

Figure: 40 TAC §374.1(c)

**Schedule of Sanctions**

<b>Disciplinary Violations</b>	<b>OT Act/Rule</b>	<b>Minimum Discipline</b>	<b>Intermediate Discipline</b>	<b>Maximum Discipline</b>	<b>Remarks</b>
Failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records	Sec. 454.301(a)(6) §374.2(1)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Making or filing a false or misleading report, or failing to file a report when it is required by law or third person or obstructing or attempting to obstruct another person from filing such a report	Sec. 454.301(a)(6) §374.2(2)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules	Sec. 454.301(a)(6) §374.2(3)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Drug diversion, <u>which</u> [In this paragraph, "drug diversion"] refers to when a medication is diverted from the person to whom it was prescribed	Sec. 454.301(a)(6) §374.2(4)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Not providing the supervision required by the Act or Rules for those individuals to whom occupational therapy services are delegated	Sec. 454.301(a)(6) §374.2(5)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy without	Sec. 454.301(a)(6) §374.2(6)	30-60 hours community service +up to	30-60 day license suspension	Revocation or Surrender of license	Alternative disciplinary decisions or

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receiving the supervision required by the Act or Rules		\$150 per violation per day	+up to \$200 per violation per day	+up to \$200 per violation per day	pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Impersonating another person holding a license; aiding, abetting, authorizing, condoning, or allowing the practice of occupational therapy or the representation of oneself as an occupational therapy practitioner by a person without a license; or aiding, abetting, authorizing, condoning, or allowing the use of a license by a person other than the holder of the license	Sec. 454.301(a)(6) §374.2(7)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy or representing oneself in a manner not authorized by the license	Sec. 454.301(a)(6) §374.2(8)	30-60 hours community service +up to \$150 per violation per day	30-60 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to cooperate with the agency by not responding to agency correspondence addressed to the individual's designated address(es) or by not furnishing papers or documents	Sec. 454.301(a)(6) §374.2(9)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

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requested or not responding to subpoenas issued by the agency within 90 days					
Failing to complete the requirements of an agreed order	Sec. 454.301(a)(6) §374.2(10)	30-45 day license suspension +up to \$150 per violation per day in addition to the incomplete requirements from previous agreed order(s) and previous fines	60-90 day license suspension +up to \$200 per violation per day in addition to the incomplete requirements from previous agreed order(s) and previous fines	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or Board or by the use of threats, intimidation, or harassment against any clients or witnesses with the potential of preventing them from providing evidence in a disciplinary proceeding or any other legal action	Sec. 454.301(a)(6) §374.2(11)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Practicing occupational therapy without a valid license, including after the expiration, surrender, or revocation of the license, during the suspension of the license, or after the license is void	Sec. 454.301(a)(6) §374.2(12)	30-60 hours community service or 15-45 day suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable	Sec. 454.301(a)(6) §374.2(13)(A)	15-30 day license suspension +up to \$150	45-90 day license suspension +up to \$200	Revocation or Surrender of license +up to \$200	Alternative disciplinary decisions or pursuing other

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<b>Disciplinary Violations</b>	<b>OT Act/Rule</b>	<b>Minimum Discipline</b>	<b>Intermediate Discipline</b>	<b>Maximum Discipline</b>	<b>Remarks</b>
prevailing practice, including, but not limited to, using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession or science or as a means of promoting the public health and welfare		per violation per day	per violation per day	per violation per day	courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating, performing, or attempting to perform techniques or procedures in which one is untrained by education or experience	Sec. 454.301(a)(6) §374.2(13)(B)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, delegating occupational therapy functions or responsibilities to an individual lacking the competency to perform such	Sec. 454.301(a)(6) §374.2(13)(C)	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not	Sec. 454.301(a)(6) §374.2(13)(D)	15-30 day license suspension with restricted practice +up to \$150 per	45-90 day license suspension with restricted practice +up to \$200 per	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on

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limited to, harassing, abusing, or intimidating a client either physically or verbally		violation per day	violation per day		the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, causing or enabling physical or emotional injury to or the impairment of the dignity or safety of the client	Sec. 454.301(a)(6) §374.2(13)(E)	15-30 day license suspension with restricted practice +up to \$150 per violation per day	45-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, violating the principles or related standards of conduct of §374.4 of this title (relating to Code of Ethics)	Sec. 454.301(a)(6) §374.2(13)(F) §374.4	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, engaging in inappropriate behavior with or comments directed toward a client	Sec. 454.301(a)(6) §374.2(14)(A)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, becoming financially or personally involved in an inappropriate	Sec. 454.301(a)(6) §374.2(14)(B)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

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manner with a client					
Intentionally or knowingly offering to pay or agreeing to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for receiving or soliciting clients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations	Sec. 454.301(a)(6) §374.2(15)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Recommending therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from a third person	Sec. 454.301(a)(6) §374.2(16)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act	Sec. 454.301(a)(6) §374.2(17)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.

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(HIPAA) regulations					
<u>Patient abandonment.</u> <u>"Patient abandonment"</u> <u>means failing</u> [Failing] to provide sufficient prior written notice of resignation of employment or termination of contract, or if self-employed, sufficient prior written notice to existing clients or any licensees under the individual's supervision, resulting in the loss or delay of occupational therapy services. <u>"Sufficient"</u> [In this paragraph, "sufficient"] means at least 14 days [; however, should an employment contract, or if self-employed, a comparable written agreement with clients, specify a different period of time, "sufficient" means the term dictated by such, up to and including 30 days]	Sec. 454.301(a)(6) §374.2(18)	30-45 day license suspension +up to \$150 per violation per day	60-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failed CE Audit	§367.3	30-60 hours community service and completion of CE hours +up to \$150 per violation per day	30-60 day license suspension and completion of CE hours +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failed to properly renew license	Sec. 454.252 Sec. 454.255	30-60 hours community	30-60 day license	Revocation or Surrender	Alternative disciplinary

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	§367.1 §370.1	service and completion of CE hours +up to \$150 per violation per day	suspension and completion of CE hours +up to \$200 per violation per day	of license +up to \$200 per violation per day	decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Used drugs or intoxicating liquors to an extent that affects the applicant's or license holder's professional competence	Sec. 454.301(1)	30-60 day license suspension with restricted practice +up to \$150 per violation per day	90-120 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been convicted of a crime, other than a minor offense defined as a "minor misdemeanor," "violation," or "offense," in any court if the act for which the applicant or license holder was convicted is determined by the Board to have a direct bearing on whether the applicant or license holder should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant	Sec. 454.301(2)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Obtained or attempted to obtain a license by fraud or deception	Sec. 454.301(3)	Letter of cease and desist for attempter; if licensed, 30-60 day license suspension +up to \$150 per violation per day	90-120 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.



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Been grossly negligent in the practice of occupational therapy or in acting as an occupational therapy assistant	Sec. 454.301(4)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-90 day license suspension with restricted practice +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been found mentally incompetent by a court	Sec. 454.301(5)	30-45 day license suspension with restricted practice +up to \$150 per violation per day	60-120 day license suspension with restricted practice and fitness to practice statement from physician +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Advertised in a manner that in any way tends to deceive or defraud the public	Sec. 454.301(7)	Letter of cease and desist if unlicensed; if licensed, 30-45 day license suspension +up to \$150 per violation	60-90 day license suspension +up to \$200 per violation	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Had a license to practice occupational therapy revoked or suspended or had other disciplinary action taken against the applicant or license holder by the proper licensing authority of another state, territory, or nation	Sec. 454.301(8)	30-60 hours community service +up to \$150 per violation per day	30-60 day license suspension with restricted practice or concurrent board order +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Failed to report to the Board a felony of which he/she is convicted within 60 days after the conviction occurs</u>	<u>Sec. 374.1(i)</u>	<u>60-90 day license suspension, restrictions + up to \$150 per violation per day</u>	<u>90-180 day license suspension, restrictions +up to \$200 per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat</u>

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					of violation, or development.
<u>Failed to submit to the board a copy of any judgment or settlement in a malpractice claim or any disciplinary action taken against the licensee by a licensing authority of another territory or state of the U.S. within 30 days after the judgment, settlement, or disciplinary action is signed</u>	<u>Sec. 374.1(j)</u>	<u>15-30 day license suspension, restrictions, +up to \$150 per violation per day</u>	<u>45-60 day license suspension, restrictions, +up to \$200 per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</u>	<u>Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.</u>
Failed to notify the Board of changes of name or contact information as per §369.2	§369.2	15-30 day license suspension +up to \$150 per violation per day	45-90 day license suspension +up to \$200 per violation per day	Revocation or Surrender of license +up to \$200 per violation per day	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.