

Speech-Language Pathologists and Audiologists Penalties and Sanctions

Texas Occupations Code Chapter 401
16 Texas Administrative Code, Chapter 111

Class A

Penalty Range: \$50 to \$500

Administrative Violations

Violation	Statute/Rule
Failing to inform the Department of a change of name, highest academic degree granted, mailing address, telephone number, or employment information within thirty days of any change, or failing to use the Department-approved form for such changes	111.150(a); 111.155 (a)(10), (11)
Failed to properly display license	111.151(b)

Violations by Interns or Assistants

Violation	Statute/Rule
Used "SLP-CF" as a sole indicator of credentials	111.42(d)
Used "SLP-A" or "STA" as a sole indicator for credentials	111.52(d)(19)

Violations Related to the Supervision of Speech-Language Pathology Interns

Violation	Statute/Rule
Failed to obtain Department approval before implementing any changes to the terms of the internship	111.41(g)(1)
Failed to submit a Report of Completed Internship within 30 days of the date supervision is completed or ended for any other reason	111.41(g)(3)
Failed to notify the Department that the location of the internship changed within 30 days of the date of the change	111.41(g)(5)

Violations Related to the Supervision of Audiology Interns

Violation	Statute/Rule
Failed to obtain Department approval before implementing any changes to the terms of the internship	111.81(e)
Failed to submit a Report of Completed Internship within 30 days of the date supervision ended	111.81(e)(3)

Violation	Statute/Rule
Failed to notify the Department that the location of the internship changed within 30 days of the date of the change	111.80(e)(5)

Class B

Penalty Range: \$300 to \$3,000 and/or up to 1 year full suspension

Records and Billing Violations

Violation	Statute/Rule
Failure to include the Department's name, mailing address, telephone number, and website on the written contract or bill for service for fitting and dispensing hearing instruments, or office information brochure	111.151(a)(2); 111.220(c)(7)
Failed to prominently display a sign containing Department information in the primary place of business	111.151(a)(1)
Failed to provide results of an evaluation within 60 days, when requested	111.155(a)(18)(A)

Unlicensed Activity – Related to Speech-Language Pathologists

Violation	Statute/Rule
Practiced as a speech-language pathologist with an expired license	401.301; 111.37(i); 111.30(a)
Practiced as an intern in speech-language pathology with an expired license	401.301; 111.47(i);111.40(a)
Practiced as an assistant in speech-language pathology with an expired license	401.301; 111.57(i); 111.50(a)

Unlicensed Activity – Related to Audiologists

Violation	Statute/Rule
Practiced as an audiologist with an expired license	401.301; 111.77(i); 111.70(a)
Practiced as an intern in audiology with an expired license	401.301; 111.87(i); 111.80(a)
Practiced as an assistant in audiology with an expired license	401.301; 111.97(i); 111.90(a)

Violations by Interns

Violation	Statute/Rule
Failed to indicate status as a speech-language pathology intern in any professional context	111.42(b)
Failed to indicate status as an intern in audiology in any professional context	111.82(b)

Violations by Assistants

Violation	Statute/Rule
Failed to indicate status as a licensed speech-language pathology assistant in any professional context	111.52(f)
Failed to indicate status as a licensed audiology assistant in any professional context	111.92(e)

Violations Related to Supervision of Interns or Assistants

Violation	Statute/Rule
Supervised an intern or an assistant when the supervisor had less than two years of professional experience providing direct clinical services in the area of licensure	111.154(a)
Supervised an intern or assistant who is within the first degree of consanguinity to the licensee	111.154(b)
Failed to verify that the intern or assistant had a current license	111.154(f)(1)(A)

Violations Related to Supervision of Speech-Language Pathology Interns or Assistants

Violation	Statute/Rule
Failed to maintain documentation of an intern's formal evaluations for a period of three years or until the intern obtained a speech-language pathology license	111.41(f)
Failed to submit an Intern Plan and Agreement of Supervision form before beginning to supervise an intern	111.41(c)(3)
Failed to submit a Supervisory Responsibility Statement form before beginning to supervise an assistant	111.51(c)(3)
Failed to provide the minimum number of hours of supervision for an assistant	111.51(g)
Failed to maintain supervisory records for an assistant for a period of three years	111.51(j)(1)
Failed to maintain job descriptions and performance records of an assistant	111.51(j)(2)

Violation	Statute/Rule
Failed to notify the client or the client's legal guardian(s) that services will be provided by an assistant	111.51(h)(3)(B) 111.51(i)(1)
Supervised an intern in speech-language pathology when the supervisor had less than a master's degree in one of the areas of communicative sciences or disorders	111.154(c)

Violations Relating to Supervision of Audiology Interns or Assistants

Violation	Statute/Rule
Failed to submit an Intern Plan and Agreement of Supervision form before beginning to supervise an intern	111.81(c)
Failed to maintain job descriptions and performance records of a licensed assistant in audiology	111.91(h)(2)
Supervised an intern or assistant in audiology when the supervisor is not approved by the Department	111.81(a); 111.91(a)

Class C

Penalty Range: \$1,000 to \$5,000 and/or up to revocation

Records and Billing Violations

Violation	Statute/Rule
Failed to maintain accurate records of professional services rendered	111.153(a)
Failed to maintain records for five years or longer as warranted	111.153(b); 111.220(d)
Billed for services not rendered	111.153(e)
Falsified records	111.155(b)(13)
Failed to comply with all laws, rules, and regulations governing the maintenance of client records related to the provision of telehealth services	111.212(g)(1)

Unlicensed Activity – Related to Speech-Language Pathologists Violations

Violation	Statute/Rule
Practice as a speech and language pathologist or represent oneself as a speech-language pathologist without a license	401.301; 111.30(a)
Practice as a speech-language pathology intern without an intern's license	401.301; 111.40(a)
Practice as an assistant in speech-language pathology without a license	401.301; 111.50(a)
Practiced as an assistant without a valid supervisory responsibility statement on file in the Department	111.51(c)(1) 111.52(d)(12)

Violation	Statute/Rule
Aided or abetted the practice of an unlicensed person when that person is required to have a license	111.155(b)(14)

Unlicensed Activity – Related to Audiologists Violations

Violation	Statute/Rule
Practice as an audiologist or represent oneself as an audiologist without a license	401.301; 111.70(a)
Practice as an audiologist intern without an intern's license	111.80(a)
Practice as an assistant in audiology without a license	111.90(a)
Practiced as an assistant without approval of documentation required by the Department	111.90(c) 111.91(c) 111.92(d)(18)
Aided or abetted the practice of an unlicensed person when that person is required to have a license	111.155(b)(14)

Violations by Speech-Language Pathology Assistants

Violation	Statute/Rule
Conducted evaluations	111.520(d)(2)
Interpreted results of routine tests	111.52(d)(3)
Interpreted observations or data into diagnostic statements, clinical management strategies, or procedures	111.52(d)(4)
Represented speech-language pathology at staffing meetings, or at an admission, review and dismissal (ARD), except as specified	111.52(d)(5)
Attended staffing meeting or ARD without the licensed assistant's supervisor being present, except as specified	111.52(d)(6)
Designed or altered a treatment program or IEP	111.52(d)(7)
Determined case selection	111.52(d)(8)
Presented written or oral reports of client information, except as specified	111.52(d)(9)
Referred a client to other professionals or agencies	111.52(d)(10)
Used any title which connotes the competency of a licensed speech-language pathologist	111.52(d)(11)
Performed invasive procedures	111.52(d)(13)
Screened or diagnosed clients for feeding and swallowing disorders	111.52(d)(14)
Used a checklist or tabulated results of feeding or swallowing evaluations	111.52(d)(15)
Demonstrated swallowing strategies or precautions to clients, family or staff	111.52(d)(16)
Provided client or family counseling	111.52(d)(17)

Violation	Statute/Rule
Signed any formal document relating to the reimbursement for or the provision of speech-language pathology services without the licensed assistant's supervisor's signature	111.52(d)(18)

Violations by Audiology Assistants

Violation	Statute/Rule
Conducted aural habilitation or rehabilitation activities or therapy	111.92(d)(1)
Provided carry-over activities for patients in aural rehabilitation therapy	111.92(d)(2)
Collected data during aural rehabilitation therapy documenting progress and results of therapy	111.92(d)(3)
Administered assessments during aural rehabilitation therapy to assess therapeutic progress	111.92(d)(4)
Conducted audiological procedure that requires decision-making or leads to a diagnosis	111.92(d)(5)
Interpreted results of procedures and evaluations, except screening tests	111.92(d)(6)
Made diagnostic statements, or proposed or developed clinical management strategies	111.92(d)(7)
Made ear impressions	111.92(d)(8)
Caused a substance to enter the ear canal or placed an instrument or object in an ear canal for the purpose of removing cerumen or debris	111.92(d)(9)
Made changes to the internal settings of a hearing instrument manually or using computer software	111.92(d)(10)
Represented audiology at staffing meetings or an admission, review, and dismissal (ARD) committee	111.92(d)(11)
Attended staffing meetings or ARD committee meetings without the supervisor being present	111.92(d)(12)
Designed a treatment program	111.92(d)(13)
Determined case selection	111.92(d)(14)
Presented written or oral reports of client information, except to his or her supervisor	111.92(d)(15)
Referred a client to other professionals or agencies	111.92(d)(16)
Used any title which connotes the competency of a licensed audiologist	111.92(d)(17)

Standard of Care Violations

Violation	Statute/Rule
Failed to conduct sound-level measurements at the time of testing or failed to ensure that ambient noise levels met the permissible testing threshold	401.401(a)

Violation	Statute/Rule
Practiced out of the scope of license	111.155(a)(1)
Failed to ensure a safe therapy environment	111.155(a)(2)
Failed to provide services as specified in the treatment plan, Individual Education Plan (IEP), or Individualized Family Service Plans (IFSP)	111.155(a)(3)
Failed to seek appropriate medical consultation when indicated	111.155(a)(4)
Failed to identify competent, dependable referral for clients	111.155(a)(5)
Failed to maintain objectivity in all matters concerning the welfare of the client	111.155(a)(6)
Failed to ensure that all equipment used in providing services was in proper working order and properly calibrated; including equipment used in providing telehealth services	111.155(a)(7); 111.201(2); 11.212(e)(3)(B)
Failed to terminate a professional relationship when it is reasonably clear that the client is not benefiting from the services being provided	111.155(a)(8)
Failed to provide accurate information to clients and the public about the nature and of communication disorders and about the profession and the services rendered	111.155(a)(9)
Failed to comply with the Health and Safety Code, Chapter 85, Subchapter I, concerning the prevention of the transmission of HIV or Hepatitis B virus by infected health care workers	111.155(a)(17)
Failed to fully inform clients of the nature and possible effects of the services rendered; and nature, possible effects, and consequences of activities if the client is participating in research or teaching activities	111.155(a)(18)(B)-(C)
Engaged in the medical treatment of speech-language and hearing disorders	111.155(b)(1)
Jeopardized a client's safety by any inattentive behavior;	111.155(b)(2)
Guaranteed, directly or by implication, the results of any therapeutic procedures or misled clients to expect results that could not be predicted from reliable evidence	111.155(b)(3)
Delegated any service requiring professional competence of a licensee or registrant to anyone not licensed or registered for the performance of that service	111.155(b)(4)
Provided services if the services cannot be provided with reasonable skill or safety to the client	111.155(b)(5)
Provide any services which create an unreasonable risk that the client may be mentally or physically harmed	111.155(b)(6)
Revealed, without authorization, any professional or personal information about the person served professionally, unless required by law to do so, or unless doing so is	111.155(b)(9)

Violation	Statute/Rule
necessary to protect the welfare of the person or of the community	
Participate in activities that constitute a conflict of professional interest	111.155(b)(10)
Used his or her professional relationship with a client, intern, assistant, or student to promote for personal gain or profit any item, procedure, or service unless the licensee or registrant has disclosed the nature of the personal gain or profit	111.155(b)(11)
Misrepresented his or her training or competence	111.155(b)(12)
Endangered the health, welfare, or safety of the public	111.155(b)(17)
Failed to conduct a communication screening in the client's dominate language and primary mode of communication	111.190(c)
Failed to perform or interpret a hearing screening in the required manner	111.191(b)
Failed to comply with 25 TAC Chapter 37 regarding reporting hearing screening or audiologic outcomes to the Department of State Health Services in the required manner regarding referral of children under the age of three to ECI	111.192(b)

Violations Related to Telehealth by Speech-Language Pathologists

Violation	Statute/Rule
Failed to ensure that the quality of electronic transmissions used in telehealth services was the same as if those services were provided in person at same physical location	111.212(e)(3)(C)
Rendered a telehealth session without ensuring the telecommunications technology and equipment are appropriate to the service provided, properly calibrated, in good working order, and sufficient quality	111.212(e)(3)
Utilized technology which the licensee was not competent to use as part of telehealth services	111.212(e)(2)
Failed to assess the client or consultant's level of comfort with technology used in providing telehealth services	111.212(f)(3)
Failed to be sensitive to cultural and linguistic variables that affect the identification, assessment, treatment, and management of clients	111.212(f)(4)
Failed to notify the client, guardian, caregiver, and the multidisciplinary team, if appropriate, of the client's rights related to the provision of telehealth services	111.212(f)(5)

Violations Related to Fitting and Dispensing of Hearing Instruments

Violation	Statute/Rule
Failed to adhere to federal Food and Drug Administration regulations in accordance with 21 Code of Federal Regulations § 801.422	111.201(1)
Failed to verify appropriate fit of the hearing instrument	111.201(4)
Failed to adhere to the most current American National Standards Institute octave band criteria for permissible ambient noise levels during audiometric testing	111.202(1)
Failed to follow guidelines for the 30-day trial period	111.220(b)
Failed to provide a written contract to each client upon sale or change of model or serial number of a hearing instrument that contains the required information	111.220(c)
Failed to adhere to federal Food and Drug Administration regulations in accordance with 21 Code of Federal Regulations § 801.422	111.201(1)

Code of Ethics Violations

Violation	Statute/Rule
Sold a hearing instrument to a client under the age of 18 without a written statement from a licensed physician specializing in diseases of the ear	401.404; 111.201(3)
Failed to inform the department of violations of the Act, the code of ethics, or of any other provision of this chapter	111.155(a)(12)
Failed to report in accordance with the Family Code §261.101(b), if there is cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person	111.155(a)(14)
Used alcohol or drugs when the use adversely affects or could adversely affect the licensee's provision of professional services	111.155(b)(8)
Intentionally or knowingly offered to pay or agreed to accept any remuneration for securing or soliciting clients or patronage for or from any health care professional	111.155(b)(16)
Used threats, threatening behavior, or acts of violence towards clients, employees, or employers	111.155(b)(18)

Violations Related to the Supervision of Interns and Assistants

Violation	Statute/Rule
Failed to obtain Department approval as a supervisor for interns or assistants	111.154(f)(1)(B)
Delegated tasks to an assistant that assistants are prohibited from performing, was not qualified to perform, or was not appropriate	111.51(f)(1)(C)-(D); 111.91(f)(5);

Violation	Statute/Rule
Failed to be responsible for all client services provided by the intern or assistant	111.51(h)(3)(D); 111.154(f)(2)
Failed to provide appropriate supervision	111.154(f)(3)
Supervised more than the permitted number of interns or assistants	111.154(f)(4)

Continuing Education Violations

Violation	Statute/Rule
Failed to maintain continuing education records applied toward a license renewal for two years after the date the license renewal is issued	60.701(b)(2)
Failed to submit to the department continuing education records within 30 calendar days after notification of an audit	60.701(c)(2), (d)(1)
Failed to complete all deficient continuing education within 90 calendar days after notification of deficiency	60.701(c)(4), (d)(4)
Provided false information during the audit or renewal process	60.701(d)(2)
Was deficient in the continuing education required for the most recent renewal of the license	60.701(d)(3)

Class D

Penalty Range: \$5,000 and/or up to revocation

Violation	Statute/Rule
Failed to comply with a previous order of the Commission or Executive Director	51.353(a); 401.451(a)(1); 111.155(a)(13)
Obtained, or attempted to obtain, a license by fraud, misrepresentation, or concealment of a material fact	401.451(a)(2); 60.23(a)(1)
Falsified any document submitted to the Department or Commission	60.23(a)(2)
Sold, bartered, or offered to sell or barter a license or certificate of registration	401.451(a)(3)
Permitted the use or display of a license by a person not authorized by law to use that license	60.23(a)(3)
Failed to cooperate with an investigation or inspection; failed to furnish required documents or information; interfered with an investigation or disciplinary proceeding	60.203(c) 111.155(a)(15); 111.155(b)(15)
Failed to comply with exam security requirements	60.54
Engaged in unprofessional conduct that endangered the health, welfare, or safety of the public	401.451(a)(4)(A)
Failed to pay the Department for a dishonored payment or processing fee	60.82

Violation	Statute/Rule
Engaged in sexual contact, including intercourse, kissing, or fondling, with a client or an assistant, intern, or student supervised by the licensee	111.155(b)(7)