

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
<u>Failing to document occupational therapy services or inaccurately recording, falsifying, or altering client records</u> [Impersonating another person holding an occupational therapy license or allowing another person to use his or her license]	Sec. 454.301(a)(6) [Sec. 454.204] §374.2(1)	30-45 day license suspension +up to \$150 [400] per violation <u>per day</u> [Cease and desist letter to the impersonator]	[45] 60-90 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>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</u> [Using occupational therapy techniques or modalities for purposes not consistent with the development of occupational therapy as a profession, as a science, or as a means for promoting the public health and welfare]	Sec. 454.301(a)(6) §374.2(2)	<u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day</u>	[30-] 60-90 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Failing to report or otherwise concealing any conduct by self or another licensee likely to be a violation of the Act or Rules</u> [Failing to report or otherwise concealing information related	Sec. 454.301(a)(6) §374.2(3)	<u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day</u>	[30-] 60-90 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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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to violations of the Act, or rules and regulations pursuant to the Act, which could therefore result in harm to the public health and welfare or damage the reputation of the profession]					
Drug diversion. In this paragraph, "drug diversion" refers to when a medication is diverted from the person to whom it was prescribed [Intentionally making or filing a false or misleading report, or failing to file a report when it is required by law or third person, or intentionally obstructing or attempting to obstruct another person from filing such a report]	Sec. 454.301(a)(6) §374.2(4)	30-45 day <u>license suspension with restricted practice</u> [30-60 hours <u>community service</u>] +up to \$150 [400] per violation <u>per day</u>	[30-] 60-90 day license suspension <u>with restricted practice</u> +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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 and Rules for those individuals to whom occupational therapy services are delegated [Intentionally harassing, abusing, or intimidating a patient either physically or verbally]	Sec. 454.301(a)(6) §374.2(5)	30-45 day <u>license suspension</u> [30-60 hours <u>community service</u>] +up to \$150 [400] per violation <u>per day</u>	[30-] 60-90 day license suspension [with restricted Practice] +up to \$200 [450] per violation <u>per day</u> [- referral for criminal investigative entity]	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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 receiving the supervision required by the Act and Rules	Sec. 454.301(a)(6) §374.2(6)	30-60 hours community service +up to \$150 [400] per violation <u>per day</u>	30-60 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the

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[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 patients or patronage, regardless of source of reimbursement, unless said business arrangement or payments practice is acceptable under the Texas Health and Safety Code, §§161.091–161.094, the Social Security Act, §1128B, 42 United States Code 1320a-7b, or the Social Security Act, §1877, 42 United States Code 1395nn or its regulations]					situation, repeat of violation, or development.
<u>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,</u>	Sec. 454.301(a)(6) §374.2(7)	<u>30-45 day license suspension [30-60 hours community service] +up to \$150 [100] per violation per day</u>	<u>[30-] 60-90 day license suspension +up to \$200 [150] per violation per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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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<u>abetting, authorizing, condoning, or allowing the use of a license by a person other than the holder of the license</u> [Recommending or prescribing therapeutic devices or modalities sold by a third person for the purpose or with the result of receiving a fee or other consideration from the third person; to and including 30 days.]					
<u>Practicing occupational therapy or representing oneself in a manner not authorized by the license</u> [Breaching the confidentiality of the patient/therapist relationship]	Sec. 454.301(a)(6) §374.2(8)	30-60 hours community service +up to \$150 [400] per violation <u>per day</u>	30-60 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>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 requested or not responding to subpoenas issued by the agency within 90 days</u> [Failing to obtain informed consent]	Sec. 454.301(a)(6) §374.2(9)	15-30 day license suspension [30-60 hours community service] [and additional course in ethics] +up to \$150 [400] per violation <u>per day</u>	[30-60] 45-90 day license suspension [and additional course in ethics] +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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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prior to engaging in scientific research involving patients, or otherwise violating ethical principles of research as defined by the TBOTE Code of Ethics, §374.4 of this title (relating to Code of Ethics), or other occupational therapy standards]					
<u>Failing to complete the requirements of an agreed order</u> [Practicing occupational therapy after the expiration of a temporary, provisional, or regular license]	Sec. 454.301(a)(6) §374.2(10)	<u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day in addition to the incomplete requirements from previous agreed order(s) and previous fines</u>	[30-] 60-90 day license suspension +up to \$200 [450] per violation <u>per day in addition to the incomplete requirements from previous agreed order(s) and previous fines</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>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</u> [Violation of Chapter 373 of this title (relating to Supervision)]	Sec. 454.301(a)(6) §374.2(11)	<u>30-45 day license suspension</u> [30-60 hours community service] +up to \$150 [400] per violation <u>per day</u>	[30-] 60-90 day license suspension +up to \$200 [450] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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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<u>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</u> [Advertising in a manner which is false, misleading, or deceptive / Advertised in a manner that in any way tends to deceive or defraud the public]	Sec. 454.301(a)(6) §374.2(12) [/ Sec. 454.301(7)]	[Letter to cease and desist; if licensed,] 30-60 hours community service <u>or 15-45 day suspension</u> +up to \$150 [100] per violation <u>per day</u>	[Letter to cease and desist; if licensed, 30-] 60-90 day license suspension +up to \$200 [150] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Failing to conform to the minimal standards of acceptable 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</u> [Failing to give sufficient prior written notice of resignation of employment (or termination of contract) resulting in loss or delay of patient treatment for those patients/clients under the licensee's care]	Sec. 454.301(a)(6) §374.2(13)(A)	15-30 day license suspension [30-60 hours community service] +up to \$150 [100] per violation <u>per day</u>	[30-60] 45-90 day license suspension +up to \$200 [150] per violation <u>per day</u>	Revocation or Surrender of license +up to \$200 per violation <u>per day</u>	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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<u>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</u>	<u>Sec. 454.301(a)(6) §374.2(13)(B)</u>	<u>15-30 day license suspension +up to \$150 per violation per day</u>	<u>45-90 day license suspension +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>
<u>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</u>	<u>Sec. 454.301(a)(6) §374.2(13)(C)</u>	<u>15-30 day license suspension +up to \$150 per violation per day</u>	<u>45-90 day license suspension +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>
<u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, harassing, abusing, or intimidating a client either physically or verbally</u>	<u>Sec. 454.301(a)(6) §374.2(13)(D)</u>	<u>15-30 day license suspension with restricted practice +up to \$150 per violation per day</u>	<u>45-90 day license suspension with restricted practice +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>
<u>Failing to conform to the minimal standards of acceptable prevailing practice, including, but not limited to, causing or enabling physical or emotional injury to</u>	<u>Sec. 454.301(a)(6) §374.2(13)(E)</u>	<u>15-30 day license suspension with restricted practice +up to \$150 per violation per day</u>	<u>45-90 day license suspension with restricted practice +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>

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or the impairment of the dignity or safety of the client					
<u>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)</u>	<u>Sec. 454.301(a)(6) §374.2(13)(F) §374.4</u>	<u>15-30 day license suspension +up to \$150 per violation per day</u>	<u>45-90 day license suspension with restricted practice +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>
<u>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 [Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with HIPAA regulations]</u>	<u>Sec. 454.301(a)(6) §374.2(14)(A)</u>	<u>30-45 day license suspension with restricted practice [30-60 hours community service] +up to \$150 [400] per violation per day</u>	<u>[30-] 60-90 day license suspension with restricted practice +up to \$200 [450] 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>
<u>Engaging in sexual contact or an inappropriate relationship with a client, including, but not limited to, becoming financially or personally involved in an inappropriate manner with a client</u>	<u>Sec. 454.301(a)(6) §374.2(14)(B)</u>	<u>30-45 day license suspension with restricted practice +up to \$150 per violation per day</u>	<u>60-90 day license suspension with restricted practice +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>
<u>Intentionally or knowingly offering to pay or agreeing to accept any remuneration</u>	<u>Sec. 454.301(a)(6) §374.2(15)</u>	<u>30-45 day license suspension with restricted practice +up to</u>	<u>60-90 day license suspension with restricted practice +up</u>	<u>Revocation or Surrender of license +up to \$200</u>	<u>Alternative disciplinary decisions or pursuing other courses of action</u>

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<u>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</u>		<u>\$150 per violation per day</u>	<u>to \$200 per violation per day</u>	<u>per violation per day</u>	<u>may depend on the nature of the situation, repeat of violation, or development.</u>
<u>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</u>	<u>Sec. 454.301(a)(6) §374.2(16)</u>	<u>30-45 day license suspension +up to \$150 per violation per day</u>	<u>60-90 day license suspension +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>
<u>Failing to maintain the confidentiality of all verbal, written, electronic, augmentative, and nonverbal communication, including compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations</u>	<u>Sec. 454.301(a)(6) §374.2(17)</u>	<u>30-45 day license suspension +up to \$150 per violation per day</u>	<u>60-90 day license suspension +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>
<u>Failing to provide sufficient prior written notice of resignation of employment or termination of</u>	<u>Sec. 454.301(a)(6) §374.2(18)</u>	<u>30-45 day license suspension +up to \$150 per violation per day</u>	<u>60-90 day license suspension +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</u>

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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. 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					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 [400] per violation per day	30-60 day license suspension and completion of CE hours +up to \$200 [450] 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 §367.1 §370.1	30-60 hours community service and completion of CE hours +up to \$150 [400] per violation per day	30-60 day license suspension and completion of CE hours +up to \$200 [450] 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.
Used drugs or intoxicating liquors to an extent that affects the applicant's or license holder's	Sec. 454.301(1)	30-60 [90] day license suspension with restricted practice +up to \$150 [400] per	90-120 day [6-12 month] license suspension with restricted practice +up	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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professional competence		violation <u>per day</u>	to \$ <u>200</u> [150] per violation <u>per day</u>		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 <u>Board</u> [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)	<u>30-45 day license suspension with restricted practice</u> [Restricted practice] +up to \$ <u>150</u> [100] per violation <u>per day</u>	[30-] <u>60-90 day license suspension with restricted practice</u> +up to \$ <u>200</u> [150] per violation <u>per day</u>	Revocation or Surrender of license +up to \$ <u>200</u> per violation <u>per day</u>	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; <u>if licensed, [✓] 30-60 day license suspension</u> +up to \$ <u>150</u> [100] per violation <u>per day</u>	[60-] <u>90-120 day license suspension with restricted practice</u> +up to \$ <u>200</u> [150] per violation <u>per day</u> [; referral for criminal investigative entity]	Revocation or Surrender of license +up to \$ <u>200</u> per violation <u>per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Been grossly negligent in the practice of occupational therapy or in acting as an occupational therapy assistant	Sec. 454.301(4)	<u>30-45 day license suspension with restricted practice</u> [30-60 hours community service] +up to \$ <u>150</u> [100] per violation <u>per day</u>	[30] <u>60-90 day license suspension with restricted practice</u> +up to \$ <u>200</u> [150] per violation <u>per day</u> [; referral for criminal]	Revocation or Surrender of license +up to \$ <u>200</u> per violation <u>per day</u>	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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			investigative entity]		
Been found mentally incompetent by a court	Sec. 454.301(5)	<u>30-45 day license suspension with restricted practice [30-60 hours community service] +up to \$150 [400] per violation per day</u>	<u>60-120 day [6-12 month] license suspension with restricted practice and fitness to practice statement from physician +up to \$200 [450] per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
<u>Advertised in a manner that in any way tends to deceive or defraud the public</u>	<u>Sec. 454.301(7)</u>	<u>Letter of cease and desist if unlicensed; if licensed, 30-45 day license suspension +up to \$150 per violation</u>	<u>60-90 day license suspension +up to \$200 per violation</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>
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 <u>\$150 [400] per violation per day</u>	30-60 day license suspension with restricted practice <u>or concurrent board order +up to \$200 [450] per violation per day</u>	<u>Revocation or Surrender of license +up to \$200 per violation per day</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</u>	<u>§369.2</u>	<u>15-30 day license suspension +up to \$150 per violation per day</u>	<u>45-90 day license suspension +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>