



# **Texas Medical Board**

## **ANNUAL REPORT OF NONFINANCIAL DATA**

*For the Year Ended August 31, 2023*

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



## TEXAS MEDICAL BOARD

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December 29, 2021

The Honorable Greg Abbott, Governor  
Lisa Collier, State Auditor, State Auditor's Office  
Jerry McGinty, Director, Legislative Budget Board

Dear Gov. Abbott, Ms. Collier, and Mr. McGinty:

We are pleased to submit the Texas Medical Board *Annual Report of Nonfinancial Data* for the year ending on August 31, 2021, in compliance with the Texas Government Code Ann. § 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, Chief Fiscal Officer, at (512) 305-7052 or [joey.estrada@tmb.state.tx.us](mailto:joey.estrada@tmb.state.tx.us).

Sincerely,

A handwritten signature in cursive script 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, 2021

**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	\$ 20,000	\$ (65,082)	\$ (45,082)
A.2.1.	13010	Texas Online	-	-	-
			<u>-</u>	<u>-</u>	<u>-</u>
		Total, Goal A: Licensure	<u>\$ 20,000</u>	<u>\$ (65,082)</u>	<u>\$ (45,082)</u>
<b>B. Goal: ENFORCEMENT</b>					
Strategies:					
B.1.1	13002	Enforcement	\$ 110,000	\$ (150,566)	\$ (40,566)
B.2.1	13003	Public Education	-	(969)	(969)
B.2.2	22008	Physician Health Program	-	-	-
			<u>-</u>	<u>-</u>	<u>-</u>
		Total, Goal B: Enforcement	<u>\$ 110,000</u>	<u>\$ (151,535)</u>	<u>\$ (41,535)</u>
<b>C. Goal: INDIRECT ADMINISTRATION</b>					
Strategies:					
C.1.1	13800	Indirect Administration-Licensur	\$ 14,420	\$ (148,418)	\$ (133,998)
C.2.1	13801	Indirect Administration-Enforce	-	(271,629)	(271,629)
			<u>-</u>	<u>(271,629)</u>	<u>(271,629)</u>
		Total, Goal C: Indirect Administration	<u>\$ 14,420</u>	<u>\$ (420,047)</u>	<u>\$ (405,627)</u>
		<b>NET APPROPRIATION ITEM TRANSFERS</b>	<u><u>\$ 144,420</u></u>	<u><u>\$ (636,664)</u></u>	<u><u>\$ (492,244)</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, 2021

(Source: Texas Government Code, Section 2161.124)

Category	Actual for FY 20 *	Actual for FY 21 *	Actual for FY 22 **
Professional services contracts	100%	24%	7%
Other services contracts	10%	26%	14%
Commodities contracts	74%	21%	83%

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

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



Prepared By

Keith LaSalle  
Printed Name

512.305.7063  
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, 2021

#### A. Payroll-related Costs

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

FICA Employer Matching Contribution	\$ 773,900	
Group Health Insurance	1,613,431	
Retirement	41,854	
Unemployment	4,324	
FICA Employee Share Paid by State	996,960	
<b>Total Payroll-related Costs</b>		<b>\$ 3,430,470</b>

Workers' Compensation	-	
Benefit Replacement Pay (BRP)	4,193	
<b>Total Workers' Compensation and BRP</b>		<b>\$ 4,193</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	\$ 130,916	
(304) CPA Administration	56,045	
CPA Fiscal and ITD	87,162	
CPA Statewide Procurement	28,494	
CPA Rebates	(1,489)	
DPS Capitol Security	76,054	
TFC Planning & Real Estate Management	251,048	
OOG Budget, Policy and Planning Division	662	
(101) State Senate	382	
(102) Hse of Representatives	490	
(103) Legislative Council	343	
(104) Legislative Budget	2,458	
(105) Reference Library	316	
(116) Sunset Advisory Brd	426	
<b>Total Indirect Costs - Statewide Full Cost Allocation Plan</b>		<b>\$ 633,309</b>

<b>TOTAL INDIRECT COSTS</b>		<b>\$ 4,067,971</b>
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ATTACHMENT F

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

**SCHEDULE OF SPACE OCCUPIED**

For the Fiscal Year Ended August 31, 2021

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	179.2		-	-	
	William P. Hobby Building - Tower III				1,173	11.5		-	-	
					29,126	190.7				

# **Addendums**



## ADDENDUM A

### ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2021

#### Texas Medical Board (TMB) Report of Investigations Pending Over One-Year For the Fiscal Year Ended 8/31/2021

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, 2020 that did not have a final disposition (either dismissed for a final Board Order) by August 31, 2021.

#### TOTAL PENDING INVESTIGATIONS

As of August 31, 2021, there were 206 investigations in the agency that had been open for at least one year.

#### OPEN INVESTIGATIONS IN THE INVESTIGATION DEPARTMENT

Of the 206 investigations over one year old, 73 were still pending in the Investigations Department.

- 39 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.
- 4 were dismissed by the Board after September 1, 2021
- 25 were referred to the Litigation Department after September 1, 2021
- 4 investigations involve difficulty locating an expert panelist to review the case

#### OPEN CASES IN THE LITIGATION DEPARTMENT

- Of the 133 total cases\*, 22 were closed by Board action after September 1, 2021, either via a Board Order, Remedial Plan or dismissal.
- There were 31 cases pending action at SOAH as of 8/31/2021 (includes either awaiting the hearing date or awaiting the issuance of a Proposal for Decision by the Administrative Law Judge).
- There are 80 cases still in the agency hearings Informal Settlement Conference process:
  - o For 38 of these cases, the agency is either still negotiating with the licensee to obtain an Agreed Order or Remedial Plan or is preparing a formal complaint for filing at SOAH.

- For 42 of these cases, an ISC has been set or the ISC was pending at the end of FY 2021.

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 8/31/2021.*

\*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 as of 09/01/21
206376	20	Court case 01-10-21
196619	19	Court case 01-18-22
198879	19	Court case 01-25-22
200757	20	Court case 03-07-22
202986	20	Court case 09-10-21
201124	20	Court case 09-13-21
205459	20	Court case 09-13-21
197086	19	Court case 09-20-21
203977	20	Court case 09-28-21
197281	19	Court case 10-01-21
194337	19	Court case 10-04-21
208573	20	Court case 10-06-21
198832	19	Court case 10-11-21
207040	20	Court case 10-18-21
197185	19	Court case 10-21-21
201731	20	Court case 10-25-21
198300	19	Court case 10-25-21
200760	20	Court case 10-26-21
200768	20	Court case 10-26-21
202678	20	Court case 11-29-21
196254	19	Court case 11-30-21
198517	19	Court case 12-13-21
203685	20	Court case 12-22-21
207545	20	Court case 12-22-21
204935	20	Court case no date
196449	19	Court case no date
206801	20	Court case no date
208564	20	Court case no date
208570	20	Court case no date
208993	20	Court case no date
197800	19	Court case no date
198903	19	Court case no date
201493	20	Court case no date
206614	20	Expert Panel Delay
193949	19	Expert Panel Delay
204255	20	Expert Panel Delay
206667	20	Expert Panel Delay
207910	20	Law Enforcement Hold
186981	18	Law Enforcement Hold
188669	18	Law Enforcement Hold
196200	19	Law Enforcement Hold
207704	20	Law Enforcement Hold
207933	20	Law Enforcement Hold
188671	18	Law Enforcement Hold
203983	20	Recommended for Dismissal
202490	20	Recommended for Dismissal

195997	19	Recommended for Dismissal
204162	20	Recommended for Dismissal
197428	19	Recommended for Dismissal
196000	19	Recommended for Dismissal
196251	19	Recommended for Dismissal
203310	20	Recommended for Dismissal
203675	20	Recommended for Dismissal
201721	20	Recommended for Dismissal
200956	20	Recommended for Dismissal
203314	20	Recommended for Dismissal
196446	19	Recommended for Dismissal
202084	20	Recommended for Dismissal
196504	19	Recommended for Dismissal
198206	19	Recommended for Dismissal
203674	20	Recommended for Dismissal
198207	19	Recommended for Dismissal
204727	20	Recommended for Dismissal
201217	20	Recommended for Dismissal
204726	20	Recommended for Dismissal
205408	20	Recommended for Dismissal
201723	20	Recommended for Dismissal
203682	20	Recommended for Dismissal
198210	19	Recommended for Dismissal
195608	19	Referred to Litigation
203517	20	Referred to Litigation
201243	20	Referred to Litigation
205146	20	Referred to Litigation

## **Table 2**

CASE NUMBER	ACT DATE	ACT CODE	COMPLAINT DA
200806	09/21/2020	101 ISC DISCIPLINARY HEARING REVISIONS	3/21/2019
200567	08/27/2021	101 ISC DISCIPLINARY HEARING REVISIONS	7/18/2019
200913	10/07/2021	101 ISC DISCIPLINARY HEARING REVISIONS	8/7/2019
200281	10/04/2021	101 ISC DISCIPLINARY HEARING REVISIONS	8/22/2019
200056	06/23/2021	101 ISC DISCIPLINARY HEARING REVISIONS	8/30/2019
210546	08/02/2021	101 ISC DISCIPLINARY HEARING REVISIONS	10/10/2019
200791	02/11/2021	101 ISC DISCIPLINARY HEARING REVISIONS	10/16/2019
200320	10/19/2020	101 ISC DISCIPLINARY HEARING REVISIONS	12/9/2019
210099	10/08/2021	101 ISC DISCIPLINARY HEARING REVISIONS	12/13/2019
200709	11/10/2020	101 ISC DISCIPLINARY HEARING REVISIONS	4/16/2020
210132	10/04/2021	101 ISC DISCIPLINARY HEARING REVISIONS	5/21/2020
210072	10/04/2021	101 ISC DISCIPLINARY HEARING REVISIONS	5/28/2020
210239	09/08/2021	101 ISC DISCIPLINARY HEARING REVISIONS	7/8/2020
210467	09/01/2021	101 ISC DISCIPLINARY HEARING REVISIONS	8/13/2020
191031	11/12/2019	105 ISC PENDING	1/30/2019
190681	06/21/2019	106 ISC SCHEDULED	4/27/2017
200980	10/23/2020	106 ISC SCHEDULED	6/4/2018
210578	09/09/2021	106 ISC SCHEDULED	6/11/2019
210596	09/16/2021	106 ISC SCHEDULED	7/8/2019
210481	08/02/2021	106 ISC SCHEDULED	7/12/2019
210671	11/09/2021	106 ISC SCHEDULED	7/25/2019
200044	11/02/2020	106 ISC SCHEDULED	9/3/2019
210012	11/02/2020	106 ISC SCHEDULED	9/17/2019
210694	10/18/2021	106 ISC SCHEDULED	9/18/2019
200948	10/06/2020	106 ISC SCHEDULED	11/5/2019
210681	11/09/2021	106 ISC SCHEDULED	11/19/2019
210395	06/15/2021	106 ISC SCHEDULED	11/20/2019
210678	10/08/2021	106 ISC SCHEDULED	3/5/2020
210146	02/22/2021	106 ISC SCHEDULED	3/13/2020
210695	11/09/2021	106 ISC SCHEDULED	4/21/2020
210682	11/09/2021	106 ISC SCHEDULED	4/28/2020
210204	02/12/2021	106 ISC SCHEDULED	5/22/2020
210168	02/24/2021	106 ISC SCHEDULED	5/28/2020
210631	09/14/2021	106 ISC SCHEDULED	6/2/2020
210703	10/20/2021	106 ISC SCHEDULED	7/23/2020
210563	08/11/2021	106 ISC SCHEDULED	8/3/2020
210632	09/17/2021	106 ISC SCHEDULED	8/11/2020
210564	08/11/2021	106 ISC SCHEDULED	8/17/2020
210079	10/01/2021	106 ISC SCHEDULED	8/19/2020
200910	09/10/2020	107 ISC CONTINUANCE REQUEST GRANTED	8/6/2018
200537	08/31/2020	109 ISC HELD	9/18/2018
200381	08/24/2020	109 ISC HELD	3/26/2019
210405	06/04/2021	109 ISC HELD	7/11/2019
200650	05/10/2021	109 ISC HELD	7/22/2019
210406	06/15/2021	109 ISC HELD	8/13/2019
200841	03/18/2021	109 ISC HELD	8/19/2019

210496	07/12/2021	109 ISC HELD	8/29/2019
210238	03/29/2021	109 ISC HELD	9/11/2019
200775	08/11/2020	109 ISC HELD	9/12/2019
200597	06/16/2020	109 ISC HELD	10/24/2019
210422	06/17/2021	109 ISC HELD	11/5/2019
200724	05/10/2021	109 ISC HELD	11/5/2019
210428	07/19/2021	109 ISC HELD	11/6/2019
200780	05/24/2021	109 ISC HELD	12/12/2019
201076	04/01/2021	109 ISC HELD	2/6/2020
210162	01/21/2021	109 ISC HELD	3/5/2020
210026	12/09/2020	109 ISC HELD	3/5/2020
210465	08/02/2021	109 ISC HELD	3/18/2020
210514	07/30/2021	109 ISC HELD	4/14/2020
200858	09/17/2020	109 ISC HELD	5/6/2020
210116	05/10/2021	109 ISC HELD	5/22/2020
210013	12/07/2020	109 ISC HELD	7/8/2020
210497	07/30/2021	109 ISC HELD	7/27/2020
210279	04/29/2021	109 ISC HELD	7/28/2020
210139	03/29/2021	109 ISC HELD	8/7/2020
210281	04/29/2021	109 ISC HELD	8/10/2020
210283	04/29/2021	109 ISC HELD	8/12/2020
210164	05/18/2021	109 ISC HELD	8/18/2020
210466	07/12/2021	109 ISC HELD	8/21/2020
210284	03/29/2021	109 ISC HELD	8/25/2020
210245	05/24/2021	109 ISC HELD	8/25/2020
210381	05/24/2021	109 ISC HELD	8/26/2020
210384	05/25/2021	109 ISC HELD	8/27/2020
200443	08/20/2021	110 AGREED ORDER SCHEDULED FOR THE FULL BOA	7/17/2019
210333	08/20/2021	110 AGREED ORDER SCHEDULED FOR THE FULL BOA	7/9/2020
210335	08/20/2021	110 AGREED ORDER SCHEDULED FOR THE FULL BOA	7/23/2020
210280	08/20/2021	110 AGREED ORDER SCHEDULED FOR THE FULL BOA	7/29/2020
210258	08/20/2021	110 AGREED ORDER SCHEDULED FOR THE FULL BOA	8/20/2020
200899	06/24/2021	115 DPRC REJECTION OF DISMISSAL AND/OR ORDER	10/7/2019
210429	08/19/2021	116 CASE SCHEDULED FOR DPRC	2/3/2020
210443	08/19/2021	116 CASE SCHEDULED FOR DPRC	2/20/2020
210389	08/19/2021	116 CASE SCHEDULED FOR DPRC	2/26/2020
210383	08/19/2021	116 CASE SCHEDULED FOR DPRC	4/22/2020
200922	08/19/2021	116 CASE SCHEDULED FOR DPRC	6/2/2020
210212	08/19/2021	116 CASE SCHEDULED FOR DPRC	6/2/2020
210453	08/19/2021	116 CASE SCHEDULED FOR DPRC	6/29/2020
210169	08/19/2021	116 CASE SCHEDULED FOR DPRC	8/5/2020
210515	08/19/2021	116 CASE SCHEDULED FOR DPRC	8/13/2020
200472	08/20/2021	154 CEASE & DESIST - SCHEDULED FOR FULL BOARD	9/24/2019
201010	08/20/2021	154 CEASE & DESIST - SCHEDULED FOR FULL BOARD	5/11/2020
200925	07/08/2021	162 PSYCHIATRIC SHOW CAUSE HEARING HELD	6/24/2020
200707	12/10/2020	167 TXPHP REJECTED	3/25/2020
210427	08/20/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	10/2/2019



210100	06/25/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	1/29/2020
210130	08/20/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	3/3/2020
210430	08/20/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	7/6/2020
210265	08/20/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	8/20/2020
210517	08/20/2021	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	8/25/2020
180488	06/07/2021	301 SOAH REVISIONS	4/16/2015
180697	04/19/2021	301 SOAH REVISIONS	3/19/2018
190619	06/07/2021	301 SOAH REVISIONS	1/9/2019
200804	08/05/2021	305 FORMAL FILING	3/12/2019
200342	07/28/2021	305 FORMAL FILING	8/7/2019
200345	08/05/2021	305 FORMAL FILING	12/13/2019
180542	05/18/2021	306 AMENDED FILING	6/16/2017
200562	04/12/2021	307 MEDIATION TO BE SCHEDULED (SOAH)	1/28/2020
180327	08/27/2021	309 MEDIATION SCHEDULED	12/20/2016
180671	08/27/2021	309 MEDIATION SCHEDULED	1/11/2018
181001	08/27/2021	309 MEDIATION SCHEDULED	2/21/2018
190818	08/03/2021	309 MEDIATION SCHEDULED	10/8/2018
200716	08/16/2021	309 MEDIATION SCHEDULED	3/21/2019
200367	10/22/2021	309 MEDIATION SCHEDULED	4/23/2019
200424	08/03/2021	309 MEDIATION SCHEDULED	7/8/2019
200759	09/13/2021	309 MEDIATION SCHEDULED	9/12/2019
200783	07/23/2021	309 MEDIATION SCHEDULED	2/26/2020
170702	08/13/2018	311 HEARING SCHEDULED (SOAH)	7/12/2016
190979	09/12/2022	311 HEARING SCHEDULED (SOAH)	5/1/2018
200929	02/07/2022	311 HEARING SCHEDULED (SOAH)	8/21/2018
200224	09/12/2022	311 HEARING SCHEDULED (SOAH)	4/26/2019
200312	06/06/2022	311 HEARING SCHEDULED (SOAH)	5/31/2019
200529	04/18/2022	311 HEARING SCHEDULED (SOAH)	7/8/2019
200673	03/21/2022	311 HEARING SCHEDULED (SOAH)	9/9/2019
210254	08/18/2021	311 HEARING SCHEDULED (SOAH)	10/7/2019
200653	09/12/2022	311 HEARING SCHEDULED (SOAH)	10/15/2019
200809	07/18/2022	311 HEARING SCHEDULED (SOAH)	10/31/2019
200643	04/18/2022	311 HEARING SCHEDULED (SOAH)	11/22/2019
200678	12/13/2021	311 HEARING SCHEDULED (SOAH)	1/23/2020
200829	04/18/2022	311 HEARING SCHEDULED (SOAH)	2/19/2020
200968	08/18/2021	311 HEARING SCHEDULED (SOAH)	4/29/2020
200463	05/27/2021	318 HEARING ABATED (SOAH)	11/18/2019
200203	08/13/2021	606 TEMPORARY SUSPENSION SCHEDULED	10/30/2019
210670	07/15/2021	609 TEMPORARY SUSPENSION HELD	8/19/2019
210021	09/18/2020	609 TEMPORARY SUSPENSION HELD	8/18/2020

ADDENDUM B  
ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2021

Texas Medical Board (TMB)  
Report of Investigations Pending Over Six Months Without Informal Hearing for  
the Fiscal Year Ended 8/31/2021

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, 2021 that did not have an informal meeting (either scheduled or held) by August 31, 2021. This addendum excludes investigations opened prior to September 1, 2020.

TOTAL PENDING INVESTIGATIONS

As of August 31, 2021, there were 150 investigations in the agency that had been open for at least six months without an informal meeting.

- 68 involved arrest/criminal charges or charges by another state board or agency and are on hold pending the outcome of those proceedings
- 31 remain open as pertinent documents have been unavailable
- 19 remain open due to unavoidable delays in obtaining an expert panel
- 14 were delayed at the request of a law enforcement agency
- Two were delayed due to an administrative oversight
- 11 were delayed as part of the administrative review process
- One involved a delay related to additional complaints being received regarding the same licensee
- Three were delayed by a licensee’s refusal to cooperate
- One was delayed due to DPRC requesting additional documentation

*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 2021.*

## **Table 1**

Log Num	Filed Date	180 Date	Reason Case went over 180 day
212654	1/14/2021	7/13/2021	Additional complaints pending (Court)
213054	1/12/2021	7/11/2021	Additional complaints pending (Court)
212658	12/17/2020	6/15/2021	Additional complaints pending (Court)
211325	11/6/2020	5/5/2021	Additional complaints pending (Court)
211631	11/3/2020	5/2/2021	Additional complaints pending (court)
211592	11/3/2020	5/2/2021	Additional complaints pending (court)
208993	8/28/2020	4/6/2021	Additional complaints pending (court)
208200	9/2/2020	3/1/2021	Additional complaints pending (Court)
207545	8/18/2020	2/14/2021	Additional complaints pending (Court)
208573	8/18/2020	2/14/2021	Additional complaints pending (Court)
208570	8/14/2020	2/10/2021	Additional complaints pending (court)
208564	8/14/2020	2/10/2021	Additional complaints pending (court)
206376	6/18/2020	12/15/2020	Additional complaints pending (Court)
206801	6/4/2020	12/1/2020	Additional complaints pending (court)
205408	5/12/2020	11/8/2020	Additional complaints pending (Court)
205459	5/7/2020	11/3/2020	Additional complaints pending (Court)
204935	4/22/2020	10/19/2020	Additional complaints pending (Court)
204727	4/20/2020	10/17/2020	Additional complaints pending (Court)
204726	4/20/2020	10/17/2020	Additional complaints pending (Court)
204162	3/23/2020	9/19/2020	Additional complaints pending (court)
203983	3/18/2020	9/14/2020	Additional complaints pending (Court)
203685	3/13/2020	9/9/2020	Additional complaints pending (Court)
203675	3/13/2020	9/9/2020	Additional complaints pending (Court)
202084	1/3/2020	7/1/2020	Additional complaints pending (Court)
201721	12/16/2019	6/13/2020	Additional complaints pending (court)
201217	12/9/2019	6/6/2020	Additional complaints pending (Court)
198832	9/9/2019	3/7/2020	Additional complaints pending (court)
198879	8/30/2019	2/26/2020	Additional complaints pending (court)
197281	8/23/2019	2/19/2020	Additional complaints pending (Court)
195608	6/11/2019	12/8/2019	Additional complaints pending (court)
211617	1/7/2021	7/6/2021	Additional complaints pending (Court)
207040	7/20/2020	1/16/2021	Additional complaints pending (court)
203977	3/5/2020	9/1/2020	Additional complaints pending (court)
197428	8/23/2019	2/19/2020	Additional complaints pending (court)
196504	7/11/2019	1/7/2020	Additional complaints pending (court) (Late)
196619	6/25/2019	12/22/2019	Additional complaints pending (court) (Late)
203314	2/24/2020	8/22/2020	Additional complaints pending (court) (Late)
203310	2/24/2020	8/22/2020	Additional complaints pending (Court) (Late)
203674	2/18/2020	8/16/2020	Additional complaints pending (court) (Late)
202986	2/5/2020	8/3/2020	Additional complaints pending (Court) (Late)
203517	1/28/2020	7/26/2020	Additional complaints pending (court) (Late)
202490	1/10/2020	7/8/2020	Additional complaints pending (Court) (Late)
202678	12/19/2019	6/16/2020	Additional complaints pending (Court) (Late)
201723	12/16/2019	6/13/2020	Additional complaints pending (Court) (Late)
200956	11/15/2019	5/13/2020	Additional complaints pending (court) (Late)
201124	11/13/2019	5/11/2020	Additional complaints pending (Court) (Late)
201731	11/5/2019	5/3/2020	Additional complaints pending (Court) (Late)
201493	10/30/2019	4/27/2020	Additional complaints pending (court) (Late)
200757	10/30/2019	4/27/2020	Additional complaints pending (court) (Late)
200768	10/15/2019	4/12/2020	Additional complaints pending (Court) (Late)

200760	10/15/2019	4/12/2020	Additional complaints pending (Court) (Late)
198517	9/16/2019	3/14/2020	Additional complaints pending (Court) (Late)
198903	8/30/2019	2/26/2020	Additional complaints pending (court) (Late)
198207	8/23/2019	2/19/2020	Additional complaints pending (Court) (Late)
198206	8/23/2019	2/19/2020	Additional complaints pending (Court) (Late)
198210	8/23/2019	2/19/2020	Additional complaints pending (Court) (Late)
198300	8/12/2019	2/8/2020	Additional complaints pending (court) (Late)
197086	7/30/2019	1/26/2020	Additional complaints pending (Court) (Late)
197800	7/23/2019	1/19/2020	Additional complaints pending (court) (Late)
196449	7/15/2019	1/11/2020	Additional complaints pending (Court) (Late)
196446	7/9/2019	1/5/2020	Additional complaints pending (Court) (Late)
196251	7/3/2019	12/30/2019	Additional complaints pending (Court) (Late)
197185	7/2/2019	12/29/2019	Additional complaints pending (court) (Late)
196000	6/19/2019	12/16/2019	Additional complaints pending (Court) (Late)
195997	6/18/2019	12/15/2019	Additional complaints pending (Court) (Late)
196254	6/4/2019	12/1/2019	Additional complaints pending (Court) (Late)
194337	3/8/2019	9/4/2019	Additional complaints pending (court) (Late)
203682	2/18/2020	8/16/2020	Additional complaints pending (court) late
212500	12/10/2020	6/8/2021	Additional complaints pending (Unreg PMC)
205563	12/8/2020	11/16/2020	Additional investigation as advised by DPRC
214105	2/24/2021	8/23/2021	Administrative oversight
214082	2/23/2021	8/22/2021	Administrative oversight
213431	3/4/2021	8/31/2021	Administrative Review
213566	3/1/2021	8/28/2021	Administrative review
213062	2/16/2021	8/15/2021	Administrative review
213036	2/8/2021	8/7/2021	Administrative review
212858	2/2/2021	8/1/2021	Administrative review
212733	1/26/2021	7/25/2021	Administrative review
212432	1/15/2021	7/14/2021	Administrative review
210991	11/5/2020	5/4/2021	Administrative review
201243	11/6/2019	5/4/2020	Administrative review
213238	2/22/2021	8/21/2021	Administrative review
210381	10/14/2020	4/12/2021	Administrative review
214171	3/2/2021	8/29/2021	Case on a Law Enforcement Hold
214170	3/2/2021	8/29/2021	Case on a Law Enforcement Hold
214169	3/2/2021	8/29/2021	Case on a Law Enforcement Hold
212532	12/10/2020	6/8/2021	Case on a Law Enforcement Hold
211870	11/18/2020	5/17/2021	Case on a Law Enforcement Hold
211841	11/13/2020	5/12/2021	Case on a Law Enforcement Hold
207933	7/23/2020	1/19/2021	Case on a Law Enforcement Hold
207910	7/23/2020	1/19/2021	Case on a Law Enforcement Hold
207704	7/15/2020	1/11/2021	Case on a Law Enforcement Hold
205146	4/23/2020	10/20/2020	Case on a Law Enforcement Hold
196200	5/23/2019	11/19/2019	Case on a Law Enforcement Hold
188669	8/7/2018	2/3/2019	Case on a Law Enforcement Hold
188671	8/7/2018	2/3/2019	Case on a Law Enforcement Hold
186981	6/11/2018	12/8/2018	Case on a Law Enforcement Hold
213610	3/4/2021	8/31/2021	Delay with expert review
213516	3/4/2021	8/31/2021	Delay with expert review
213389	3/3/2021	8/30/2021	Delay with expert review
213368	3/2/2021	8/29/2021	Delay with expert review
213353	3/2/2021	8/29/2021	Delay with expert review

213246	2/24/2021	8/23/2021	Delay with expert review
213877	2/22/2021	8/21/2021	Delay with expert review
213265	2/12/2021	8/11/2021	Delay with expert review
213082	2/11/2021	8/10/2021	Delay with expert review
213350	2/3/2021	8/2/2021	Delay with expert review
212894	2/2/2021	8/1/2021	Delay with expert review
213043	2/1/2021	7/31/2021	Delay with expert review
211602	1/7/2021	7/6/2021	Delay with expert review
212297	1/4/2021	7/3/2021	Delay with expert review
212270	1/2/2021	7/1/2021	Delay with expert review
212160	12/29/2020	6/27/2021	Delay with expert review
211824	12/28/2020	6/26/2021	Delay with expert review
206667	7/8/2020	1/4/2021	Delay with expert review
204255	3/23/2020	9/19/2020	Delay with expert review
213073	2/22/2021	8/21/2021	Delay with expert review
213833	3/5/2021	9/1/2021	Pertinent documents unavailable
213794	3/4/2021	8/31/2021	pertinent documents unavailable
213698	3/1/2021	8/28/2021	Pertinent documents unavailable
213535	3/4/2021	8/25/2021	Pertinent documents unavailable
214103	2/24/2021	8/23/2021	Pertinent documents unavailable
214077	2/23/2021	8/22/2021	Pertinent documents unavailable
213469	1/22/2021	7/21/2021	pertinent documents unavailable
212824	1/20/2021	7/19/2021	Pertinent documents unavailable
212509	1/19/2021	7/18/2021	Pertinent documents unavailable
211606	1/14/2021	7/13/2021	Pertinent documents unavailable
212380	1/14/2021	7/13/2021	Pertinent documents unavailable
212434	1/14/2021	7/13/2021	pertinent documents unavailable
212610	1/13/2021	7/12/2021	Pertinent documents unavailable
212302	1/4/2021	7/3/2021	Pertinent documents unavailable
212326	12/22/2020	6/20/2021	Pertinent documents unavailable
212530	12/10/2020	6/8/2021	Pertinent documents unavailable
211421	12/1/2020	5/30/2021	Pertinent documents unavailable
208543	9/8/2020	3/3/2021	pertinent documents unavailable
213696	3/3/2021	8/30/2021	Pertinent documents unavailable
213422	3/2/2021	8/29/2021	Pertinent documents unavailable
213435	3/1/2021	8/28/2021	Pertinent documents unavailable
213436	2/25/2021	8/24/2021	Pertinent documents unavailable
213424	2/25/2021	8/24/2021	Pertinent documents unavailable
214079	2/23/2021	8/22/2021	Pertinent documents unavailable
213226	2/22/2021	8/21/2021	Pertinent documents unavailable
212419	1/19/2021	7/18/2021	Pertinent documents unavailable
212323	1/5/2021	7/4/2021	Pertinent documents unavailable
212900	12/29/2020	6/27/2021	Pertinent documents unavailable
212503	12/10/2020	6/8/2021	Pertinent documents unavailable
211135	11/17/2020	5/16/2021	Pertinent documents unavailable
193949	3/29/2019	9/25/2019	Pertinent documents unavailable (Late)
212483	1/13/2021	7/12/2021	Pertinent documents unavailable; Delay with expert review
206614	7/2/2020	12/29/2020	Respondent has refused to cooperate

ADDENDUM C  
ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2021

Texas Medical Board (TMB)  
Complaints Received and Complaint Disposition by Type for the Fiscal Year Ended  
8/31/2021

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 2021 a total of 8759 complaints were received by TMB. Of these, 1804 cases were filed for an investigation. A further 3968 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 2982 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 2587 complaints that were opened under SB104 requirements were resolved in FY '21. (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 2021). In total, in FY 2021 the Medical Board entered 139 Orders, 218 Remedial Plans, 6 Final Orders, 32 Cease and Desist Orders and 9 revocations pursuant to Ch 53 for incarcerated licensees. For all other licensees, there were entered 43 Orders, 8 Remedial Plans, 8 Final Orders and 2 revocations pursuant to Ch 53 for incarcerated licensees. In addition, the Board processed responses to 193 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:	6	Disciplinary Actions:	56
Revocation/Voluntary Surrender	0	Revocation/Voluntary Surrender	7
Suspension:	0	Suspension	4
Restriction/Terms and Cond.	5	Restriction/Terms and Cond.	1
Remedial Plans:	63	Remedial Plans:	0
<b>Total Actions:</b>	69	<b>Total Actions:</b>	56
<b>Total Dismissed:</b>	252	<b>Total Dismissed:</b>	102
<b>Total Complaints Resolved:</b>	321	<b>Total Complaints Resolved:</b>	158
<b>3. Medical Error (combined with QOC)</b>		<b>4. Mental/Physical Impairment</b>	
Disciplinary Actions:	N/A	Disciplinary Actions:	8
		Revocation/Voluntary Surrender	4
		Suspension	0
		Restriction/Terms and Cond.	3
Remedial Plans:	N/A	Remedial Plans:	0
<b>Total Actions:</b>	0	<b>Total Actions:</b>	8
<b>Total Dismissed:</b>	0	<b>Total Dismissed:</b>	33
<b>Total Complaints Resolved:</b>	0	<b>Total Complaints Resolved:</b>	41

<b>5. Quality of Care</b>		<b>6. Disciplinary action by peers, another state, or military</b>	
Disciplinary Actions:	53	Disciplinary Actions:	32
Revocation/Voluntary Surrender	5	Revocation/Voluntary Surrender	2
Suspension	0	Suspension	0
Restriction/Terms and Cond.	8	Restriction/Reprimand	9
Remedial Plans:	127	Remedial Plans:	4
<b>Total Actions:</b>	180	<b>Total Actions:</b>	36
<b>Total Dismissed:</b>	771	<b>Total Dismissed:</b>	40
<b>Total Complaints Resolved:</b>	951	<b>Total Complaints Resolved:</b>	76
<b>7. Substance Abuse</b>		<b>8. Unprofessional Conduct</b>	
Disciplinary Actions:	14	Disciplinary Actions:	49
Revocation/Voluntary Surrender	3	Revocation/Voluntary Surrender	18
Suspension	4	Suspension	1
Restriction/Terms and Cond.	5	Restriction/Terms and Cond.	6
Remedial Plans:	0	Remedial Plans:	30
<b>Total Actions:</b>	14	<b>Total Actions:</b>	<b>79</b>
<b>Total Dismissed:</b>	58	<b>Total Dismissed:</b>	123
<b>Total Complaints Resolved:</b>	72	<b>Total Complaints Resolved:</b>	202