

Figure: 22 TAC §344.1(c)

Schedule of Sanctions

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| Failing to document physical therapy services, inaccurately recording, falsifying, or altering patient/client records | Sec. 453.351(a)(7) §322.4(b)(1) | 15-30 day license suspension +up to \$100 per violation | 45-90 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Obtaining or attempting to obtain or deliver medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge | Sec. 453.351(a)(7) §322.4(b)(2) | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failing to supervise and maintain the supervision of supportive personnel, licensed or unlicensed, in compliance with the Act and rule requirements | Sec. 453.351(a)(7)(10) §322.4(b)(3) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Aiding, abetting, authorizing, condoning, or allowing the practice of physical therapy by any person not licensed to practice physical therapy | Sec. 453.351(a)(7) §322.4(b)(4) | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Permitting another person to use an individual's physical therapist's or physical therapist assistant's license for any purpose | Sec. 453.351(a)(7) §322.4(b)(5) | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failing to cooperate with the agency by not furnishing papers or documents requested or by not responding to subpoenas issued by the agency | Sec. 453.351(a)(7) §322.4(b)(6) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the board, or by the use of threats or harassment against any patient/client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action | Sec. 453.351(a)(7) §322.4(b)(7) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |

Schedule of Sanctions

| Disciplinary Violations | PT Act/Rule | Minimum Discipline | Intermediate Discipline | Maximum Discipline | Remarks |
|--|--|---|---|--|--|
| Engaging in sexual contact with a patient/client as the result of the patient/client relationship | Sec. 453.351(a)(7) §322.4(b)(8) | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Practicing or having practiced with an expired temporary or permanent license | Sec. 453.351(a)(7) §322.4(b)(9) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including, but not limited to: (A) failing to assess and evaluate a patient's/client's status; (B) performing or attempting to perform techniques or procedures or both in which the physical therapist or physical therapist assistant is untrained by education or experience; (C) delegating physical therapy functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question; or (D) causing, permitting, or allowing physical or emotional injury or impairment of dignity or safety to the patient/client | Sec. 453.351(a)(7) §322.4(b)(10) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary 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 | Sec. 453.351(a)(7) §322.4(b)(11) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | 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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| source of reimbursement, unless said business arrangement or payments practice is acceptable under 42 United States Code §1320a-7b(b) or its regulations | | | | | |
| Advertising in a manner which is false, misleading, or deceptive | Sec. 453.351(a)(7) §322.4(b)(12) | Letter to cease and desist; if licensed, 30-60 hours community service +up to \$100 per violation | If licensed, 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Knowingly falsifying and/or forging a referring practitioner's referral for physical therapy | Sec. 453.351(a)(7) §322.4(b)(13) | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failing to notify the board of any conduct by another licensee which reasonably appears to be a violation of the Practice Act and rules, or aids or causes another person, directly or indirectly, to violate the Practice Act or rules of the board | Sec. 453.351(a)(7) §322.4(b)(14) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Abandoning or neglecting a patient under current care without making reasonable arrangements or the continuation of such care | Sec. 453.351(a)(7) §322.4(b)(15) | 30 days suspension +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | 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. 453.351(a)(7) §322.4(b)(16) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failed CCU Audit | §341.2(g) | 30-60 hours community service + CE hours completed | 30-60 day license suspension + CE hours completed | Revocation or Surrender of license +up to \$200 per violation | 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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| | | +up to \$100 per violation | +up to \$150 per violation | | |
| Failed to properly renew license | §341.2(c)(d) | 30-60 hours community service + CE hours completed +up to \$100 per violation | 30-60 day license suspension + CE hours completed +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Except as provided by Section 453.301 or 453.302, provided physical therapy to a person without a referral from a referring practitioner | Sec. 453.351 (a)(1) | 30-60 hours community service +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | 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 license holder's or applicant's professional competence | Sec. 453.351(a)(2) §343.5 | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Failure to report felony conviction; been convicted of a felony, including a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere, in this state or in any other state or nation | Sec. 453.351 (a)(3) §343.6(a)(1) §343.9 | 30 day license suspension +up to \$100 per violation | 2-6 month license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | 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. 453.351 (a)(4) §343.6(a)(1) | Letter to cease and desist; if licensed, 60-90 day license suspension +up to \$100 per violation | 2-6 month license suspension with restricted practice +up to \$150 per violation referral for criminal investigative entity | Revocation or Surrender of license +up to \$200 per violation | 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 physical therapy or in acting as a physical therapist assistant | Sec. 453.351 (a)(5) §343.7 | 30-60 day license suspension +up to \$100 per violation | 30-60 day license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | 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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| Been found to be mentally incompetent by a court | Sec. 453.351 (a)(6) §343.8 | 30-60 day license suspension with provisional restricted practice +up to \$100 per violation | 6-12 month license suspension with provisional restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Having a license to practice physical therapy or a license to practice another health care profession revoked or suspended or had other disciplinary action taken against him or had his/her application for license refused, revoked, or suspended by the proper licensing authority of another state, territory, or nation | Sec. 453.351(a)(8)(9) §343.6(a)(2) | 30 day license suspension +up to \$100 per violation | 2-6 month license suspension with restricted practice +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |
| Noncompliance professionally and/or ethically in conduct not otherwise specified | APTA guide for professional conduct | 30-60 [8-30]hours community service; complete additional course in ethics +up to \$100 per violation | 30-60 day license suspension +up to \$150 per violation | Revocation or Surrender of license +up to \$200 per violation | Alternative disciplinary decisions or pursuing other courses of action may depend on the nature of the situation, repeat of violation, or development. |