

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, 2023

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, 2023, 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.

Sincerely,

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

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

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ATTACHMENT B

**Unaudited
Texas Medical Board (503)**

APPROPRIATION ITEM TRANSFERS*

For the Fiscal Year Ended August 31, 2023

ITEM OF APPROPRIATION

			Transfers-In	Transfers-Out	Net Transfers
A. Goal: LICENSURE					
Strategies:					
A.1.1.	13005	Licensing	\$ 181,843.10	\$ (149)	\$ 181,694
	Total, Goal A:	Licensure	<u>\$ 181,843</u>	<u>\$ (149)</u>	<u>\$ 181,694</u>
B. Goal: ENFORCEMENT					
Strategies:					
B.1.1	13002	Enforcement	\$ 54,286	\$ (150,510)	\$ (96,224)
B.2.1	13003	Public Education	\$ 2,310.72	\$ -	\$ 2,310.72
B.2.2	13012	Physician Health Program	\$ 4,509.64	\$ -	\$ 4,509.64
	Total, Goal B:	Enforcement	<u>\$ 61,107</u>	<u>\$ (150,510)</u>	<u>\$ (89,404)</u>
C. Goal: INDIRECT ADMINISTRATION					
Strategies:					
C.1.1	13800	Indirect Administration-Licensing	\$ 4,987	\$ (100,000)	\$ (95,013)
C.2.1	13801	Indirect Administration-Enforcement	\$ 111,637	\$ -	\$ 111,637
	Total, Goal C:	Indirect Administration	<u>\$ 116,624</u>	<u>\$ (100,000)</u>	<u>\$ 16,624</u>
D. Goal: Salary Adjustments					
D.1.1	38901	SB30 Salary Increases	\$ -	\$ (108,913.86)	\$ (108,913.86)
	Total, Goal D:	Salary Adjustments	<u>\$ -</u>	<u>\$ (108,913.86)</u>	<u>\$ (108,913.86)</u>
NET APPROPRIATION ITEM TRANSFERS			<u><u>\$ 359,573</u></u>	<u><u>\$ (359,573)</u></u>	<u><u>\$ (0)</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, 2023

(Source: Texas Government Code, Section 2161.124)

Category	Actual for FY 22 *	Actual for FY 23*	Goal for FY 24 **
Professional services contracts			24%
Other services contracts	6%	5%	26%
Commodities contracts	78%	60%	21%

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

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



Prepared By

Kendall Klein
Printed Name

512.305.7066
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, 2023

A. Payroll-related Costs

(must reconcile to Exhibit II, Annual Financial Report)

FICA Employer Matching Contribution	\$	731,233
Group Health Insurance		1,257,989
Retirement		43,806
Unemployment		
FICA Employee Share Paid by State		802,005

Total Payroll-related Costs		\$ 2,835,034
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Workers' Compensation		-
Benefit Replacement Pay (BRP)		3,124

Total Workers' Compensation and BRP		\$ 3,124
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B. Indirect Costs

(not reported on operating statements)

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

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

Total Indirect Costs - Statewide Full Cost Allocation Plan		\$ -
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TOTAL INDIRECT COSTS		\$ 2,838,157
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ATTACHMENT F

Unaudited
Texas Medical Board (503)

SCHEDULE OF SPACE OCCUPIED

For the Fiscal Year Ended August 31, 2023

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	George H.W. Bush Building				30,422	187.6		-	-	
					30,422	187.6				

Addendums

ADDENDUM A
ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2023

Texas Medical Board (TMB)
Report of Investigations Pending Over One-Year
For the Fiscal Year Ended 8/31/2023

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, 2022, that did not have a final disposition (either dismissed or a final Board Order) by August 31, 2023.

TOTAL PENDING INVESTIGATIONS

As of August 31, 2023, there were 178 investigations in the agency that had been open for at least one year.

OPEN INVESTIGATIONS IN THE INVESTIGATION DEPARTMENT

Of the 178 investigations over one year old, 48 were still pending in the Investigations Department.

- 24 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.
- 5 were dismissed by the Board after September 1, 2023.
- 14 were referred to the Litigation Department after September 1, 2023.
- 10 investigations involve difficulty locating an expert panelist to review the case.

OPEN CASES IN THE LITIGATION DEPARTMENT

- Of the 130 total cases*, 8 were closed by Board action after September 1, 2023, either via a Board Order, Remedial Plan or dismissal.
- There were 33 cases pending action at SOAH as of August 31, 2023 (includes either awaiting the hearing date or awaiting the issuance of a Proposal for Decision by the Administrative Law Judge).
- There are 88 cases still in the agency hearings Informal Settlement Conference process:
 - o For 37 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.
 - o For 51 of these cases, an ISC has been set or the ISC was pending at the end of FY 2023.
 - o For 1 case, the agency is waiting on the outcome of the District Court case.

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 August 31, 2023.

*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

Addendum A Table 1

LOG NUM	FY-FISCAL YEAR	Status of active logs over 1 year as of 09/01/22	Number of Logs
226610	22	Court case 09-2023	24
226614	22	Court case 09-2023	
226426	22	Court case 05-23-23	
220882	22	Court case 08-04-23	
207545	20	Court case 08-11-23	
198517	19	Court case 08-14-23	
220659	22	Court case 08-14-23	
207040	20	Court case 08-22-23	
221615	22	Court case 08-30-23	
222561	22	Court case 08-30-23	
225124	22	Court case 09-05-23	
225966	22	Court case 09-20-23	
202678	20	Court case 09-29-23	
206801	20	Court case no date	
208564	20	Court case no date	
208570	20	Court case no date	
208993	20	Court case no date	
211592	21	Court case no date	
211631	21	Court case no date	
224473	22	Court case no date	
226010	22	Court case no date	
226460	22	Court case no date	
222577	22	Law Enforcement Hold 01-25-23 (FO4 75 8-7-23)	
196254	19	Pending court documents	
218150	21	FO-4 (26) 09-29-22 ISC	14
226682	22	FO-4 (76) 4-14-23 ISC	
210381	21	FO-4 (76) 03-02-21 ISC	
224646	22	FO-4 (76) 03-07-23 ISC	
201243	20	FO-4 (76) 03-12-20 ISC	
215298	21	FO-4 (76) 03-22-23 ISC	
220691	22	FO-4 (76) 04-06-22 ISC	
218612	21	FO-4 (76) 04-13-22 ISC	
223582	22	FO-4 (76) 04-18-23 ISC	
223522	22	FO-4 (76) 05-06-22 ISC	
226609	22	FO-4 (76) 05-31-23 ISC	
213988	21	FO-4 (76) 07-14-21 ISC	
222089	22	FO-4 (76) 07-27-23 ISC	
223294	22	FO-4 (76) 08-15-22 ISC	
226553	22	Pending P2 (Radiology) due 8-14-23	10
226308	22	Pending P2 (Hematology) 03-07-23	
225243	22	Pending P2 (Hematology) 07-05-23	
226219	22	Pending P2 (Oncology) 05-04-23	

Addendum A Table 1 Continued

223423	22	Pending P2 (Oncology) 09-27-22
223874	22	Pending P2 (Oncology) 10-03-22
226157	22	Pending P2 (Oncology) 12-29-22
226901	22	Pending P3 (Neurological Surgery) 07-25-23
226803	22	Pending P3 (Psych Addiction Med) 01-26-23
221377	22	Pending FO-4 03-30-23
Total 48		

Table 2

Addendum A Table 2

CASE NUMBER	ACT CODE	COMPLAINT DATE	Number of Cases
230234	116 CASE SCHEDULED FOR DPRC	04/28/2022	8
230425	116 CASE SCHEDULED FOR DPRC	09/09/2021	
230485	116 CASE SCHEDULED FOR DPRC	01/27/2022	
230446	116 CASE SCHEDULED FOR DPRC	10/14/2021	
230472	116 CASE SCHEDULED FOR DPRC	06/13/2022	
230283	170 REMEDIAL PLAN - SCHEDULED FOR FULL BOARD	07/26/2022	
230191	200 DEFAULT ORDER - SCHEDULED FOR FULL BOARD	06/21/2022	
200716	322 PFD - BOARD HEARING SCHEDULED	03/21/2019	
230450	109 ISC HELD	08/04/2022	37
230347	109 ISC HELD	07/05/2022	
230319	109 ISC HELD	07/26/2022	
230474	109 ISC HELD	08/09/2022	
230210	109 ISC HELD	06/29/2022	
220737	109 ISC HELD	06/06/2022	
230270	109 ISC HELD	05/04/2022	
210245	109 ISC HELD	10/30/2019	
230419	109 ISC HELD	08/31/2022	
220426	109 ISC HELD	03/03/2022	
220564	109 ISC HELD	12/16/2021	
230086	109 ISC HELD	11/22/2021	
230360	109 ISC HELD	06/02/2022	
230371	109 ISC HELD	01/27/2022	
230394	109 ISC HELD	06/27/2022	
230427	109 ISC HELD	07/13/2022	
230292	109 ISC HELD	08/02/2022	
230293	109 ISC HELD	08/17/2022	
230396	109 ISC HELD	08/29/2022	
230359	109 ISC HELD	06/07/2022	
230380	109 ISC HELD	05/18/2022	
230393	109 ISC HELD	08/01/2022	
220114	109 ISC HELD	05/06/2021	
230362	109 ISC HELD	07/11/2022	
220494	109 ISC HELD	11/13/2020	
220253	109 ISC HELD	08/16/2021	
230078	109 ISC HELD	04/14/2022	
230369	109 ISC HELD	08/04/2022	
220305	109 ISC HELD	08/06/2021	
230056	109 ISC HELD	04/06/2022	
230089	109 ISC HELD	12/10/2021	
230250	109 ISC HELD	06/22/2022	
230090	109 ISC HELD	03/25/2022	

Addendum A Table 2 Continued

230307	109 ISC HELD	08/30/2022	
230345	109 ISC HELD	01/18/2022	
220479	115 DPRC REJECTION OF DISMISSAL AND/OR ORDER	08/09/2021	
230103	115 DPRC REJECTION OF DISMISSAL AND/OR ORDER	12/20/2021	
210332	132 POST ISC-PENDING ADDL INVESTIGATION	12/08/2020	1
220317	101 ISC DISCIPLINARY HEARING REVISIONS	11/06/2020	41
230196	101 ISC DISCIPLINARY HEARING REVISIONS	08/01/2022	
230358	101 ISC DISCIPLINARY HEARING REVISIONS	04/27/2022	
230519	101 ISC DISCIPLINARY HEARING REVISIONS	06/28/2022	
230451	101 ISC DISCIPLINARY HEARING REVISIONS	08/31/2022	
230370	101 ISC DISCIPLINARY HEARING REVISIONS	08/24/2021	
220676	101 ISC DISCIPLINARY HEARING REVISIONS	06/28/2021	
200056	101 ISC DISCIPLINARY HEARING REVISIONS	08/30/2019	
200057	101 ISC DISCIPLINARY HEARING REVISIONS	08/30/2019	
210594	106 ISC SCHEDULED	12/10/2020	
230649	106 ISC SCHEDULED	12/07/2021	
230580	106 ISC SCHEDULED	04/12/2022	
230601	106 ISC SCHEDULED	08/17/2022	
230546	106 ISC SCHEDULED	08/24/2022	
230484	106 ISC SCHEDULED	03/02/2021	
230518	106 ISC SCHEDULED	06/30/2022	
230664	106 ISC SCHEDULED	08/24/2022	
230505	106 ISC SCHEDULED	05/27/2022	
230531	106 ISC SCHEDULED	07/25/2022	
230486	106 ISC SCHEDULED	06/06/2022	
230562	106 ISC SCHEDULED	07/12/2022	
230618	106 ISC SCHEDULED	04/19/2021	
230543	106 ISC SCHEDULED	08/25/2022	
230520	106 ISC SCHEDULED	07/05/2022	
230619	106 ISC SCHEDULED	11/23/2021	
230652	106 ISC SCHEDULED	08/11/2022	
230521	106 ISC SCHEDULED	07/29/2022	
230620	106 ISC SCHEDULED	04/11/2022	
220155	106 ISC SCHEDULED	09/03/2021	
230504	106 ISC SCHEDULED	03/16/2022	
230599	106 ISC SCHEDULED	05/07/2020	
230600	106 ISC SCHEDULED	04/11/2022	
230579	106 ISC SCHEDULED	04/12/2022	
230631	106 ISC SCHEDULED	04/11/2022	
230621	106 ISC SCHEDULED	07/05/2022	
230650	106 ISC SCHEDULED	04/04/2022	
210513	106 ISC SCHEDULED	04/12/2021	
230651	106 ISC SCHEDULED	06/20/2022	

Addendum A Table 2 Continued

230209	121 SECOND ISC SCHEDULED	06/29/2022	
230015	121 SECOND ISC SCHEDULED	03/25/2022	
230092	146 THIRD ISC SCHEDULED	04/06/2022	
220425	606 TEMPORARY SUSPENSION SCHEDULED	03/22/2022	10
220556	606 TEMPORARY SUSPENSION SCHEDULED	05/11/2022	
210460	609 TEMPORARY SUSPENSION HELD	04/12/2021	
220600	609 TEMPORARY SUSPENSION HELD	04/04/2022	
210440	609 TEMPORARY SUSPENSION HELD	03/25/2021	
210459	609 TEMPORARY SUSPENSION HELD	04/12/2021	
220124	609 TEMPORARY SUSPENSION HELD	09/27/2021	
200351	609 TEMPORARY SUSPENSION HELD	01/01/1900	
220619	609 TEMPORARY SUSPENSION HELD	04/05/2022	
220248	609 TEMPORARY SUSPENSION HELD	10/18/2021	
210146	301 SOAH REVISIONS	03/13/2020	33
210382	301 SOAH REVISIONS	10/23/2020	
220658	301 SOAH REVISIONS	05/10/2022	
220363	301 SOAH REVISIONS	09/27/2021	
220749	305 FORMAL FILING	02/07/2022	
220267	305 FORMAL FILING	11/18/2021	
230166	307 MEDIATION TO BE SCHEDULED (SOAH)	04/25/2022	
230214	311 HEARING SCHEDULED (SOAH)	08/19/2022	
230047	311 HEARING SCHEDULED (SOAH)	04/11/2022	
230155	311 HEARING SCHEDULED (SOAH)	11/16/2021	
220391	311 HEARING SCHEDULED (SOAH)	01/20/2022	
170702	311 HEARING SCHEDULED (SOAH)	07/12/2016	
220560	311 HEARING SCHEDULED (SOAH)	10/20/2021	
220557	311 HEARING SCHEDULED (SOAH)	01/18/2022	
200203	311 HEARING SCHEDULED (SOAH)	10/30/2019	
210426	311 HEARING SCHEDULED (SOAH)	10/20/2020	
230075	311 HEARING SCHEDULED (SOAH)	06/14/2022	
220241	311 HEARING SCHEDULED (SOAH)	06/23/2021	
220637	311 HEARING SCHEDULED (SOAH)	02/10/2022	
230267	311 HEARING SCHEDULED (SOAH)	08/15/2022	
220744	311 HEARING SCHEDULED (SOAH)	06/21/2022	
230264	311 HEARING SCHEDULED (SOAH)	04/09/2022	
230080	311 HEARING SCHEDULED (SOAH)	06/08/2022	
220339	311 HEARING SCHEDULED (SOAH)	10/18/2021	
220478	311 HEARING SCHEDULED (SOAH)	06/11/2018	
220467	311 HEARING SCHEDULED (SOAH)	10/29/2021	
200537	311 HEARING SCHEDULED (SOAH)	09/18/2018	
210468	311 HEARING SCHEDULED (SOAH)	10/16/2020	
220042	311 HEARING SCHEDULED (SOAH)	11/17/2020	
210161	312 CONTINUANCE REQUEST GRANTED (SOAH)	09/15/2020	

Addendum A Table 2 Continued

220003	312 CONTINUANCE REQUEST GRANTED (SOAH)	06/29/2021
200463	318 HEARING ABATED (SOAH)	11/18/2019
200381	319 HEARING HELD (SOAH)	03/26/2019
		Total 130

ADDENDUM B
ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2023

Texas Medical Board (TMB)
Report of Investigations Pending Over Six Months Without Informal Hearing for the
Fiscal Year Ended 8/31/2023

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, 2023 that did not have an informal meeting (either scheduled or held) by August 31, 2023. This addendum excludes investigations opened prior to September 1, 2022.

TOTAL PENDING INVESTIGATIONS

As of August 31, 2023, there were 141 investigations in the agency that had been open for at least six months without an informal meeting.

- 36 involved arrest/criminal charges or charges by another state board or agency and are on hold pending the outcome of those proceedings
 - o One is pending a military investigation
- 40 remain open as pertinent documents have been unavailable
 - o Two delayed by licensee’s refusal to cooperate
- 30 remain open due to unavoidable delays in obtaining an expert panel
- 35 were delayed as part of 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 2023.

Table 1

Addendum B Table 1

Log Number	Filed Date	180 Date	Reason case went over 180 days	Number of Logs
230117	9/8/2022	3/7/2023	Additional complaints pending (court)	36
207040	7/20/2020	1/16/2021	Additional complaints pending (court)	
228796	10/10/2022	4/8/2023	Additional complaints pending (court)	
226460	5/25/2022	11/21/2022	Additional complaints pending (court)	
232558	1/18/2023	7/17/2023	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)	
208570	8/14/2020	2/10/2021	Additional complaints pending (court)	
208564	8/14/2020	2/10/2021	Additional complaints pending (court)	
206801	6/4/2020	12/1/2020	Additional complaints pending (court)	
226357	2/7/2023	8/6/2023	Additional complaints pending (court)	
221615	11/3/2021	5/2/2022	Additional complaints pending (court)	
220659	9/27/2021	3/26/2022	Additional complaints pending (court)	
233072	2/6/2023	8/5/2023	Additional complaints pending (court)	
226023	8/24/2022	2/20/2023	Additional complaints pending (court)	
226010	5/11/2022	11/7/2022	Additional complaints pending (court)	
226614	7/5/2022	1/1/2023	Additional complaints pending (court)	
226610	7/5/2022	1/1/2023	Additional complaints pending (court)	
226609	7/5/2022	1/1/2023	Additional complaints pending (court)	
207545	8/18/2020	2/14/2021	Additional complaints pending (court)	
230125	2/7/2023	8/6/2023	Additional complaints pending (court)	
230025	10/5/2022	4/3/2023	Additional complaints pending (court)	
227899	8/24/2022	2/20/2023	Additional complaints pending (court)	
227898	8/24/2022	2/20/2023	Additional complaints pending (court)	
227896	8/24/2022	2/20/2023	Additional complaints pending (court)	
225966	5/10/2022	11/6/2022	Additional complaints pending (court)	
222089	11/23/2021	5/22/2022	Additional complaints pending (court)	
220882	11/9/2021	5/8/2022	Additional complaints pending (court)	
223582	4/11/2022	10/8/2022	Additional complaints pending (court)	
225124	4/4/2022	10/1/2022	Additional complaints pending (court)	
222561	12/16/2021	6/14/2022	Additional complaints pending (court) (Late)	
198517	9/16/2019	3/14/2020	Additional complaints pending (court) (Late)	
202678	12/19/2019	6/16/2020	Additional complaints pending (court) (Late)	
196254	6/4/2019	12/1/2019	Additional complaints pending (court) (Late)	
231230	11/29/2022	5/28/2023	Additional complaints pending (military invest.)	
231556	2/7/2023	8/6/2023	Administrative review	35
231770	1/3/2023	7/2/2023	Administrative review	
223294	2/22/2022	8/21/2022	Administrative review	

Addendum B Table 1 Continued

201243	11/6/2019	5/4/2020	Administrative review	
231090	11/29/2022	5/28/2023	Administrative review	
231049	11/9/2022	5/8/2023	Administrative review	
230028	10/3/2022	4/1/2023	Administrative review	
231223	11/30/2022	5/29/2023	Administrative review	
230742	10/31/2022	4/29/2023	Administrative review	
218150	9/15/2021	3/14/2022	Administrative review	
230545	2/7/2023	8/6/2023	Administrative review	
232672	2/7/2023	8/6/2023	Administrative review	
215298	4/19/2021	10/16/2021	Administrative review	
232041	1/10/2023	7/9/2023	Administrative review	
232055	1/10/2023	7/9/2023	Administrative review	
230065	9/28/2022	3/27/2023	Administrative review	
232715	2/8/2023	8/6/2023	Administrative review	
232257	1/17/2023	7/16/2023	Administrative review	
231084	11/28/2022	5/20/2023	Administrative review	
230865	11/14/2022	5/13/2023	Administrative review	
230741	11/4/2022	5/3/2023	Administrative review	
230271	10/17/2022	4/15/2023	Administrative review	
210381	10/14/2020	4/12/2021	Administrative review	
231457	12/14/2022	6/12/2023	Administrative review	
230872	11/14/2022	5/13/2023	Administrative review	
220691	11/15/2021	5/14/2022	Administrative review	
232276	1/24/2023	7/23/2023	Administrative review	
230995	12/14/2022	6/12/2023	Administrative review	
230938	11/22/2022	5/21/2023	Administrative review	
228651	2/7/2023	8/6/2023	Administrative review	
231669	12/21/2022	6/18/2023	Administrative review	
230940	11/14/2022	5/13/2023	Administrative review	
213988	3/25/2021	9/21/2021	Administrative review	
223522	2/11/2022	8/10/2022	Administrative review	
224663	4/25/2022	10/22/2022	Administrative review	
231709	1/3/2023	7/2/2023	Delay with expert review	30
232028	12/27/2022	6/25/2023	Delay with expert review	
231673	12/28/2022	6/26/2023	Delay with expert review	
232337	1/31/2023	7/30/2023	Delay with expert review	
231780	1/9/2023	7/8/2023	Delay with expert review	
231626	12/20/2022	6/18/2023	Delay with expert review	
231625	12/20/2022	6/18/2023	Delay with expert review	
231180	12/5/2022	6/3/2023	Delay with expert review	
230189	10/19/2022	4/17/2023	Delay with expert review	
228168	9/14/2022	3/13/2023	Delay with expert review	
232465	2/6/2023	8/5/2023	Delay with expert review	

Addendum B Table 1 Continued

225243	5/17/2022	11/13/2022	Delay with expert review	
223874	3/12/2022	9/8/2022	Delay with expert review	
226157	6/16/2022	12/13/2022	Delay with expert review	
226803	7/7/2022	1/3/2023	Delay with expert review	
228037	8/29/2022	2/25/2023	Delay with expert review	
230027	10/11/2022	4/9/2023	Delay with expert review	
230765	11/9/2022	5/8/2023	Delay with expert review	
231889	1/10/2023	7/9/2023	Delay with expert review	
232035	1/10/2023	7/9/2023	Delay with expert review	
228791	8/30/2022	2/26/2023	Delay with expert review	
226308	6/17/2022	12/14/2022	Delay with expert review	
223423	3/4/2022	8/31/2022	Delay with expert review	
228624	10/3/2022	4/1/2023	Delay with expert review	
228498	9/26/2022	3/25/2023	Delay with expert review	
226682	7/1/2022	12/28/2022	Delay with expert review	
232183	1/12/2023	7/11/2023	Delay with expert review	
230466	10/21/2022	4/18/2023	Delay with expert review	
230454	10/20/2022	4/18/2023	Delay with expert review	
226219	6/10/2022	12/7/2022	Delay with expert review	
231142	11/30/2022	5/29/2023	Pertinent documents unavailable	40
218612	10/3/2021	4/1/2022	Pertinent documents unavailable	
231186	11/28/2022	5/27/2023	Pertinent documents unavailable	
226901	6/14/2022	12/11/2022	Pertinent documents unavailable	
231872	1/10/2023	7/9/2023	Pertinent documents unavailable	
231996	1/3/2023	7/2/2023	Pertinent documents unavailable	
230816	11/16/2022	5/15/2023	Pertinent documents unavailable	
231697	1/4/2023	7/3/2023	Pertinent documents unavailable	
232092	12/13/2022	6/11/2023	Pertinent documents unavailable	
230348	10/18/2022	4/15/2023	Pertinent documents unavailable	
230167	10/5/2022	4/3/2023	Pertinent documents unavailable	
226553	6/29/2022	12/26/2022	Pertinent documents unavailable	
232241	1/13/2023	7/12/2023	Pertinent documents unavailable	
230516	10/21/2022	4/19/2023	Pertinent documents unavailable	
230934	11/10/2022	5/9/2023	Pertinent documents unavailable	
232101	1/12/2023	7/11/2023	Pertinent documents unavailable	
232123	12/22/2022	6/19/2023	Pertinent documents unavailable	
231384	12/16/2022	6/14/2023	Pertinent documents unavailable	
231440	12/14/2022	6/12/2023	Pertinent documents unavailable	
224473	4/4/2022	10/1/2022	Pertinent documents unavailable	
231227	12/1/2022	5/30/2023	Pertinent documents unavailable	
230209	10/20/2022	4/18/2023	Pertinent documents unavailable	
231444	12/22/2022	6/19/2023	Pertinent documents unavailable	
231964	12/15/2022	6/13/2023	Pertinent documents unavailable	

Addendum B Table 1 Continued

231003	11/15/2022	5/14/2023	Pertinent documents unavailable	
230270	10/17/2022	4/15/2023	Pertinent documents unavailable	
231719	12/28/2022	6/26/2023	Pertinent documents unavailable	
226426	7/1/2022	12/28/2022	Pertinent documents unavailable	
231695	12/28/2022	6/26/2023	Pertinent documents unavailable	
231376	12/5/2022	6/3/2023	Pertinent documents unavailable	
231130	11/28/2022	5/27/2023	Pertinent documents unavailable	
231129	11/28/2022	5/27/2023	Pertinent documents unavailable	
230764	11/10/2022	5/9/2023	Pertinent documents unavailable	
230073	10/6/2022	4/4/2023	Pertinent documents unavailable	
230996	11/28/2022	5/27/2023	Pertinent documents unavailable	
230356	10/20/2022	4/18/2023	Pertinent documents unavailable	
227840	8/11/2022	2/5/2023	Pertinent documents unavailable	
222577	12/16/2021	6/14/2022	Pertinent documents unavailable (Late)	
221377	12/14/2021	6/12/2022	Pertinent documents unavailable, Respondent refused to cooperate	
224646	4/11/2022	10/8/2022	Pertinent documents unavailable, Respondent refused to cooperate	
				Total 141

ADDENDUM C
ANNUAL REPORT OF NON-FINANCIAL DATA DECEMBER 2023

Texas Medical Board (TMB)

Complaints Received and Complaint Disposition by Type for the Fiscal Year Ended 8/31/2023

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 September 1, 2022 through August 31, 2023.

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’s 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 2023 a total of 8145 complaints were received by TMB. Of these, 1419 cases were filed for an investigation. A further 3676 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 3099 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

1. Administrative	2. Violation of Law/Criminal Behavior
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

3. Medical Error- (See QOC)	4. Mental/Physical Impairment-
Medical Errors	Illness
	Mental Impairment
	Physical Impairment
	Adjudged to be of unsound mind
5. Quality of Care	6. Disciplinary action by peers, another state, or military
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	
7. Substance Abuse	8. Unprofessional Conduct-
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
	Drugging 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 1517 complaints that were opened under SB104 requirements were resolved in FY 2023. (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 2023). In total, in FY 2023 the Medical Board entered 126 Orders, 172 Remedial Plans, 6 Final Orders, 25 Cease and Desist Orders and 3 revocations pursuant to Ch 53 for incarcerated licensees. For all other licensees, there were entered 20 Orders, 14 Remedial Plans, 1 Final Orders and 3 revocations pursuant to Ch 53 for incarcerated licensees. In addition, the Board processed responses to 124 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

1. Administrative/Other		2. Violation of Law/Criminal Behavior	
Disciplinary Actions:	9	Disciplinary Actions:	9
Revocation/Voluntary Surrender	2	Revocation/Voluntary Surrender	5
Suspension	0	Suspension	0
Restriction/Terms and Cond.	7	Restriction/Terms and Cond.	4
Remedial Plans:	50	Remedial Plans:	14
Total Actions:	59	Total Actions:	23
Total Dismissed:	19	Total Dismissed:	15
Total Complaints Resolved:	78	Total Complaints Resolved:	38
3. Medical Error (combined with QOC)		4. Mental/Physical Impairment	
Disciplinary Actions:	N/A	Disciplinary Actions:	2
Revocation/Voluntary Surrender	N/A	Revocation/Voluntary Surrender	1
Suspension	N/A	Suspension	1
Restriction/Terms and Cond.	N/A	Restriction/Terms and Cond.	0
Remedial Plans:	N/A	Remedial Plans:	0
Total Actions:	N/A	Total Actions:	2
Total Dismissed:	N/A	Total Dismissed:	7
Total Complaints Resolved:	N/A	Total Complaints Resolved:	9
5. Quality of Care		6. Disciplinary action by peers, another state, or military	
Disciplinary Actions:	59	Disciplinary Actions:	18
Revocation/Voluntary Surrender	7	Revocation/Voluntary Surrender	3
Suspension	0	Suspension	0
Restriction/Terms and Cond.	52	Restriction/Reprimand	15
Remedial Plans:	81	Remedial Plans:	1
Total Actions:	140	Total Actions:	19
Total Dismissed:	300	Total Dismissed:	60

Total Complaints Resolved:	440	Total Complaints Resolved:	79
7. Substance Abuse		8. Unprofessional Conduct	
Disciplinary Actions:	7	Disciplinary Actions:	22
Revocation/Voluntary Surrender	2	Revocation/Voluntary Surrender	10
Suspension	1	Suspension	0
Restriction/Terms and Cond.	4	Restriction/Terms and Cond.	13
Remedial Plans:	0	Remedial Plans:	24
Total Actions:	7	Total Actions:	47
Total Dismissed:	17	Total Dismissed:	86
Total Complaints Resolved:	24	Total Complaints Resolved:	133