

DYSLEXIA THERAPISTS Penalties and Sanctions

Texas Occupations Code, Chapter 403
Texas Occupations Code, Chapter 51
16 Texas Administration Code, Chapter 120
16 Texas Administration Code, Chapter 60
Texas Health and Safety Code, Chapter 181
Texas Health and Safety Code, Chapter 311

Class A

Penalty Range: \$500 to \$1,000

Administrative Violations

Violation	Statute/Rule
Failed to report to the Department within 30 days of the event changes in name or mailing address	120.70(a)
Failed to notify each client or minor client's parent or authorized representative of the Department's name, website, email address, mailing address, and telephone number for the purpose of directing complaints to the Department	120.90(c)(5)

Posting and Public Information Violations

Violation	Statute/Rule
Failed to display license in the primary location of the practice	120.90(c)(6)

Class B

Penalty: \$750 to \$3,000 and/or up to 6-month suspension.

Administrative Violations

Violation	Statute/Rule
Failed to inform the Department of any violations of this chapter or the Act	120.90(b)(28)

Advertising Violations

Violation	Statute/Rule
Misrepresented the use of a professional name, a title or professional identification that is expressly or commonly reserved to or used by another profession or professional	120.90(d)(6)

Recordkeeping Violations

Violation	Statute/Rule
Failed to document the information disclosed, the person or entity to whom the disclosure was made, and the justification for the disclosure, in the event of disclosure of personal or professional information about a client	120.90(b)(19)

Recordkeeping Violations Related to Private Practice

Violation	Statute/Rule
Failed to provide a client or a minor client's parent or authorized representative with a written agreement for services delivered in a private practice prior to the commencement of services	120.90(c)(1)
Failed to maintain legible and accurate records of dyslexia therapy services	120.90(c)(2)
Failed to maintain records of services rendered in a school or other learning center or clinic for the period of time required by the service setting	120.90(c)(3)
Failed to maintain records of services for 5 years	120.90(c)(3)
Failed to provide a client or a minor client's parent or authorized representative with a written agreement for services delivered in a private practice prior to the commencement of services	120.90(c)(1)

Standard of Care Violations Related to Treatment

Violation	Statute/Rule
Provided professional services to a client who was receiving dyslexia therapy services from another license holder without the prior knowledge and consent of the other license holder	120.90(b)(18)

Class C

Penalty: \$2,000 to \$5,000 and/or 1-year suspension up to revocation.

Recordkeeping and Confidentiality Violations

Violation	Statute/Rule
Revealed confidential or personal information about a client without authorization other than as required by law, a certifying entity, compelled by a court, or as required to protect the welfare of the client or the community	120.90(b)(19)
Failed to document any confidential or personal information disclosed, the person or entity to whom it was disclosed, and the justification for the disclosure in the client's record if the licensee reveals such information without authorization	120.90(b)(19)
Failed to maintain confidentiality of records	Texas Health and Safety Code, Chapter 181

Standard of Care Violations Related to Treatment

Violation	Statute/Rule
Provided professional services that were not within the scope of the license holder's competence	120.90(b)(1)
Failed to ensure a safe therapy or teaching environment	120.90(b)(2)
Jeopardized a client's safety or well-being by abusive or inattentive behavior	120.90(b)(3)

Violation	Statute/Rule
Failed to maintain objectivity in all matters concerning the welfare of the client	120.90(b)(4)
Failed to terminate a professional relationship when it is reasonably clear that the client is not benefitting from the services provided or when it is reasonably clear that the client no longer needs the services	120.90(b)(5)
Failed to identify competent, dependable referral sources for clients or failed to make a referral when requested or appropriate	120.90(b)(6)
Failed to provide accurate information to clients and the public about the nature and management of dyslexia or about the services rendered	120.90(b)(7)
Failed to be knowledgeable of all available diagnostic data or other relevant information regarding each client	120.90(b)(8)
Guaranteed directly or by implication the results of any therapeutic or teaching services	120.90(b)(9)
Misled a client to expect results that cannot be predicted from reliable evidence	120.90(b)(9)
Failed to accurately represent or describe any product created or recommended by the license holder	120.90(b)(10)
Used his or her professional relationship with a client to promote any product created or produced by the license holder	120.90(b)(12)
Failed to fully inform clients of the nature and possible outcomes of services rendered	120.90(b)(14)
Used a client's data or information for research or teaching activities without the written consent of the client or a minor client's parent or legal guardian	120.90(b)(15)
Failed to comply with all provisions of the Act and the administrative rules, or any state or federal law or rule that relates to the provision of professional services by, or the regulation of the license holder	120.90(b)(25)

Misrepresentation Violations

Violation	Statute/Rule
Misrepresented the licensee's education, training, credentials, or competence	120.90(13)
Used false, misleading, inaccurate, incomplete, out of context, deceptive, or not readily verifiable information in an advertisement or announcement	120.90(d)
Used advertising that makes a material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading	120.90(d)(1)
Used an advertisement that makes a representation likely to create an unjustified expectation about the results of a professional service	120.90(d)(2)
Used an advertisement that compares a professional's services with another professional's services unless the comparison can be factually substantiated	120.90(d)(3)
Used an advertisement that causes confusion or misunderstanding as to the credentials, education, or licensing of a professional	120.90(d)(4)

Unlicensed Activity Violations

Violation	Statute/Rule
Used the title 'licensed dyslexia practitioner' or 'licensed dyslexia therapist' without a license	403.101

Unprofessional or Unethical Conduct – Billing Violations

Violation	Statute/Rule
Billed a client or third-party for services not rendered in the manner agreed to by the license holder and the client or the minor client's parent or guardian	120.90(b)(17)
Failed to provide in plain language a written explanation of the charges for dyslexia therapy services previously made on a bill or statement upon the written request of a client or client's parent or authorized representative	120.90(b)(20)

Violation	Statute/Rule
Knowingly submitted a bill for treatment to a client or third-party payor a bill for services not provided or that were improper, unreasonable, or clinically unnecessary	Texas Health and Safety Code, §311.0025(a)

Unprofessional or Unethical Conduct Violations

Violation	Statute/Rule
Required the exclusive use or purchase by a client of any product created or produced by the license holder	120.90(b)(11)
Falsified records	120.90(b)(16)
Used alcohol or drugs not legally prescribed for the license holder when the use adversely affects or could adversely affect the provision of professional services	403.202(3); 120.90(b)(23)
Offered to pay or agreed 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 securing or soliciting clients or patronage	120.90(b)(24)
Discriminated in the provision of dyslexia therapy services on the basis of race, color, national origin, religion, gender, age, or disability	120.90(b)(32)
Made a representation designed to take advantage of the fears or emotions of a particularly susceptible type of client	120.90(d)(5)
Failed to cooperate with the Department	120.90(b)(31); 60.203(a), (c)
Failed to make available to a Department employee or representative all records, notices, and other documents as requested	60.203(b)

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)

Violation	Statute/Rule
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: \$5,000 and/or revocation.

[TYPE] Violations

Violation	Statute/Rule
Engaged in the medical diagnosis of clients	403.202(3); 120.90(b)(21)
Engaged in sexual contact or sexually exploitive behavior or therapeutic deception with a client	403.202(3); 120.90(b)(22)
Obtained a license by means of fraud, misrepresentation, or concealment of a material fact	403.202(1); 120.90(b)(26); 60.23(a)(1)
Falsified any document submitted to the Department or commission	60.23(a)(2)
Sold, offered to sell, or bartered a license	403.202(2); 120.90(b)(27)
Failed to comply with an order issued by the executive director or commission	51.353(a); 120.90(b)(29); 60.23(a)(5)
Interfered in a Department investigation or disciplinary proceeding by misrepresentation or omission of facts to the Department or by use of threats or harassment against any person	120.90(b)(30); 60.203(c)
Failed to comply with exam security requirements	60.54

Violation	Statute/Rule
Failed to pay the Department for a dishonored payment or processing fee	60.82
Engaged in the medical diagnosis of clients	403.202(3); 120.90(b)(21)