reported on operating statements)</i>		<b>\$ -</b>
---	--	-------------

#### **C. Indirect Costs - Statewide Full Cost Allocation Plan**

Building Depreciation	\$ -
(304) CPA Administration	-
CPA Fiscal and ITD	-
CPA Statewide Procurement	-
CPA Rebates	-
DPS Capitol Security	-
TFC Planning & Real Estate Management	-
OOG Budget, Policy and Planning Division	-
(101) State Senate	-
(102) Hse of Representatives	-
(103) Legislative Council	-
(104) Legislative Budget	-
(105) Reference Library	-
(116) Sunset Advisory Brd	-

<b>Total Indirect Costs - Statewide Full Cost Allocation Plan</b>		<b>\$ -</b>
---	--	-------------

<b>TOTAL INDIRECT COSTS</b>		<b>\$ 3,446,911</b>
-----------------------------	--	---------------------

# ATTACHMENT F

## ***Unaudited*** ***Texas Medical Board (503)***

### **SCHEDULE OF SPACE OCCUPIED**

For the Fiscal Year Ended August 31, 2022

Location	Address	Lessor	Lease No.	Type	Usable Sq. Ft.	FTEs	Rental Per Month		Actual Annual Cost	Comments
							Cost Per Sq. Ft.	Cost Per Month		
State-owned Buildings:										
Austin	William P. Hobby Building - Tower II				27,953	185.61		-	-	
	William P. Hobby Building - Tower III				1,173	6.65		-	-	
					29,126	192.26				

# **Addendums**

## ADDENDUM A

### ***Unaudited Texas Medical Board (503)***

#### **Report of Investigations Pending Over One-Year**

For the Fiscal Year Ended August 31, 2022

Under the requirements of SB 104 (78R), TMB is required to submit an annual report of “information regarding any investigations that remain pending after one year, including the reasons the investigations remain pending.” (BTCA, Occupations Code Sec. 153.056).

In preparing the data, TMB has defined “pending investigations” as all investigations that were opened before August 31, 2021 that did not have a final disposition (either dismissed for a final Board Order) by August 31, 2022.

#### **TOTAL PENDING INVESTIGATIONS**

As of August 31, 2022, there were 149 investigations in the agency that had been open for at least one year.

#### **OPEN INVESTIGATIONS IN THE INVESTIGATION DEPARTMENT**

Of the 149 investigations over one year old, 35 were still pending in the Investigations Department.

- 21 investigations involved criminal charges or charges by another state board, are on hold at the request of law enforcement or are on hold pending the outcome of a trial or court proceeding.
- 3 were dismissed by the Board after September 1, 2022
- 5 were on hold while the Board went through the rulemaking process related to pain management clinics.
- The remaining investigations were delayed for other reasons such as being in the QA review process or delays in obtaining documents for review.

#### **OPEN CASES IN THE LITIGATION DEPARTMENT**

- Of the 114 total cases\*, 45 were closed by Board action after September 1, 2022, either via a Board Order, Remedial Plan or dismissal.
- There were 38 cases pending action at SOAH as of 8/31/2022 (includes either awaiting the hearing date or awaiting the issuance of a Proposal for Decision by the Administrative Law Judge).
- There were 67 cases still in the agency hearings Informal Settlement Conference process:

- For 42 of these cases, the agency was either still negotiating with the licensee to obtain an Agreed Order or Remedial Plan or was preparing a formal complaint for filing at SOAH.
- For 25 of these cases, an ISC was set or the ISC was pending at the end of FY 2022.
- For six cases, the licensee was suspended and the legal case was pending completion of the investigative process.
- The remaining four cases were pending due to the Board rejecting a recommended dismissal, the case being returned to investigations or the matter being related to the unlicensed practice of medicine.

See Tables one and two attached:

*Table 1: De-identified listing of pending investigations in the Investigations Department*

*Table 2: De-identified listing of pending investigations in the Litigation and Enforcement Department that are over one year old. This includes cases which were reported as pending in previous reports and were still pending as of 8/31/2022, that will still be open as of 12/31/22.*

\*Some investigations logs are combined when transferred to the litigation department to maximize the efficient use of agency time and resources and to present the strongest legal case. This also reduces the total number of hearings for Respondents and saves them time and resources as well. Therefore, the number of investigations transferred to litigation will not be a one to one equation.

## **Table 1**

LOG NUM	FY-FISCAL YEAR	Status of cases over 1 year 08-09-22
216323	21	At P2 (Family Medicine) due 08-12-22
200757	20	Court case 08-15-22
200760	20	Court case 08-19-22
202986	20	Court case 09-09-22
207040	20	Court case 09-12-22
214516	21	Court case 09-19-22
205459	20	Court case 10-03-22
197800	19	Court case 10-31-22
198517	19	Court case 10-31-22
198879	19	Court case 11-01-22
202678	20	Court case 11-07-22
196254	19	Court case 11-16-22 and 12-08-22
206801	20	Court case 12-07-22
208564	20	Court case 12-07-22
208570	20	Court case 12-07-22
208993	20	Court case 12-07-22
211592	21	Court case 12-07-22
211631	21	Court case 12-07-22
207545	20	Court date 08-18-22
215298	21	Desk audit hold since 08-25-21
214082	21	Desk audit on hold since 08-25-21
217299	21	Desk audit on hold since 08-25-21
216286	21	Desk audit on hold since 08-25-22
214778	21	Desk audit on hold since 8-25-21
201243	20	FO-4 (75) 03-12-20
197281	19	FO-4 (75) 07-06-22
194337	19	FO-4 (75) 08-02-22
210381	21	FO-4 (76) 03-02-21
217149	21	FO-4 (76) 08-01-22
214169	21	Law Enforcement Hold
214170	21	Law Enforcement Hold
214171	21	Law Enforcement Hold
207933	20	Law Enforcement Hold released 04-29-22; pending documents
212532	21	Pending TS evaluation 07-19-22
215000	21	Respondent uncooperative; pending SOAH filing

## **Table 2**

CASE NUMBER	ACT CODE	COMPLAINT DATE
170702	311 HEARING SCHEDULED (SOAH)	07/12/2016
220478	109 ISC HELD	06/11/2018
200537	305 FORMAL FILING	09/18/2018
200716	311 HEARING SCHEDULED (SOAH)	03/21/2019
200381	310 MEDIATION HELD	03/26/2019
200056	101 ISC DISCIPLINARY HEARING REVISIONS	08/30/2019
210238	311 HEARING SCHEDULED (SOAH)	09/11/2019
200759	301 SOAH REVISIONS	09/12/2019
200203	109 ISC HELD	10/30/2019
200809	301 SOAH REVISIONS	10/31/2019
200463	318 HEARING ABATED (SOAH)	11/18/2019
200562	311 HEARING SCHEDULED (SOAH)	01/28/2020
210146	301 SOAH REVISIONS	03/13/2020
210049	115 DPRC REJECTION OF DISMISSAL AND/OR ORDER	05/27/2020
220176	301 SOAH REVISIONS	07/02/2020
210013	311 HEARING SCHEDULED (SOAH)	07/08/2020
210632	109 ISC HELD	08/11/2020
210283	311 HEARING SCHEDULED (SOAH)	08/12/2020
210245	109 ISC HELD	08/25/2020
210284	109 ISC HELD	08/25/2020
210381	310 MEDIATION HELD	08/26/2020
210161	311 HEARING SCHEDULED (SOAH)	09/15/2020
210519	109 ISC HELD	10/09/2020
210468	109 ISC HELD	10/16/2020
210426	109 ISC HELD	10/20/2020
210382	301 SOAH REVISIONS	10/23/2020
220317	106 ISC SCHEDULED	11/06/2020
220494	109 ISC HELD	11/13/2020
220042	109 ISC HELD	11/17/2020
220580	101 ISC DISCIPLINARY HEARING REVISIONS	11/18/2020
210332	132 POST ISC-PENDING ADDL INVESTIGATION	12/08/2020
210594	609 TEMPORARY SUSPENSION HELD	12/10/2020
210447	109 ISC HELD	12/10/2020
210540	109 ISC HELD	12/16/2020
220620	106 ISC SCHEDULED	01/05/2021
220110	319 HEARING HELD (SOAH)	01/07/2021
210474	311 HEARING SCHEDULED (SOAH)	01/12/2021
210457	311 HEARING SCHEDULED (SOAH)	01/14/2021
210601	319 HEARING HELD (SOAH)	02/01/2021
220057	109 ISC HELD	02/02/2021
220178	305 FORMAL FILING	02/22/2021
210440	609 TEMPORARY SUSPENSION HELD	03/25/2021
210673	109 ISC HELD	03/25/2021
210665	301 SOAH REVISIONS	03/29/2021
210730	305 FORMAL FILING	04/05/2021
210460	609 TEMPORARY SUSPENSION HELD	04/12/2021

210459	609 TEMPORARY SUSPENSION HELD	04/12/2021
210513	106 ISC SCHEDULED	04/12/2021
220114	109 ISC HELD	05/06/2021
220077	109 ISC HELD	05/13/2021
210759	109 ISC HELD	06/17/2021
220235	109 ISC HELD	06/17/2021
220241	109 ISC HELD	06/23/2021
220676	106 ISC SCHEDULED	06/28/2021
220003	311 HEARING SCHEDULED (SOAH)	06/29/2021
220622	106 ISC SCHEDULED	06/30/2021
220417	109 ISC HELD	07/16/2021
210677	609 TEMPORARY SUSPENSION HELD	07/21/2021
220648	106 ISC SCHEDULED	07/27/2021
220589	106 ISC SCHEDULED	07/28/2021
220271	109 ISC HELD	08/03/2021
220305	109 ISC HELD	08/06/2021
220479	109 ISC HELD	08/09/2021
220618	106 ISC SCHEDULED	08/11/2021
210766	606 TEMPORARY SUSPENSION SCHEDULED	08/13/2021
220253	109 ISC HELD	08/16/2021
220100	109 ISC HELD	08/17/2021
220277	109 ISC HELD	08/25/2021
220324	109 ISC HELD	08/27/2021

## ADDENDUM B

### ***Unaudited Texas Medical Board (503)***

#### **Report of Investigations Pending Over Six Months Without Informal Hearing For the Fiscal Year Ended August 31, 2022**

Under the requirements of SB 419 (79R), TMB is required to submit an annual report of “information about any complaint for which notice is required under Subsection (a), including the reason for failing to schedule the informal meeting before the 180 day deadline” as all investigations that were opened on or before March 1, 2022 that did not have an informal meeting (either scheduled or held) by August 31, 2022. This addendum excludes investigations opened prior to September 1, 2021.

#### **TOTAL PENDING INVESTIGATIONS**

As of August 31, 2022, there were 148 investigations in the agency that had been open for at least six months without an informal meeting.

- 77 remain open as pertinent documents have been unavailable
- 52 remain open due to unavoidable delays in obtaining an expert panelist
- Nine involved arrest/criminal charges and are on hold pending the outcome of those proceedings
- Five were delayed by a licensee’s refusal to cooperate
- Five were delayed due to an administrative oversight or related to the administrative review process

*The attached data table provides:*

*Table 1: De-identified listing of pending investigations in the Investigations Department that were over six months old at the end of FY 2022.*

## **Table 1**

Log Num	Filed Date	180 Date	Date 180 day letter	
			went out	Reason case went over 180 days
217660	09/07/2021	03/06/2022	2/11/2022	Pertinent documents unavailable
217838	09/07/2021	03/06/2022	2/28/2022	Pertinent documents unavailable, Respondent has refused to cooperate
217717	09/09/2021	03/08/2022	03/01/2022	Delay with expert review
217685	09/09/2021	03/08/2022	03/01/2022	Pertinent documents unavailable, delay with expert review
218001	09/14/2021	03/13/2022	03/07/2022	Delay with expert review
217974	09/15/2021	03/14/2022	2/18/2022	Pertinent documents unavailable, Respondent has refused to cooperate
218287	09/20/2021	03/19/2022	3/15/2022	Pertinent documents unavailable
218007	09/22/2021	03/21/2022	3/14/2022	Pertinent documents unavailable
218580	09/23/2021	03/22/2022	3/10/2022	Delay with expert review
218435	09/23/2021	03/22/2022	3/15/2022	Pertinent documents unavailable
220659	09/27/2021	03/26/2022	03/03/2022	Additional complaints pending (court)
218342	10/01/2021	03/30/2022	3/11/2022	Delay with expert review
218357	10/01/2021	03/30/2022	3/16/2022	Delay with expert review
218336	10/01/2021	03/30/2022	03/04/2022	Pertinent documents unavailable
218338	10/01/2021	03/30/2022	3/23/2022	Pertinent documents unavailable
218713	10/02/2021	03/31/2022	3/24/2022	Delay with expert review
220136	10/04/2021	04/02/2022	3/14/2022	Delay with expert review
218455	10/05/2021	04/03/2022	3/14/2022	Delay with expert review
220106	10/06/2021	04/04/2022	3/28/2022	Delay with expert review
218624	10/07/2021	04/05/2022	3/11/2022	Delay with expert review
220189	10/11/2021	04/09/2022	3/16/2022	Delay with expert review
220005	10/12/2021	04/10/2022	04/04/2022	Delay with expert review
220336	10/14/2021	04/12/2022	04/05/2022	Pertinent documents unavailable, delay with expert review
220395	10/18/2021	04/16/2022	3/24/2022	Delay with expert review
221262	10/25/2021	04/23/2022	4/19/2022	Additional complaints pending (court)
220399	10/25/2021	04/23/2022	4/18/2022	Pertinent documents unavailable
220579	10/26/2021	04/24/2022	4/13/2022	Pertinent documents unavailable
220555	10/28/2021	04/26/2022	4/19/2022	Pertinent documents unavailable
220722	10/28/2021	04/26/2022	04/01/2022	Pertinent documents unavailable, delay with expert review
220531	10/29/2021	04/27/2022	4/18/2022	Pertinent documents unavailable
220774	11/01/2021	04/30/2022	4/25/2022	Delay with expert review
220977	11/02/2021	05/01/2022	4/25/2022	Delay with expert review
221624	11/03/2021	05/02/2022	04/08/2022	Additional complaints pending (court)
221615	11/03/2021	05/02/2022	4/22/2022	Additional complaints pending (court)
220603	11/03/2021	05/02/2022	4/19/2022	Delay with expert review
220578	11/03/2021	05/02/2022	4/25/2022	Delay with expert review
220662	11/03/2021	05/02/2022	4/25/2022	Delay with expert review
220642	11/03/2021	05/02/2022	4/25/2022	Pertinent documents unavailable
220644	11/04/2021	05/03/2022	4/27/2022	Administrative oversight
220654	11/04/2021	05/03/2022	4/26/2022	Pertinent documents unavailable
220685	11/04/2021	05/03/2022	4/20/2022	Pertinent documents unavailable
220814	11/05/2021	05/04/2022	4/21/2022	Pertinent documents unavailable
220910	11/08/2021	05/07/2022	4/19/2022	Delay with expert review
220882	11/09/2021	05/08/2022	05/02/2022	Additional complaints pending (court)
220782	11/09/2021	05/08/2022	05/02/2022	Delay with expert review
220912	11/09/2021	05/08/2022	05/02/2022	Pertinent documents unavailable
221035	11/09/2021	05/08/2022	04/01/2022	Pertinent documents unavailable
221471	11/10/2021	05/09/2022	04/25/2022	Pertinent documents unavailable, delay with expert review
221101	11/15/2021	05/14/2022	05/09/2022	Pertinent documents unavailable
221108	11/15/2021	05/14/2022	05/06/2022	Pertinent documents unavailable
221614	11/16/2021	05/15/2022	05/05/2022	Delay with expert review
220947	11/17/2021	05/16/2022	5/10/2022	Pertinent documents unavailable
221138	11/18/2021	05/17/2022	5/13/2022	Delay with expert review
221279	11/18/2021	05/17/2022	5/10/2022	Pertinent documents unavailable
221045	11/22/2021	05/18/2022	4/22/2022	Pertinent documents unavailable
221797	11/22/2021	05/21/2022	5/16/2022	Pertinent documents unavailable
222089	11/23/2021	05/22/2022	5/14/2022	Additional complaints pending (court)
221096	11/23/2021	05/22/2022	5/16/2022	Delay with expert review
221416	11/23/2021	05/22/2022	5/16/2022	Pertinent documents unavailable
221111	11/23/2021	05/22/2022	5/16/2022	Pertinent documents unavailable, delay with expert review
221472	11/28/2021	05/27/2022	5/20/2022	Delay with expert review
221599	11/30/2021	05/29/2022	5/16/2022	Pertinent documents unavailable
221368	12/01/2021	05/30/2022	05/06/2022	Pertinent documents unavailable
221710	12/02/2021	05/31/2022	5/24/2022	Delay with expert review
221642	12/02/2021	05/31/2022	5/20/2022	Delay with expert review
221404	12/03/2021	06/01/2022	5/24/2022	Delay with expert review
221646	12/03/2021	06/01/2022	5/23/2022	Pertinent documents unavailable
221647	12/06/2021	06/04/2022	5/24/2022	Delay with expert review
221706	12/07/2021	06/05/2022	5/31/2022	Delay with expert review
221544	12/07/2021	06/05/2022	5/31/2022	Pertinent documents unavailable
221808	12/08/2021	06/06/2022	5/16/2022	Pertinent documents unavailable, delay with expert review
222010	12/09/2021	06/07/2022	5/31/2022	Pertinent documents unavailable
222118	12/10/2021	06/08/2022	06/01/2022	Delay with expert review
221918	12/13/2021	06/11/2022	06/06/2022	Delay with expert review
222505	12/13/2021	06/11/2022	06/06/2022	Pertinent documents unavailable
222503	12/13/2021	06/11/2022	06/09/2022	Pertinent documents unavailable

Log Num	Filed Date	180 Date	Date 180 day letter	
			went out	Reason case went over 180 days
221666	12/14/2021	06/12/2022	06/06/2022	Pertinent documents unavailable
221251	12/14/2021	06/12/2022	5/31/2022	Pertinent documents unavailable, Respondent has refused to cooperate
221377	12/14/2021	06/12/2022	5/31/2022	Pertinent documents unavailable, Respondent has refused to cooperate
221731	12/15/2021	06/13/2022	06/02/2022	Delay with expert review
222577	12/16/2021	06/14/2022	07/05/2022	Additional complaints pending (court) (Late)
222561	12/16/2021	06/14/2022	7/15/2022	Additional complaints pending (court) (Late)
221521	12/16/2021	06/14/2022	1/31/2022	Administrative review
221904	12/16/2021	06/14/2022	6/10/2022	Delay with expert review
221941	12/17/2021	06/15/2022	06/08/2022	Delay with expert review
221809	12/17/2021	06/15/2022	6/13/2022	Delay with expert review
222072	12/20/2021	06/18/2022	6/13/2022	Additional complaints pending (DEA investigation resolution)
221806	12/20/2021	06/18/2022	5/25/2022	Delay with expert review
222032	12/20/2021	06/18/2022	5/25/2022	Pertinent documents unavailable
222034	12/20/2021	06/18/2022	06/02/2022	Pertinent documents unavailable
221813	12/20/2021	06/18/2022	6/13/2022	Pertinent documents unavailable, delay with expert review
222638	12/21/2021	06/19/2022	06/06/2022	Pertinent documents unavailable, delay with expert review
221860	12/27/2021	06/25/2022	6/22/2022	Administrative oversight
221911	12/27/2021	06/25/2022	06/06/2022	Delay with expert review
222132	12/27/2021	06/25/2022	6/21/2022	Delay with expert review
221850	12/27/2021	06/25/2022	6/22/2022	Pertinent documents unavailable
222180	12/29/2021	06/27/2022	6/21/2022	Pertinent documents unavailable
222106	12/29/2021	06/27/2022	06/01/2022	Pertinent documents unavailable
222128	01/03/2022	07/02/2022	6/23/2022	Pertinent documents unavailable
222197	01/04/2022	07/03/2022	06/09/2022	Administrative oversight
222244	01/05/2022	07/03/2022	6/27/2022	Pertinent documents unavailable
222240	01/05/2022	07/04/2022	6/21/2022	Pertinent documents unavailable, delay with expert review
222358	01/06/2022	07/05/2022	6/30/2022	Pertinent documents unavailable
222241	01/07/2022	07/06/2022	6/29/2022	Delay with expert review
222225	01/07/2022	07/06/2022	6/29/2022	Pertinent documents unavailable
222553	01/10/2022	07/09/2022	07/05/2022	Pertinent documents unavailable
222462	01/12/2022	07/11/2022	07/05/2022	Delay with expert review
222276	01/12/2022	07/11/2022	07/05/2022	Pertinent documents unavailable
222269	01/12/2022	07/11/2022	07/05/2022	Pertinent documents unavailable
222942	01/12/2022	07/11/2022	6/27/2022	Pertinent documents unavailable, delay with expert review, Respondent has
222475	01/13/2022	07/12/2022	07/07/2022	Delay with expert review
222292	01/13/2022	07/12/2022	07/05/2022	Pertinent documents unavailable
222540	01/14/2022	07/13/2022	6/21/2022	Delay with expert review
222548	01/17/2022	07/16/2022	7/11/2022	Delay with expert review
222536	01/17/2022	07/16/2022	07/06/2022	Pertinent documents unavailable
222368	01/18/2022	07/17/2022	7/11/2022	Pertinent documents unavailable
222743	01/19/2022	07/18/2022	7/11/2022	Pertinent documents unavailable
222645	01/20/2022	07/19/2022	7/12/2022	Pertinent documents unavailable
222508	01/21/2022	07/20/2022	7/13/2022	Delay with expert review
222465	01/21/2022	07/20/2022	7/14/2022	Pertinent documents unavailable
222506	01/21/2022	07/20/2022	7/13/2022	Pertinent documents unavailable
222533	01/24/2022	07/23/2022	7/19/2022	Delay with expert review
222560	01/24/2022	07/23/2022	7/19/2022	Delay with expert review
222569	01/24/2022	07/23/2022	7/19/2022	Pertinent documents unavailable
222570	01/24/2022	07/23/2022	7/19/2022	Pertinent documents unavailable
222524	01/24/2022	07/23/2022	7/18/2022	Pertinent documents unavailable
222576	01/25/2022	07/24/2022	7/20/2022	Delay with expert review
222671	01/25/2022	07/24/2022	7/18/2022	Delay with expert review
222739	01/25/2022	07/24/2022	6/30/2022	Pertinent documents unavailable
222737	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable
222738	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable
222683	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable
222764	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable
222635	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable, delay with expert review
223526	01/27/2022	07/26/2022	7/19/2022	Pertinent documents unavailable, delay with expert review
222729	01/28/2022	07/27/2022	7/20/2022	Delay with expert review
222676	01/31/2022	07/30/2022	06/01/2022	Administrative review
222646	01/31/2022	07/30/2022	7/25/2022	Pertinent documents unavailable
222940	02/01/2022	07/31/2022	7/26/2022	Delay with expert review
223110	02/03/2022	08/02/2022	7/27/2022	Pertinent documents unavailable
222746	02/07/2022	08/06/2022	08/02/2022	Pertinent documents unavailable
222720	02/07/2022	08/06/2022	08/01/2022	Pertinent documents unavailable, delay with expert review
223253	02/08/2022	08/07/2022	7/29/2022	Delay with expert review
222936	02/08/2022	08/07/2022	08/01/2022	Pertinent documents unavailable
222752	02/08/2022	08/07/2022	7/19/2022	Pertinent documents unavailable
223001	02/09/2022	08/08/2022	08/01/2022	Delay with expert review
222983	02/09/2022	08/08/2022	08/01/2022	Pertinent documents unavailable
223075	02/10/2022	08/09/2022	08/01/2022	Pertinent documents unavailable

## ADDENDUM C

### ***Unaudited Texas Medical Board (503)***

#### **Complaints Received and Complaint Disposition by Type** For the Fiscal Year Ended August 31, 2022

Under the requirements of SB 104 (78R), TMB is required to submit a report each fiscal year that “provides aggregate information about all complaints received by the board categorized by type of complaint, including administrative, quality of care, medical error, substance abuse, other criminal behavior, and the disposition of those complaints by category.” (VTCA, OCCUPATIONS CODE §154.002). This report includes all complaints that were conducted under the provisions of SB 104 for licensees and that have been resolved from 9/1/20 through 8/31/21.

In preparing this report, the Board identified eight categories of complaints (including the five listed above) and their final dispositions. Within each of the eight complaint categories is a list of the associated violations (as provided by the Medical Practice Act) that fall within that category. This report includes only the primary allegation for each complaint at the time of the board action concerning the complaint, and does not include secondary allegations of violations that may be associated with a complaint. For dismissed cases, this is determined by the primary allegation at the time the investigation was filed. For cases with action, this is determined by the primary violation identified as the reason for the action.

In FY 2022 a total of 8534 complaints were received by TMB. Of these, 1507 cases were filed for an investigation. A further 3997 were considered jurisdictional, meaning they related to a licensee of our agency, but were not filed, as the facts alleged did not suggest there was any potential violation. Finally, a further 3030 were considered non-jurisdictional, meaning they did not involve a licensee of our agency or did not amount to a complaint that could be investigated. This report covers only filed complaints.

#### **Complaint Categories with Associated Violations of the Medical Practice Act**

<b>1. Administrative</b>	<b>2. Violation of Law/Criminal Behavior</b>
Failure to release medical records	Unlicensed practice of medicine
Failure to report liability claims to the board	Operating an unlicensed pharmacy
Commits a rule violation-general	Conviction of felony or misdemeanor of moral turpitude
Fails to change address with the board	Performing a criminal abortion
CME	Violation of state or federal law connected

Failure to keep drug records	with physician's practice
Advertising Violations	Failure to sign a death certificate
<b>3. Medical Error- (See QOC)</b>	<b>4. Mental/Physical Impairment-</b>
Medical Errors	Illness
	Mental Impairment
	Physical Impairment
	Adjudged to be of unsound mind
<b>5. Quality of Care</b>	<b>6. Disciplinary action by peers, another state, or military</b>
Fails to keep proper medical records	Peer Review
Violates Rule 170-pain management rule	Discipline by another state
Improper Delegation	Discipline by the military
Failure to supervise delegates	
Delegation to an unqualified person	
Practice inconsistent w/public health & welfare	
Recurring health care liability claims	
Prescribing to a habitual user	
Non-therapeutic prescribing or treatment	
Prescribing in a manner inconsistent with public health and welfare	
<b>7. Substance Abuse</b>	<b>8. Unprofessional Conduct-</b>
Substance Abuse, incl. drunkenness and drug abuse	False, misleading or deceptive advertisement
	Failure to provide explanation of fees
	Solicitation of patients
	False or fraudulent billing
	Breach of confidentiality
	Failure to report a physician who poses a threat to the public

	Failure to comply with a board subpoena
	Fraud on application, taking a licensure exam, etc.
	Impersonating a physician or physician allowing impersonation
	Employing a person whose medical license is cancelled, suspended or revoked
	Associating in medical practice with a person whose medical license is cancelled, suspended or revoked OR who is unlicensed
	Aiding or abetting in the unlicensed practice of medicine
	Performs an abortion on a minor without parental consent
	Abusive Behavior
	Violation of a Board order
	Failure to communicate with a patient
	Non-sexual boundary violation
	Sexual boundary violation
	Writing false or fictitious prescriptions
	Drumming patients
	Failure to pay student loans

The following table shows the total number of complaints resolved in each category and the type of disposition for each complaint: resolved with disciplinary action against physician (license revocation/surrender, license suspension, license restriction, or reprimand); resolved with a cease and desist order; resolved with physician entering into a remedial plan; or dismissed. Not all Orders include a specifically reported outcome, such as a restriction or suspension, because some orders require only a fine or a continuing education course. Those Orders are reported as a disciplinary action, but not categorized as having a specific reportable sanction.

A grand total of 2063 complaints that were opened under SB104 requirements were resolved in FY '22. (Many cases do not have a disposition in the same fiscal year in which they are opened, so this will not equal the total number of filed complaints for FY 2022). In total, in FY 2022 the Medical Board entered 126 Orders, 132 Remedial Plans, 5 Final Orders (including 3 Default Orders), 33 Cease and Desist Orders and 8 revocations pursuant to Ch 53 for incarcerated licensees. For all other licensees, there were entered 26 Orders, 15 Remedial Plans, 5 Final Default Orders and 5 revocations pursuant to Ch 53 for incarcerated licensees. In addition, the Board processed responses to 70 Warning

Letters for cases that did not involve quality of care or boundary issues, and that involved only first-time administrative issues that were resolved without opening a formal investigation.

**Disposition of Complaints by Category**

<b>1. Administrative/Other</b>	<b>2. Violation of Law/Criminal Behavior</b>
Disciplinary Actions: 10	Disciplinary Actions: 17
Revocation/Voluntary Surrender 3	Revocation/Voluntary Surrender 8
Suspension: 0	Suspension 1
Restriction/Terms and Cond. 4	Restriction/Terms and Cond. 0
Remedial Plans: 24	Remedial Plans: 0
<b>Total Actions:</b> 34	<b>Total Actions:</b> 17
<b>Total Dismissed:</b> 46	<b>Total Dismissed:</b> 72
<b>Total Complaints Resolved:</b> 80	<b>Total Complaints Resolved:</b> 89
<b>3. Medical Error (combined with QOC)</b>	<b>4. Mental/Physical Impairment</b>
Disciplinary Actions: N/A	Disciplinary Actions: 7
	Revocation/Voluntary Surrender 4
	Suspension 1
	Restriction/Terms and Cond. 2
Remedial Plans: N/A	Remedial Plans: 0
<b>Total Actions:</b> 0	<b>Total Actions:</b> 7
<b>Total Dismissed:</b> 0	<b>Total Dismissed:</b> 18
<b>Total Complaints Resolved:</b> 0	<b>Total Complaints Resolved:</b> 25

<b>5. Quality of Care</b>		<b>6. Disciplinary action by peers, another state, or military</b>	
Disciplinary Actions:	32	Disciplinary Actions:	27
Revocation/Voluntary Surrender	5	Revocation/Voluntary Surrender	2
Suspension	0	Suspension	0
Restriction/Terms and Cond.	18	Restriction/Reprimand	18
Remedial Plans:	94	Remedial Plans:	2
<b>Total Actions:</b>	126	<b>Total Actions:</b>	29
<b>Total Dismissed:</b>	1110	<b>Total Dismissed:</b>	50
<b>Total Complaints Resolved:</b>	1236	<b>Total Complaints Resolved:</b>	79
<b>7. Substance Abuse</b>		<b>8. Unprofessional Conduct</b>	
Disciplinary Actions:	5	Disciplinary Actions:	23
Revocation/Voluntary Surrender	0	Revocation/Voluntary Surrender	4
Suspension	1	Suspension	0
Restriction/Terms and Cond.	2	Restriction/Terms and Cond.	12
Remedial Plans:	0	Remedial Plans:	15
<b>Total Actions:</b>	5	<b>Total Actions:</b>	38
<b>Total Dismissed:</b>	12	<b>Total Dismissed:</b>	127
<b>Total Complaints Resolved:</b>	17	<b>Total Complaints Resolved:</b>	165