

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) §374.2(1)	30-45 day license suspension +investigative costs / Cease and desist letter to the impersonator	45-90 day license suspension +investigative costs	Revocation or Surrender of license (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) §374.2(2)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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) §374.2(3)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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) §374.2(4)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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, abusing, or	Sec. 454.301(a)(6) §374.2(5)	30-60 hours community service	30-60 day license suspension	Revocation or Surrender of license	Alternative disciplinary decisions or

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intimidating a patient either physically or verbally		+investigative costs	with restricted practice +investigative costs; referral for criminal investigative entity	(until conditions are met or indefinitely)	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 +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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 the purpose or with the result of receiving a fee or	Sec. 454.301(a)(6) §374.2(7)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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

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other consideration from the third person					development.
Breaching the confidentiality of the patient/therapist relationship	Sec. 454.301(a)(6) §374.2(8)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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 +investigative costs	30-60 day license suspension and additional course in ethics +investigative costs	Revocation or Surrender of license (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) §374.2(10)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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 +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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 false, misleading, or deceptive / Advertised in a	Sec. 454.301(a)(6) §374.2(12) / Sec. 454.301(7)	Letter to cease and desist; if licensed, 30-60 hours community	Letter to cease and desist; if licensed, 30-60 day license	Revocation or Surrender of license (until conditions	Alternative disciplinary decisions or pursuing other courses of action

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manner that in any way tends to deceive or defraud the public		service +investigative costs	suspension +investigative costs	are met or indefinitely)	may depend on the nature of the situation, repeat of violation, or development.
[Failing to register an occupational therapy facility which is not exempt or failing to renew the registration of an occupational therapy facility which is not exempt]	[Sec. 454.301(a)(6) §374.2(13)]	[Letter to cease and desist; if licensed, letter of reprimand to the TIC and facility +investigative costs]	[Letter to cease and desist; if licensed, 30-60 day suspension for TIC and facility +investigative costs]	[Revocation or Surrender of license (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 in an unregistered occupational therapy facility which is not exempt]	[Sec. 454.301(a)(6) §374.2(14)]	[Letter of reprimand to the TIC, OTs, OTAs, and facility and/or 30-60 hours community service +investigative costs]	[30-60 day license suspension for the TIC, OTs, and OTAs +investigative costs]	[Revocation or Surrender of license (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 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(15)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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(16)	30-60 hours community service +investigative costs	30-60 day license suspension +investigative costs	Revocation or Surrender of license (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	30-60 day license suspension and completion of	Revocation or Surrender of license (until conditions	Alternative disciplinary decisions or pursuing other courses of action

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		+investigative costs	CE hours +investigative costs	are met or indefinitely)	may depend on the nature of the situation, repeat of violation, or development.
Failed to properly renew license	Sec. 454.252 §367.1(b) §370.1	30-60 hours community service and completion of CE hours +investigative costs	30-60 day license suspension and completion of CE hours +investigative costs	Revocation or Surrender of license (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 affects the applicant's or license holder's professional competence	Sec. 454.301(1)	30-90 day license suspension with restricted practice +investigative costs	6-12 month license suspension with provisional restricted practice +investigative costs	Revocation or Surrender of license (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 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	30-60 day license suspension with provisional restricted practice +investigative costs	Revocation or Surrender of license (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	Sec. 454.301(3)	Letter of cease and desist for attempter / 30-	60-90 day license suspension	Revocation or Surrender of license	Alternative disciplinary decisions or

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fraud or deception		60 day licensee suspension +investigative costs	with restricted practice +investigative costs; referral for criminal investigative entity	(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 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 +investigative costs	30-90 day license suspension with restricted practice +investigative costs; referral for criminal investigative entity	Revocation or Surrender of license (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 found mentally incompetent by a court	Sec. 454.301(5)	30-60 day license suspension with provisional restricted practice +investigative costs	6-12 month license suspension with provisional restricted practice +investigative costs	Revocation or Surrender of license (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 +investigative costs	30-60 day license suspension with restricted practice +investigative costs	Revocation or Surrender of license (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.