

Figure: 22 TAC §80.4(a)

MAXIMUM PENALTIES TABLE

Category I (Serious Physical or Financial Harm to Patient): Up to revocation or suspension, and \$1000 per day

Violation	Reference
Sexual misconduct	22 Texas Administrative Code (TAC) §79.1(1) Occupations Code (OC) §201.502(a)(7)
Lack of diligence or gross inefficient practice	22 TAC §79.2 OC §201.502(a)(7)
Practicing outside the scope of practice	22 TAC §§79.2, 78.1, 78.2 OC §§201.002, 201.502(a)(1), (18)
Unauthorized practice of acupuncture	22 TAC §78.14
Proved insane	OC §201.502(17)
Impaired licensee or applicant	22 TAC §79.4
Practicing chiropractic while intoxicated	OC §201.606(b)
Knowingly permitting an unlicensed person to practice	OC §§201.502(a)(10), 201.5025(a)(7)
Impersonating a licensed chiropractor	OC §201.502(a)(15)
Prescribe or administer a nontherapeutic treatment	OC §201.5026(a)(2)
Knowingly delegating chiropractic responsibility to unqualified persons	OC §201.5026(a)(5)
Procuring or assisting an abortion	OC §201.502(a)(6)
Habit of intemperance or drug addiction or other habit endangering life of patient	OC §201.502(a)(8)
Furnishing or prescribing controlled substances	OC §22 TAC §72.18(k)(5)
Physically harming or threatening to physically harm a patient	22 TAC §79.1(3) OC §201.502(a)(7)
Criminal conviction (sexual or violent in nature)	22 TAC §72.12(k)(4)(A)(B)(D)(F)-(I) OC §201.5065(a)(1)(C)
Practicing without obtaining a chiropractic license, or while expired or inactive	22 TAC §80.3(d) OC §201.301
Failure to comply with the Occupations Code Chapter 201, other law, board order, or rule	22 TAC §80.3(c) OC §§201.501, 201.502(a)(1)
Medicaid or Medicare fraud	OC §201.502(a)(2), (7) Human Resources Code §§36.002, 36.005
Failure to supervise duties of staff resulting in harm to patient	22 TAC §79.1(5)

Category II (Fraud and Lack of Diligence): Up to revocation and suspension, and \$750 per day

Over-treating or overcharging a patient	22 TAC §79.1(2) OC §201.5026(a)(3) OC §101.203 Health and Safety Code §311.0025
Presenting or using license, certificate, or diploma or transcript illegally, fraudulently obtained, counterfeited, or altered	OC §201.502(a)(3)
Presenting untrue statement, document, or testimony to pass examination	OC §201.502(a)(4)
Directly or indirectly employing or associating with person committing the unlicensed practice of chiropractic	OC §201.502(a)(10)
Purchasing, selling, or bartering a chiropractic degree, license, certificate, diploma, or transcript relating to application to practice	OC §201.502(a)(12)
Intentionally or fraudulently altering a chiropractic license, certificate, or diploma	OC §201.502(a)(13)
Commit fraud or deception in taking or passing examination; impersonating or acting as proxy in examination	OC §§201.502(a)(14), 201.5025(a)(2)
Permitting a license to be used by another to practice	OC §201.502(a)(16)
Submission of false or misleading statement, document or certificate in application for licensure	OC §201.5025(a)(1)
Employs a person whose license to practice chiropractic has been suspended, canceled or revoked	OC §201.5025(a)(5)
Aiding or abetting the practice of chiropractic by a person not licensed by the board	OC §201.5025(a)(7)
Delegating authority to a licensee whose license has been suspended or revoked	22 TAC §78.3(h) OC §201.5025(a)(6)(A)
Delegating to a non-licensee authority to perform adjustments or manipulations	22 TAC §78.3(b), (f), (i), (j)
Failure to comply with downtime restrictions	22 TAC §80.3(f)
Solicitation or barratry	OC §§102.001, 102.006 OC §201.502(a)(20), (21)
Failure to respond to board inquiries	22 TAC §§79.1(9), 72.18(h), 80.1
Failure to report criminal conviction	22 TAC §72.18(f)
Criminal conviction (non-violent, non-sexual)	OC §53.021 OC §201.502(a)(5), 201.5065

Category III (General Violations): Up to suspension and \$500 per day

Practicing with an expired license (nonrenewal due to default student loan)	22 TAC §72.14(i) OC §§201.301, 201.351, 201.354(f)
Practicing in noncompliance with continuing education requirements	22 TAC §73.2(g) OC §201.301
Association in the practice of chiropractic with a person whose license has been suspended, canceled, revoked; or convicted of the unlawful practice of chiropractic in any state	OC §201.5025(a)(6)
Failure to supervise chiropractic by a student or recent graduate	22 TAC §78.3(c), (d) OC §201.5026(a)(4)
Failure to maintain sanitary conditions or exposing a patient to unsanitary conditions	22 TAC §79.1(4)
Failure to comply with requirements or restrictions on prepaid treatment plans	22 TAC §75.5
Unauthorized disclosure of patient records	22 TAC §76.1 OC §§201.402, 201.405
Violation of patient confidentiality	OC §201.402(a)
Misleading claims, deception or fraud; Advertising a false statement that tends to mislead or deceive public	22 TAC §§77.2, 77.3 OC §201.502(a)(2), (9), (11) OC §101.201
Use of the term "physician," or "chiropractic physician"	OC §201.502(a)(22) OC §101.201(b)(9)
Failure to specify "chiropractor" or "D.C." in advertising	22 TAC §§77.2(f), 79.1(6)
Using "chiropractor" or "D.C." in advertising without holding a chiropractic license issued by the board	22 TAC §79.1(8) OC §§201.002(b)(4), 201.301
Using "chiropractor" or D.C." in advertising for services outside the scope of practice	22 TAC §§79.1(7), 77.2, 77.4
Failure to furnish patient records; Overcharging for copies of patient records	22 TAC §76.1 OC §201.405(f)
Failure to disclose charges to patient	22 TAC §79.1(2)(C) 101.351
Failure to maintain patient records	22 TAC §76.2
Failure to report out-of-facility practice	22 TAC §75.2
Failure to display the mandatory notice to public or current annual license renewal	22 TAC §75.6
Failure to clearly differentiate a chiropractic office or clinic from another business or enterprise	OC §201.502(a)(19)
Failure to complete continuing education	22 TAC §§73.1(b), 73.2
Failure to comply with spinal screenings requirements	22 TAC §78.5
Failure to report change of address	22 TAC §72.13

Failure to report <i>locum tenens</i> information	22 TAC §75.2(b)
Default on student loan	22 TAC §80.8 OC §56.003