



## **Texas Medical Board**

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

*For the Year Ended August 31, 2018*

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



## TEXAS MEDICAL BOARD

January 7, 2019

Honorable Greg Abbott, Governor  
John Keel, CPA, State Auditor  
Legislative Budget Board

Gentlemen:

We are pleased to submit the Texas Medical Board's *Annual Report of Nonfinancial Data* for the year ended August 31, 2018, in compliance with the Texas Government Code Annotated § 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 agency's *Annual Financial Report*.

If you have any questions, please contact Brandy Corrales, Chief Fiscal Officer, at (512) 305-7052.

Sincerely,

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

Stephen Brint Carlton, J.D.  
Executive Director

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ATTACHMENT B

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

**APPROPRIATION ITEM TRANSFERS\***

For the Fiscal Year Ended August 31, 2018

**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	\$ (30,000.00)	\$ -	\$ (30,000.00)
A.1.2.	13010	Texas Online	-	-	-
Total, Goal A: Licensure			<u>\$ (30,000.00)</u>	<u>\$ -</u>	<u>\$ (30,000.00)</u>
<b>B. Goal: ENFORCEMENT</b>					
Strategies:					
B.1.1	13002	Enforcement	\$ -	\$ -	\$ -
B.2.1	13003	Public Education	-	30,000.00	30,000.00
B.2.2.	22008	Physician Health Program	-	-	-
Total, Goal B: Enforcement			<u>\$ -</u>	<u>\$ 30,000.00</u>	<u>\$ 30,000.00</u>
<b>C. Goal: INDIRECT ADMINISTRATION</b>					
Strategies:					
C.1.1	13800	Indirect Administration-Licensing	\$ -	\$ -	\$ -
C.1.2.	13801	Indirect Administration-Enforcement	-	-	-
Total, Goal C: Indirect Administration			<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
NET APPROPRIATION ITEM TRANSFERS			<u><u>\$ (30,000.00)</u></u>	<u><u>\$ 30,000.00</u></u>	<u><u>\$ -</u></u>

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

Unaudited

# STATE AGENCY PROGRESS REPORT


(Source: Texas Government Code, Title 10, Subtitle D, Section 2161.124)

Agency Name: TEXAS MEDICAL BOARD Agency #: 503 Report for Fiscal: 17 THRU 19

HUB Report Procurement Categories	Fiscal 2017		Fiscal 2018		Fiscal 2019
	Agency-Specific HUB Goal*	% of Dollars Spent w/HUBs**	Agency-Specific HUB Goal*	% of Dollars Spent w/HUBs**	Agency-Specific HUB Goal*
Heavy construction other than building contracts	0.00%	0.00%	0.00%	0.00%	0.00%
Building construction, including general contractors and operative builders contracts	0.00%	0.00%	0.00%	0.00%	0.00%
Special trade construction contracts	0.00%	0.00%	0.00%	0.00%	0.00%
Professional services contracts	23.70%	100.00%	23.70%	100.00%	23.70%
Other services contracts	26.00%	12.18%	26.00%	12.59%	26.00%
Commodities contracts	21.10%	82.70%	21.10%	92.57%	21.10%

\*For each of the procurement categories listed, enter your Agency-Specific HUB Goals.

\*\*For each of the procurement categories listed, enter the percentage of dollars the agency spent with HUBs as reflected in the Annual HUB Reports.

Prepared By:   
 Printed Name: Charlotte Craig, HUB Coordinator  
 Phone Number: 512-305-7063

Approved by:   
 Printed Name: Brandy Corrales, CFO  
 Phone Number: 512-305-7052

(Rev. 11/18)

## INDIRECT COST SCHEDULE

For the Fiscal Year Ended August 31, 2018

### A. Payroll-related Costs

*(reconciles to Exhibit II, Annual Financial Report)*

FICA Employer Matching Contribution	\$ 621,506.39
Group Health Insurance	1,009,016.24
Retirement	752,293.33
Unemployment	212.53
Other Employment Expense-surcharge	15,988.81
Payroll Health Insurance Contribution	71,171.88
Additional Payroll Retirement Contribution	37,341.50

<b>Total Payroll Related Costs</b>	<b>\$ 2,507,530.68</b>
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Workers' Compensation (SORM)	\$ 13,262.36
Benefit Replacement Pay (BRP)	8,534.45

<b>Total Workers' Compensation and BRP</b>	<b>\$ 21,796.81</b>
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### B. Indirect Costs

*(not reported on operating statements)*

Texas Facilities Commission	\$ -
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<b>Total Indirect Costs (not reported on operating statements)</b>	<b>\$ -</b>
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### C. Indirect Costs - Statewide Full Cost Allocation Plan

Building Depreciation	\$ 78,989.00
Comptroller of Public Accounts:	
Administration	-
Fiscal and ITD	75,559.00
Purchasing and Support (TPASS)	25,504.00
Procurement Card Rebate	(2,181.00)
Department of Public Safety	
Capitol Security	61,858.00
Texas Facilities Commission:	
Planning and Asset Management	167,672.00
Governor's Office of Budget and Planning	216.00

<b>Total Indirect Costs - Statewide Full Cost Allocation Plan</b>	<b>\$ 407,617.00</b>
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<b>TOTAL INDIRECT COSTS</b>	<b>\$ 2,936,944.49</b>
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**SCHEDULE OF SPACE OCCUPIED**

For the Fiscal Year Ended August 31, 2018

<b>Location</b>	<b>Address</b>	<b>Usable Square Feet</b>
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**State-Owned Building:**

Austin	Willam P. Hobby Building Tower III 333 Guadalupe Street Austin, TX 78701	27,953
Austin	William P. Hobby Building Tower II, Suite 520 333 Guadalupe Street Austin, TX 78701	1,173

# **Addendums**



**ADDENDUM A**  
**ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2018**

**Texas Medical Board (TMB)**  
**Report of Investigations Pending Over One-Year**  
**For the Fiscal Year Ended 8/31/18**

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.” (VTCA, OCCUPATIONS CODE, §153.056).

In preparing this data, TMB has defined “pending investigations” as all investigations that were opened on or before August 31, 2017 that did not have a final disposition (either dismissed or a final Board Order) by August 31, 2018.

**TOTAL PENDING INVESTIGATIONS**

As of filed date August 31, 2018, there were 291 investigations in the agency that had been open for at least one year.

**OPEN INVESTIGATIONS IN INVESTIGATION DEPARTMENT**

Of the 291 investigations over one-year old, 86 were still pending in the Investigations Department.

- **Forty-six** investigations involved criminal charges or charges by another state board or agency and are on hold pending the outcome of a trial or court proceeding.
- **Eighteen** investigations are on hold pending notification of TXPHP resolution.
- **Twelve** were referred to the Litigation Department after September 1, 2018.
- **Six** were dismissed by the Board after September 1, 2018.
- **Two** are scheduled to be heard by the Board in March 2019.
- **One** is on hold pending the outcome of the respondent’s lawsuit against the TMB.
- **One** remains open pending necessary records or additional evidence.

**OPEN INVESTIGATIONS IN LITIGATION DEPARTMENT**

51 of the remaining 205 investigations transferred to the Litigation Department were merged into 16 cases. The mergers were done to maximize the efficient use of agency time and resources and present the strongest legal case. The merger of the investigations resulted in a total of 170 cases. (Table 2 lists the mergers of the investigations into cases).

**OPEN CASES IN LITIGATION DEPARTMENT**

- Of the 170 total cases, **seventy-four** were closed by Board action after September 1, 2018, either via a Board Order, Remedial Plan or dismissal. **Nine** cases are on hold pending notification of TXPHP resolution. **Four** cases are undergoing secondary legal review. **Two** cases involved criminal charges and are on hold pending the outcome or sentencing of the trial. **Two** cases are being recommended for dismissal and are scheduled to be presented to the Board in February 2019. **One** case received a signed Agreed Order that is scheduled to be presented to the Board in March 2019.

- There are **fifty-six** cases pending action at SOAH (includes either awaiting the hearing date or awaiting the issuance of the Proposal for Decision by the Administrative Law Judge.)
- There are 22 cases still in the agency hearings Informal Settlement Conference (ISC) process:
  - For **eighteen** of these cases, the agency is either still negotiating with the physician to obtain an Agreed Order or is preparing the formal complaint for filing at SOAH.
  - For **three** of these cases an ISC hearing date has been set or the ISC is pending.
  - For **one** of these cases, the licensee has been temporarily restricted by the Board following the ISC.

*The two attached data tables provide:*

*Table 1: De-identified listing of Pending Investigations in the Investigations Department.*

*Table 2: De-identified listing of cases in the Litigation Department that are over one year old. This includes cases which were reported as pending in previous reports and were still pending as of 8/31/18.*

## **Table 1**

Filed Date	Log #	Status
6/23/2014	14-4884	Investigation involved criminal charges and is on hold pending outcome of trial
6/16/2015	15-5160	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
6/22/2015	15-5253	Dismissed by Board after 9/01/18
7/20/2015	15-5965	Referred to Litigation Department after 9/01/18
7/23/2015	15-6181	Investigation is on hold pending the outcome of respondent's lawsuit against TMB
1/27/2016	16-2414	Referred to Litigation Department after 9/01/18
4/5/2016	16-3854	Investigation involved criminal charges and is on hold pending outcome of trial
5/19/2016	16-4912	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
5/19/2016	16-4913	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
5/19/2016	16-5045	Referred to Litigation Department after 9/01/18
6/20/2016	16-6249	Referred to Litigation Department after 9/01/18
7/5/2016	16-5884	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
7/27/2016	16-6453	Investigation involves insurance fraud and additional evidence is needed before investigation can proceed
8/2/2016	16-6481	Referred to Litigation Department after 9/01/18
8/2/2016	16-6483	Investigation involved criminal charges and is on hold pending outcome of trial
11/8/2016	17-1538	Investigation involved criminal charges and is on hold pending outcome of trial
11/15/2016	17-1163	Investigation involved criminal charges and is on hold pending outcome of trial
11/22/2016	17-1177	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
11/29/2016	17-1235	Investigation on hold pending notification of TXPHP resolution
12/5/2016	17-1837	Dismissed by Board after 9/01/18
12/8/2016	17-1592	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
12/13/2016	17-1933	Scheduled to be heard by Board in March 2019
12/21/2016	17-1932	Scheduled to be heard by Board in March 2019
12/30/2016	17-2125	Investigation involved criminal charges and is on hold pending outcome of trial
12/30/2016	17-2126	Investigation involved criminal charges and is on hold pending outcome of trial
12/30/2016	17-2128	Investigation involved criminal charges and is on hold pending outcome of trial
12/30/2016	17-2030	Referred to Litigation Department after 9/01/18
1/3/2017	17-2123	Investigation involved criminal charges and is on hold pending outcome of trial
1/3/2017	17-2124	Investigation involved criminal charges and is on hold pending outcome of trial
1/3/2017	17-2129	Investigation involved criminal charges and is on hold pending outcome of trial
1/3/2017	17-2127	Investigation involved criminal charges and is on hold pending outcome of trial
1/17/2017	17-2456	Investigation involved criminal charges and is on hold pending outcome of trial
1/19/2017	17-2935	Investigation involved criminal charges and is on hold pending outcome of trial
1/27/2017	17-2564	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
2/9/2017	17-2885	Investigation involved criminal charges and is on hold pending outcome of trial
3/7/2017	17-4044	Investigation involved criminal charges and is on hold pending outcome of trial
3/7/2017	17-4045	Investigation involved criminal charges and is on hold pending outcome of trial

3/10/2017	17-4048	Investigation involved criminal charges and is on hold pending outcome of trial
3/10/2017	17-3528	Investigation involved criminal charges and is on hold pending outcome of trial
3/28/2017	17-3859	Dismissed by Board after 9/01/18
3/31/2017	17-4046	Investigation involved criminal charges and is on hold pending outcome of trial
4/4/2017	17-4877	Referred to Litigation Department after 9/01/18
4/6/2017	17-4950	Referred to Litigation Department after 9/01/18
4/24/2017	17-4616	Investigation involved criminal charges and is on hold pending outcome of trial
4/24/2017	17-4648	Investigation involved criminal charges and is on hold pending outcome of trial
4/27/2017	17-4668	Investigation involved criminal charges and is on hold pending outcome of trial
4/27/2017	17-4760	Investigation involved criminal charges and is on hold pending outcome of trial
4/28/2017	17-4727	Investigation involved criminal charges and is on hold pending outcome of trial
5/1/2017	17-4729	Investigation involved criminal charges and is on hold pending outcome of trial
5/1/2017	17-4759	Investigation involved criminal charges and is on hold pending outcome of trial
5/2/2017	17-4386	Investigation on hold pending notification of TXPHP resolution
5/2/2017	17-4793	Investigation involved criminal charges and is on hold pending outcome of trial
5/4/2017	17-4873	Referred to Litigation Department after 9/01/18
5/9/2017	17-4974	Investigation on hold pending notification of TXPHP resolution
5/17/2017	17-5135	Investigation involved criminal charges and is on hold pending outcome of trial
5/22/2017	17-5234	Investigation involved criminal charges and is on hold pending outcome of trial
5/22/2017	17-5237	Investigation involved criminal charges and is on hold pending outcome of trial
6/12/2017	17-5809	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
6/21/2017	17-6058	Investigation involved criminal charges and is on hold pending outcome of trial
6/21/2017	17-6060	Dismissed by Board after 9/01/18
6/26/2017	17-6875	Investigation involved criminal charges and is on hold pending outcome of trial
7/6/2017	17-6354	Investigation involved criminal charges and is on hold pending outcome of trial
7/17/2017	17-6605	Investigation involved criminal charges and is on hold pending outcome of trial
7/25/2017	17-5769	Investigation on hold pending notification of TXPHP resolution
7/25/2017	17-5770	Investigation on hold pending notification of TXPHP resolution
7/25/2017	17-5771	Investigation on hold pending notification of TXPHP resolution
7/27/2017	17-6952	Investigation involved criminal charges and is on hold pending outcome of trial
8/1/2017	17-5959	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5982	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5984	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5986	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5988	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5990	Investigation on hold pending notification of TXPHP resolution
8/1/2017	17-5992	Investigation on hold pending notification of TXPHP resolution
8/2/2017	17-7001	Referred to Litigation Department after 9/01/18
8/2/2017	17-5736	Investigation on hold pending notification of TXPHP resolution
8/2/2017	17-5763	Investigation on hold pending notification of TXPHP resolution
8/2/2017	17-5766	Investigation on hold pending notification of TXPHP resolution
8/2/2017	17-5849	Investigation on hold pending notification of TXPHP resolution
8/2/2017	17-6016	Investigation on hold pending notification of TXPHP resolution
8/3/2017	17-7796	Referred to Litigation Department after 9/01/18
8/8/2017	17-7087	Investigation involved criminal charges and is on hold pending outcome of trial

8/8/2017	17-7150	Referred to Litigation Department after 9/01/18
8/21/2017	17-7365	Dismissed by Board after 9/01/18
8/21/2017	17-7471	Investigation involved criminal charges and is on hold pending outcome of trial
8/29/2017	17-7487	Dismissed by Board after 9/01/18

## **Table 2**

Filed Date	Log #	Case #	Status
12/2/2013	14-1178	15-0221	SOAH
1/29/2014	14-2421	14-0858	SOAH
6/23/2014	14-4887	18-0755	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
9/8/2014	14-6497	15-0511	Closed by Board action after 9/01/18
2/24/2015	15-2642	15-0737	Investigation involved criminal charges and is on hold pending outcome of trial
4/16/2015	15-3940	18-0488	Under secondary legal review
4/29/2015	15-4950	16-0268	SOAH
6/4/2015	15-5590	16-0618	Closed by Board action after 9/01/18
6/23/2015	15-6118	16-0543	Closed by Board action after 9/01/18
7/15/2015	15-6616	16-0002	SOAH
8/10/2015	15-6285	16-0444	Investigation involved criminal charges and is on hold pending the sentencing of the trial
8/10/2015	15-7180	16-0303	SOAH
9/15/2015	15-7234	16-0211	Closed by Board action after 9/01/18
10/13/2015	16-0919	16-0315	SOAH
10/29/2015	16-0681	16-0536	Dismissed by Board after 9/01/18
11/3/2015	16-0676	16-0384	Dismissed by Board after 9/01/18
11/5/2015	16-1457	16-0255	SOAH
12/18/2015	16-1718	17-0095	SOAH
12/30/2015	16-1829	16-0748	SOAH
1/4/2016	16-1858	16-0820	SOAH
1/20/2016	16-2946	16-0458	SOAH
1/29/2016	16-2453	17-0176	Closed by Board action after 9/01/18
2/9/2016	16-2568	16-0875	SOAH
3/14/2016	16-3437	16-0953	Dismissed by Board after 9/01/18
3/21/2016	16-4241	16-0548	Dismissed by Board after 9/01/18
3/21/2016	16-3658	16-0955	Closed by Board action after 9/01/18
4/1/2016	16-3915	18-0949	Closed by Board action after 9/01/18
4/1/2016	16-3916	18-0950	Closed by Board action after 9/01/18
4/29/2016	16-4334	17-0206	SOAH
4/29/2016	16-5251	18-0487	Dismissed by Board after 9/01/18
4/29/2016	16-5252	18-0502	SOAH
5/3/2016	16-4676	17-0060	SOAH
5/9/2016	16-5452	16-0814	Closed by Board action after 9/01/18
5/18/2016	16-5695	17-0019	Dismissed by Board after 9/01/18
6/2/2016	16-5364	17-0101	Closed by Board action after 9/01/18
6/15/2016	16-5638	17-0168	SOAH
6/28/2016	16-5916	17-0244	Closed by Board action after 9/01/18
7/5/2016	16-6653	17-0281	Closed by Board action after 9/01/18
7/12/2016	16-6029	17-0702	SOAH
7/27/2016	16-6629	17-0570	Closed by Board action after 9/01/18



7/29/2016	16-7306	17-0380	SOAH
8/2/2016	16-6482	17-0921	Closed by Board action after 9/01/18
8/5/2016	16-7072	17-0213	Closed by Board action after 9/01/18
8/5/2016	16-6630	17-0181	Closed by Board action after 9/01/18
8/8/2016	16-6802	17-0247	SOAH
8/8/2016	16-6595	17-0271	SOAH
8/11/2016	16-7607	17-0264	Closed by Board action after 9/01/18
8/17/2016	16-6905	18-0246	Investigation on hold pending notification of TXPHP resolution
8/24/2016	16-7265	18-0800	ISC Date Set
8/31/2016	16-8029	17-0610	Closed by Board action after 9/01/18
9/1/2016	16-7935	17-0796	SOAH
9/6/2016	17-0036	17-0203	SOAH
9/7/2016	16-7349	17-0626	SOAH
9/13/2016	17-0234	17-0173	Closed by Board action after 9/01/18
9/15/2016	16-7628	17-0643	Closed by Board action after 9/01/18
9/20/2016	16-7587	17-0589	Investigation on hold pending notification of TXPHP resolution
9/21/2016	16-7827	17-0497	Closed by Board action after 9/01/18
10/7/2016	17-0359	18-0795	Dismissed by Board after 9/01/18
10/11/2016	17-0563	17-0299	Investigation on hold pending notification of TXPHP resolution
10/12/2016	17-0244	17-0704	SOAH
10/18/2016	17-0307	17-0766	SOAH
10/18/2016	17-0330	17-0902	SOAH
10/21/2016	17-1153	17-0798	Closed by Board action after 9/01/18
10/31/2016	17-0668	17-0631	SOAH
11/1/2016	17-0701	17-0745	SOAH
11/2/2016	17-0748	17-0830	Closed by Board action after 9/01/18
11/8/2016	17-0875	17-0658	Dismissed by Board after 9/01/18
11/9/2016	17-0691	17-0321	SOAH
11/18/2016	17-1030	17-0976	SOAH
11/29/2016	17-1268	17-0812	Closed by Board action after 9/01/18
12/1/2016	17-1142	17-0865	Dismissed by Board after 9/01/18
12/7/2016	17-1428	17-0813	Dismissed by Board after 9/01/18
12/7/2016	17-1467	17-0815	SOAH
12/16/2016	17-2297	17-0453	Closed by Board action after 9/01/18
12/20/2016	17-1958	18-0327	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
12/21/2016	17-1954	17-0768	ISC Held after 9/01/18
12/28/2016	17-1971	17-0752	Closed by Board action after 9/01/18
12/28/2016	17-1474	18-0219	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
12/30/2016	17-2053	18-0731	Scheduled to be heard by Board in March 2019
1/2/2017	17-2038	17-1099	SOAH Complaint being drafted
1/4/2017	17-1985	17-0830	Closed by Board action after 9/01/18
1/6/2017	17-2056	17-1045	SOAH
1/18/2017	17-2303	17-0636	Closed by Board action after 9/01/18
1/25/2017	17-2665	17-0905	SOAH

1/26/2017	17-2474	17-0894	Closed by Board action after 9/01/18
1/27/2017	17-3248	18-0856	ISC Held after 9/01/18
1/31/2017	17-3016	17-0907	SOAH
2/3/2017	17-2787	18-0763	ISC Held after 9/01/18
2/14/2017	17-2809	18-0222	SOAH
2/22/2017	17-3124	17-1103	SOAH
2/22/2017	17-3161	18-0142	SOAH
2/23/2017	17-3219	18-0075	SOAH
2/27/2017	17-3226	18-0453	Closed by Board action after 9/01/18
2/27/2017	17-3172	17-0879	Closed by Board action after 9/01/18
3/3/2017	17-3371	18-0314	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
3/8/2017	17-3387	18-0764	Dismissed by Board after 9/01/18
3/8/2017	17-3642	18-0327	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
3/9/2017	17-4250	18-0281	Investigation on hold pending notification of TXPHP resolution
3/9/2017	17-3643	18-0327	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
3/10/2017	17-3562	17-1053	Under secondary legal review
3/14/2017	17-3742	17-0716	SOAH
3/14/2017	17-3509	17-0803	Investigation on hold pending notification of TXPHP resolution
3/20/2017	17-4483	17-0982	Dismissed by Board after 9/01/18
3/20/2017	17-4490	17-0734	Closed by Board action after 9/01/18
3/22/2017	17-4568	18-0160	SOAH
3/23/2017	17-3756	17-0732	Investigation on hold pending notification of TXPHP resolution
3/28/2017	17-3935	17-1055	Dismissed by Board after 9/01/18
3/29/2017	17-3940	18-0111	Investigation on hold pending notification of TXPHP resolution
3/29/2017	17-4761	17-1059	SOAH
4/3/2017	17-4090	18-0655	Dismissed by Board after 9/01/18
4/10/2017	17-4096	18-0103	Dismissed by Board after 9/01/18
4/11/2017	17-4233	18-0077	SOAH
4/11/2017	17-4234	18-0849	Dismissed by Board after 9/01/18
4/13/2017	17-4232	17-1021	SOAH
4/13/2017	17-4324	17-0820	SOAH
4/24/2017	17-4210	18-0951	ISC Held after 9/01/18
4/25/2017	17-4663	17-1122	SOAH
4/27/2017	17-4686	18-0623	SOAH Complaint being drafted
4/27/2017	17-4687	18-0472	Closed by Board action after 9/01/18
4/27/2017	17-4725	18-0624	Closed by Board action after 9/01/18
4/28/2017	17-5496	17-0899	Closed by Board action after 9/01/18
5/1/2017	17-4775	18-0382	SOAH
5/9/2017	17-4981	17-0879	Closed by Board action after 9/01/18
5/16/2017	17-5131	18-0164	Closed by Board action after 9/01/18
5/19/2017	17-5563	17-1072	License temporarily restricted until the Board takes further action
5/22/2017	17-5236	18-0765	ISC Held after 9/01/18
5/22/2017	17-5240	18-0505	Closed by Board action after 9/01/18

5/25/2017	17-6206	18-0147	SOAH
5/26/2017	17-5380	18-0039	SOAH
5/31/2017	17-5336	18-0825	ISC Held after 9/01/18
5/31/2017	17-5410	18-0329	Dismissed by Board after 9/01/18
5/31/2017	17-5463	18-0766	Closed by Board action after 9/01/18
6/5/2017	17-6358	18-0556	Dismissed by Board after 9/01/18
6/6/2017	17-5604	18-0796	Dismissed by Board after 9/01/18
6/6/2017	17-5583	18-0253	Closed by Board action after 9/01/18
6/6/2017	17-5729	18-0272	SOAH
6/7/2017	17-5817	17-1027	Closed by Board action after 9/01/18
6/13/2017	17-5931	18-0225	SOAH
6/15/2017	17-6084	18-0756	Dismissed by Board after 9/01/18
6/16/2017	17-5918	18-0542	Agreed Order under negotiation with Respondent and/or Respondent's Counsel
6/23/2017	17-6373	18-0350	SOAH
6/23/2017	17-6851	18-0004	ISC Held after 9/01/18
6/26/2017	17-6190	18-0319	SOAH
6/29/2017	17-6207	18-0287	Dismissed by Board after 9/01/18
6/30/2017	17-7025	18-0432	Closed by Board action after 9/01/18
7/5/2017	17-7045	17-1094	Dismissed by Board after 9/01/18
7/5/2017	17-6254	18-0288	Closed by Board action after 9/01/18
7/14/2017	17-6612	18-0230	Closed by Board action after 9/01/18
7/17/2017	17-6615	18-0626	Closed by Board action after 9/01/18
7/17/2017	17-6635	18-0445	Closed by Board action after 9/01/18
7/18/2017	17-6899	18-0384	ISC Date Set
7/19/2017	17-6653	18-0208	Dismissed by Board after 9/01/18
7/21/2017	17-6928	18-0860	Dismissed by Board after 9/01/18
7/27/2017	17-6812	17-0768	ISC Held after 9/01/18
7/31/2017	17-6938	18-0403	SOAH
7/31/2017	17-6969	18-0404	SOAH
8/2/2017	17-6896	18-0290	ISC Pending
8/9/2017	17-7943	18-0491	Scheduled to be heard by Board in February 2019
8/9/2017	17-7945	18-0460	Investigation on hold pending notification of TXPHP resolution
8/10/2017	17-7239	18-0574	Under secondary legal review
8/11/2017	17-8000	18-0492	SOAH
8/14/2017	17-7135	18-0227	ISC Held after 9/01/18
8/21/2017	17-7267	18-0406	SOAH
8/23/2017	17-8262	18-0365	Closed by Board action after 9/01/18
8/23/2017	17-8263	18-0506	Closed by Board action after 9/01/18
8/23/2017	17-8267	18-0576	Dismissed by Board after 9/01/18
8/24/2017	17-7702	18-0480	Under secondary legal review
8/24/2017	17-8295	18-0204	Investigation on hold pending notification of TXPHP resolution
8/24/2017	17-8300	18-0508	Closed by Board action after 9/01/18
8/29/2017	17-8160	18-0926	Scheduled to be heard by Board in February 2019

**ADDENDUM B**  
**ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2018**

**Texas Medical Board (TMB)**  
**Report of Investigations Pending Over Six Months Without Informal Hearing**  
**For the Fiscal Year Ended 8/31/18**

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.” (VTCA, OCCUPATIONS CODE, §164.0036).

In preparing this data, TMB has defined “before the 180-day deadline” as all investigations that were opened on or before March 3, 2018 that did not have an informal meeting (either scheduled or held) by August 31, 2018. This addendum excludes investigations opened prior to September 1, 2017.

**TOTAL PENDING INVESTIGATIONS**

As of August 31, 2018 there were 157 investigations in the agency that had been open for at least six months without an informal meeting.

- **Forty-nine** investigations were dismissed by the Board after August 31, 2018.
- **Forty-two** involved criminal charges or charges by another state board or agency and are on hold pending the outcome of a trial or court proceeding.
- **Thirty-eight** were referred to the Litigation Department or scheduled for an informal hearing after August 31, 2018.
- **Ten** remain open due to delays in obtaining pertinent documents which have now been received.
- **Six** remain open as pertinent documents have been unavailable despite repeated requests.
- **Four** are scheduled to be heard by the Board in March 2019.
- **Three** were delayed due to an administrative oversight.
- **Two** were closed by Board action after August 31, 2018.
- **Two** remain open as respondent refused to cooperate during course of the investigation.
- **One** remains open due to unavoidable delays in obtaining an expert panel.

*The attached data table provides:*

*Table 1: De-identified listing of Pending Investigations in the Investigations Department that are over six months old.*

## **Table 1**

<b>Filed Date</b>	<b>Log #</b>	<b>Status</b>
9/6/2017	17-7775	ISC scheduled after 8/31/18
9/6/2017	17-7836	Investigation involved criminal charges and is on hold pending outcome of trial
9/6/2017	17-7840	Scheduled to be heard by Board in March 2019
9/13/2017	17-8092	Pertinent documents were unavailable but have now been received
9/18/2017	17-7997	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
9/19/2017	17-8171	Investigation involved criminal charges and is on hold pending outcome of trial
9/19/2017	17-8202	Investigation involved criminal charges and is on hold pending outcome of trial
9/21/2017	17-8163	ISC scheduled after 8/31/18
9/26/2017	17-8071	Dismissed by Board after 8/31/18
10/12/2017	18-0221	Dismissed by Board after 8/31/18
10/12/2017	18-0110	Investigation involved criminal charges and is on hold pending outcome of trial
10/12/2017	18-0153	ISC scheduled after 8/31/18
10/17/2017	18-0312	Investigation involved criminal charges and is on hold pending outcome of trial
10/17/2017	18-0105	Dismissed by Board after 8/31/18
10/17/2017	18-0149	ISC scheduled after 8/31/18
10/17/2017	18-0255	Investigation involved criminal charges and is on hold pending outcome of trial
10/18/2017	18-0338	Referred to Litigation Department after 8/31/18
10/20/2017	18-1146	Investigation involved criminal charges and is on hold pending outcome of trial
10/20/2017	18-1150	Investigation involved criminal charges and is on hold pending outcome of trial
10/23/2017	18-0359	Investigation involved criminal charges and is on hold pending outcome of trial
10/23/2017	18-0362	ISC scheduled after 8/31/18
10/25/2017	18-0483	Dismissed by Board after 8/31/18
10/25/2017	18-0485	Dismissed by Board after 8/31/18
10/26/2017	18-0361	Investigation involved criminal charges and is on hold pending outcome of trial
10/26/2017	18-0367	Investigation involved criminal charges and is on hold pending outcome of trial
10/27/2017	18-0521	Investigation involved criminal charges and is on hold pending outcome of trial
11/7/2017	18-0732	Investigation involved criminal charges and is on hold pending outcome of trial
11/7/2017	18-0770	Respondent refused to cooperate during the course of the investigation
11/7/2017	18-1592	Investigation involved criminal charges and is on hold pending outcome of trial
11/8/2017	18-0852	ISC scheduled after 8/31/18
11/14/2017	18-1460	Dismissed by Board after 8/31/18
11/14/2017	18-1662	ISC scheduled after 8/31/18
11/15/2017	18-0870	Respondent refused to cooperate during the course of the investigation
11/15/2017	18-1010	ISC scheduled after 8/31/18
11/16/2017	18-0927	Pertinent documents were unavailable but have now been received
11/16/2017	18-0951	Investigation involved criminal charges and is on hold pending outcome of trial
11/21/2017	18-1095	Dismissed by Board after 8/31/18
11/21/2017	18-1282	ISC scheduled after 8/31/18
11/27/2017	18-1209	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
11/27/2017	18-1215	Dismissed by Board after 8/31/18

11/27/2017	18-2018	Investigation involved criminal charges and is on hold pending outcome of trial
11/28/2017	18-1324	Dismissed by Board after 8/31/18
11/28/2017	18-1102	Scheduled to be heard by Board in March 2019
11/28/2017	18-1104	Investigation involved criminal charges and is on hold pending outcome of trial
11/29/2017	18-1293	Investigation involved criminal charges and is on hold pending outcome of trial
11/29/2017	18-1332	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
11/29/2017	18-1345	ISC scheduled after 8/31/18
11/29/2017	18-1353	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
11/29/2017	18-1123	Dismissed by Board after 8/31/18
12/6/2017	18-1537	Investigation involved criminal charges and is on hold pending outcome of trial
12/6/2017	18-1457	Dismissed by Board after 8/31/18
12/7/2017	18-1499	Investigation involved criminal charges and is on hold pending outcome of trial
12/7/2017	18-1500	Investigation involved criminal charges and is on hold pending outcome of trial
12/7/2017	18-1501	Investigation involved criminal charges and is on hold pending outcome of trial
12/7/2017	18-1504	ISC scheduled after 8/31/18
12/12/2017	18-1098	Dismissed by Board after 8/31/18
12/12/2017	18-1726	ISC scheduled after 8/31/18
12/14/2017	18-1791	Dismissed by Board after 8/31/18
12/14/2017	18-1804	Investigation involved pending investigation with another regulatory agency and is on hold pending outcome
12/14/2017	18-2151	Dismissed by Board after 8/31/18
12/18/2017	18-1793	Investigation involved criminal charges and is on hold pending outcome of trial
12/18/2017	18-1724	Dismissed by Board after 8/31/18
12/18/2017	18-1810	Investigation involved criminal charges and is on hold pending outcome of trial
12/19/2017	18-1811	Investigation involved criminal charges and is on hold pending outcome of trial
12/19/2017	18-1812	Investigation involved criminal charges and is on hold pending outcome of trial
12/28/2017	18-2019	Dismissed by Board after 8/31/18
12/28/2017	18-2049	Investigation involved criminal charges and is on hold pending outcome of trial
1/2/2018	18-2417	Dismissed by Board after 8/31/18
1/2/2018	18-1974	Pertinent documents were unavailable but have now been received
1/2/2018	18-2626	Dismissed by Board after 8/31/18
1/3/2018	18-2133	Pertinent documents were unavailable but have now been received
1/4/2018	18-2262	Closed by Board action after 8/31/18
1/9/2018	18-2245	Dismissed by Board after 8/31/18
1/9/2018	18-2226	Scheduled to be heard by Board in March 2019
1/11/2018	18-2330	ISC scheduled after 8/31/18
1/12/2018	18-2420	Dismissed by Board after 8/31/18
1/12/2018	18-2385	ISC scheduled after 8/31/18
1/16/2018	18-2463	Investigation involved criminal charges and is on hold pending outcome of trial
1/16/2018	18-2465	Pertinent documents were unavailable but have now been received
1/16/2018	18-2467	Investigation involved criminal charges and is on hold pending outcome of trial
1/16/2018	18-2468	Investigation involved criminal charges and is on hold pending outcome of trial
1/16/2018	18-2358	Dismissed by Board after 8/31/18
1/18/2018	18-2462	Scheduled to be heard by Board in March 2019

1/18/2018	18-2466	Investigation involved criminal charges and is on hold pending outcome of trial
1/22/2018	18-3082	Closed by Board action after 8/31/18
1/23/2018	18-2747	Dismissed by Board after 8/31/18
1/24/2018	18-2796	Delayed due to an administrative oversight
1/24/2018	18-3346	Referred to Litigation Department after 8/31/18
1/25/2018	18-2496	Dismissed by Board after 8/31/18
1/25/2018	18-2691	Dismissed by Board after 8/31/18
1/26/2018	18-2853	Dismissed by Board after 8/31/18
1/29/2018	18-3485	Dismissed by Board after 8/31/18
1/29/2018	18-3506	ISC scheduled after 8/31/18
1/29/2018	18-3508	ISC scheduled after 8/31/18
1/29/2018	18-2673	Dismissed by Board after 8/31/18
1/30/2018	18-2777	Dismissed by Board after 8/31/18
1/30/2018	18-3549	ISC scheduled after 8/31/18
1/30/2018	18-2703	ISC scheduled after 8/31/18
1/31/2018	18-2526	Dismissed by Board after 8/31/18
1/31/2018	18-3586	Investigation involved criminal charges and is on hold pending outcome of trial
1/31/2018	18-2686	Dismissed by Board after 8/31/18
2/1/2018	18-2730	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
2/2/2018	18-2947	Investigation involved criminal charges and is on hold pending outcome of trial
2/2/2018	18-3643	ISC scheduled after 8/31/18
2/5/2018	18-3151	ISC scheduled after 8/31/18
2/6/2018	18-2896	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
2/6/2018	18-3012	Investigation involved criminal charges and is on hold pending outcome of trial
2/7/2018	18-2948	Dismissed by Board after 8/31/18
2/8/2018	18-2945	Investigation involved criminal charges and is on hold pending outcome of trial
2/8/2018	18-3021	Dismissed by Board after 8/31/18
2/8/2018	18-2950	Investigation involved criminal charges and is on hold pending outcome of trial
2/9/2018	18-3862	Pertinent documents have been unavailable despite repeated requests from the Board for the release of the documents
2/9/2018	18-3864	Investigation involved criminal charges and is on hold pending outcome of trial
2/12/2018	18-3053	Pertinent documents were unavailable but have now been received
2/12/2018	18-3017	Dismissed by Board after 8/31/18
2/12/2018	18-3949	ISC scheduled after 8/31/18
2/12/2018	18-2879	ISC scheduled after 8/31/18
2/12/2018	18-2865	Delayed due to an administrative oversight
2/14/2018	18-3451	ISC scheduled after 8/31/18
2/14/2018	18-4011	ISC scheduled after 8/31/18
2/15/2018	18-3051	Pertinent documents were unavailable but have now been received
2/15/2018	18-3047	ISC scheduled after 8/31/18
2/16/2018	18-4081	Investigation involved criminal charges and is on hold pending outcome of trial
2/16/2018	18-3391	Dismissed by Board after 8/31/18
2/16/2018	18-4083	ISC scheduled after 8/31/18
2/16/2018	18-3064	Dismissed by Board after 8/31/18



2/16/2018	18-3161	Dismissed by Board after 8/31/18
2/20/2018	18-3031	ISC scheduled after 8/31/18
2/20/2018	18-3025	Dismissed by Board after 8/31/18
2/20/2018	18-3069	Dismissed by Board after 8/31/18
2/20/2018	18-3088	Delayed due to an administrative oversight
2/20/2018	18-3831	ISC scheduled after 8/31/18
2/20/2018	17-6525	ISC scheduled after 8/31/18
2/20/2018	18-1826	ISC scheduled after 8/31/18
2/21/2018	18-3477	Investigation involved criminal charges and is on hold pending outcome of trial
2/21/2018	18-3084	Dismissed by Board after 8/31/18
2/22/2018	18-3192	Dismissed by Board after 8/31/18
2/22/2018	18-3193	Dismissed by Board after 8/31/18
2/22/2018	18-3167	Dismissed by Board after 8/31/18
2/22/2018	18-3287	Unavoidable delays in obtaining an expert review
2/23/2018	18-3699	Pertinent documents were unavailable but have now been received
2/23/2018	18-4187	ISC scheduled after 8/31/18
2/26/2018	18-3404	ISC scheduled after 8/31/18
2/26/2018	18-3592	ISC scheduled after 8/31/18
2/27/2018	18-4337	Investigation involved criminal charges and is on hold pending outcome of trial
2/27/2018	18-3638	Dismissed by Board after 8/31/18
2/27/2018	18-3263	Dismissed by Board after 8/31/18
2/27/2018	18-3180	Dismissed by Board after 8/31/18
2/28/2018	18-4387	ISC scheduled after 8/31/18
2/28/2018	18-3595	Pertinent documents were unavailable but have now been received
2/28/2018	18-3612	Dismissed by Board after 8/31/18
2/28/2018	18-4391	ISC scheduled after 8/31/18
3/2/2018	18-3259	Dismissed by Board after 8/31/18
3/2/2018	18-3628	Pertinent documents were unavailable but have now been received
3/2/2018	18-3655	Dismissed by Board after 8/31/18
3/2/2018	18-4458	ISC scheduled after 8/31/18
3/2/2018	18-3951	Dismissed by Board after 8/31/18

## **ADDENDUM C**

### **Annual Report of Non-Financial Data DECEMBER 2018**

#### **Texas Medical Board (TMB) Complaints Received and Complaint Disposition By Type Fiscal Year '18**

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 licensed physicians and have been resolved from September 1, 2017 through August 31, 2018.

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.

#### **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
	Failure to sign a death certificate
<b>3. Medical Error-</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, reprimand or administrative penalty); resolved with a cease and desist order; resolved with physician entering into a remedial plan; resolved with a referral to PHP; or dismissed. A grand total of 1,487 complaints that were opened under SB104 requirements were resolved in FY '18.

#### **Disposition of Complaints by Category**

<b>1. Administrative</b>	<b>2. Violation of Law/Criminal Behavior</b>
Disciplinary Actions:	Disciplinary Actions:
Restriction/Terms and Cond. 2	Revocation/Voluntary Surrender 3
	Suspension 1
	Restriction/Terms and Cond. 7
	Reprimand 1
Remedial Plans: 7	Remedial Plans: 55
<b>Total Actions: 9</b>	<b>Total Actions: 67</b>
Total Dismissed: 23	Total Dismissed: 43
<b>Total Complaints Resolved: 32</b>	<b>Total Complaints Resolved: 110</b>

<b>3. Medical Error</b>		<b>4. Mental/Physical Impairment</b>	
Disciplinary Actions:		Disciplinary Actions:	
Restriction/Terms and Cond.	1	Revocation/Voluntary Surrender	5
		Suspension	2
		Restriction/Terms and Cond.	5
Remedial Plans:	4	Referral to PHP	3
<b>Total Actions:</b>	<b>5</b>	<b>Total Actions:</b>	<b>15</b>
Total Dismissed:	6	Total Dismissed:	13
<b>Total Complaints Resolved:</b>	<b>11</b>	<b>Total Complaints Resolved:</b>	<b>28</b>
<b>5. Quality of Care</b>		<b>6. Disciplinary action by peers, another state, or military</b>	
Disciplinary Actions:		Disciplinary Actions:	
Revocation/Voluntary Surrender	17	Revocation/Voluntary Surrender	4
Suspension	2	Restriction/Terms and Cond.	26
Restriction/Terms and Cond.	59	Reprimand	7
Reprimand	10	Administrative Penalty	1
Remedial Plans:	74	Remedial Plans:	3
<b>Total Actions:</b>	<b>162</b>	<b>Total Actions:</b>	<b>41</b>
Total Dismissed:	603	Total Dismissed:	37
<b>Total Complaints Resolved:</b>	<b>765</b>	<b>Total Complaints Resolved:</b>	<b>78</b>
<b>7. Substance Abuse</b>		<b>8. Unprofessional Conduct</b>	
Disciplinary Actions:		Disciplinary Actions:	
Revocation/Voluntary Surrender	3	Revocation/Voluntary Surrender	23
Suspension	3	Suspension	4
Restriction/Terms and Cond.	14	Restriction/Terms and Cond.	41
Reprimand	3	Reprimand	14
Referral to PHP	5	Remedial Plans:	12
<b>Total Actions:</b>	<b>28</b>	<b>Total Actions:</b>	<b>94</b>
Total Dismissed:	19	Total Dismissed:	322
<b>Total Complaints Resolved:</b>	<b>47</b>	<b>Total Complaints Resolved:</b>	<b>416</b>