

Figure: 40 TAC §374.1(c)

Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
Impersonating another person holding an occupational therapy license or allowing another person to use his or her license	Sec. 454.301(a)(6) <u>Sec. 454.201 §374.2(1)</u>	30-45 day license suspension <u>+up to \$100 per violation</u> [+investigative costs] / Cease and desist letter to the impersonator	45-90 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
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) <u>§374.2(2)</u>	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 information related 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	Sec. 454.301(a)(6) <u>§374.2(3)</u>	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
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) <u>§374.2(4)</u>	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Intentionally harassing,	Sec. 454.301(a)(6)	30-60 hours community	30-60 day license	Revocation or Surrender	Alternative disciplinary

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abusing, or intimidating a patient either physically or verbally	§374.2(5)	service <u>+up to \$100 per violation</u> [+investigative costs]	suspension with restricted practice <u>+up to \$150 per violation</u> [+investigative costs]; referral for criminal investigative entity	of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
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	Sec. 454.301(a)(6) §374.2(6)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Recommending or prescribing therapeutic devices or modalities sold by a third person for	Sec. 454.301(a)(6) §374.2(7)	30-60 hours community service <u>+up to \$100 per violation</u>	30-60 day license suspension <u>+up to \$150 per violation</u>	Revocation or Surrender of license <u>+up to \$200 per violation</u>	Alternative disciplinary decisions or pursuing other courses of action may depend on

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the purpose or with the result of receiving a fee or other consideration from the third person		[+investigative costs]	[+investigative costs]	[(until conditions are met or indefinitely)]	the nature of the situation, repeat of violation, or development.
Breaching the confidentiality of the patient/therapist relationship	Sec. 454.301(a)(6) §374.2(8)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Failing to obtain informed consent 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	Sec. 454.301(a)(6) §374.2(9)	30-60 hours community service and additional course in ethics <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension and additional course in ethics <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 after the expiration of a temporary, provisional, or regular license	Sec. 454.301(a)(6) Sec. 454.201 §374.2(10)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Violation of Chapter 373 of this title (relating to Supervision)	Sec. 454.301(a)(6) §374.2(11)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
Advertising in a manner which is	Sec. 454.301(a)(6)	Letter to cease and desist; if	Letter to cease and	Revocation or Surrender	Alternative disciplinary

Schedule of Sanctions

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false, misleading, or deceptive / Advertised in a manner that in any way tends to deceive or defraud the public	§374.2(12) / Sec. 454.301(7)	licensed, 30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	desist; if licensed, 30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.
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)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 HIPAA regulations	Sec. 454.301(a)(6) §374.2(14)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension and completion of CE hours <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 (b) §370.1	30-60 hours community service and completion of CE hours <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension and completion of CE hours <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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	Sec. 454.301(1)	30-90 day license suspension	6-12 month license suspension	Revocation or Surrender of license	Alternative disciplinary decisions or

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affects the applicant's or license holder's professional competence		with restricted practice <u>+up to \$100 per violation</u> [+investigative costs]	with [provisional] restricted practice <u>+up to \$150 per violation</u> [+investigative costs]	<u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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)	Restricted practice <u>+up to \$100 per violation</u>	30-60 day license suspension with [provisional] restricted practice <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 / 30-60 day license [licensee] suspension <u>+up to \$100 per violation</u> [+investigative costs]	60-90 day license suspension with restricted practice <u>+up to \$150 per violation</u> [+investigative costs]; referral for criminal investigative entity	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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)	30-60 hours community service <u>+up to \$100 per violation</u> [+investigative costs]	30-90 day license suspension with restricted practice <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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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			costs]; referral for criminal investigative entity	are met or indefinitely]	of violation, or development.
Been found mentally incompetent by a court	Sec. 454.301(5)	30-60 day license suspension with [provisional] restricted practice <u>+up to \$100 per violation</u> [+investigative costs]	6-12 month license suspension with [provisional] restricted practice <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	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 <u>+up to \$100 per violation</u> [+investigative costs]	30-60 day license suspension with restricted practice <u>+up to \$150 per violation</u> [+investigative costs]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [(until conditions are met or indefinitely)]	Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development.