

Figure: 22 TAC §80.4(a)

Schedule of Penalties

Legend:

- OC: Texas Occupations Code
- HRC: Texas Human Resources Code
- HSC: Texas Health and Safety Code
- TAC: Texas Administrative Code

<b>VIOLATION</b>	<b>CATEGORY</b>
<b>GENERAL BOARD AUTHORITY</b>	
Violating a provision of Texas Occupations Code Chapter 201 or a rule adopted by the Board – OC §§201.501	Category I
<b>BOARD FEES, APPLICATIONS, AND RENEWALS</b>	
Practicing chiropractic without a license – OC §201.301	Category I
Practicing chiropractic with an expired license – OC §201.30 354(f)	Category II
Providing false information on a license application – 22 TAC §72.2(i); OC §201.5025(a)(1)	Category I
Purchasing, selling, or using a chiropractic degree, license, certificate, or diploma, or transcript of a degree, license, certificate, or diploma relating to an application to the Board for a license – OC §201.502(a)(12)	Category I
Failing to maintain a current physical and business address, telephone number, or email address with the Board – 22 TAC §72.13	Category II
Failing to use the term "DC – retired" by a retired licensee – 22 TAC §72.17(g)	Category I

Failing to notify the Board in writing of a conviction or deferred adjudication within 30 days – 22 TAC §72.18(h)	Category II
<b>CONTINUING EDUCATION</b>	
Failing to meet continuing education requirements – 22 TAC §73.1; OC §201.301	Category II
Failing to meet continuing education requirements for a Board-issued permit to perform specialized techniques or procedures – 22 TAC §73.1(q)	Category II
<b>BUSINESS PRACTICES</b>	
Failing to follow the Board's Code of Ethics – 22 TAC §75.1	Category II
Failing to provide the Board the physical address, telephone number, or business name of the licensee's primary place of business – 22 TAC §75.2(a)	Category II
Failing to document and maintain the physical address, business name, or date range when services were rendered at a secondary location – 22 TAC §75.2(b)	Category II
Failing to report suspected fraud to the Board – 22 TAC §75.3(d)	Category I
Failing to provide a written receipt or summary of all charges to a patient making such a request – 22 TAC §75.4	Category I
Failing to follow the Board's requirements for prepaid treatment plans – 22 TAC §75.5	Category I
Failing to prominently display the mandatory notice to the public – 22 TAC §75.6	Category II
Failing to prominently display the licensee's current license – 22 TAC §75.7	Category II
Failing to prevent unsafe or unsanitary conditions at a location where the licensee practices chiropractic – 22 TAC §75.8	Category I
Failing to clearly differentiate a chiropractic practice from another business or enterprise – OC §201.502(a)(19)	Category II
<b>PATIENT RECORDS AND DOCUMENTATION</b>	
Failing to maintain the required contents of patient records – 22 TAC §76.1	Category I
Charging an unreasonable fee for patient records – 22 TAC §76.3; OC §201.405(f)	Category II
Failing to properly store and maintain patient records – 22 TAC §76.4	Category I

Failing to maintain the confidentiality of patient communications and records – OC §201.402	Category I
<b>ADVERTISING AND PUBLIC COMMUNICATIONS</b>	
<b>Advertising</b>	
Using "chiropractor," "doctor of chiropractic," or "DC" in connection with the person's name without the person holding a current Board-issued license – OC §§201.002(b)(4) and 201.301	Category I
Using public communications or advertising that contains a false, misleading, deceptive, or fraudulent claim – 22 TAC §77.1; OC §201.502(a)(9)	Category I
Using public communications or advertising that indicates the licensee provides services outside the scope of practice – 22 TAC §77.1(a)	Category I
Failing to use "doctor of chiropractic," "DC," "chiropractic," or "chiropractor" in public communications or advertising if the licensee also uses the term "doctor" or "Dr." in the communication or advertising – 22 TAC §77.1(b)	Category II
Failing to hold an active license when using the terms "doctor of chiropractic," "DC," "chiropractor," or "chiropractic" in public communications or advertising – 22 TAC §77.1(c)	Category I
Failing to identify the name of the board certifying a licensee's credentials in any public communication or advertising using the term "Board Certified" – 22 TAC §77.1(d)	Category II
Failing to identify and provide the source of a research study in any advertising or public communications making a claim based on that study – 22 TAC §77.1(f)	Category II
Failing to clearly state all included component services in any public communications or advertising indicating a service is free – 22 TAC §77.1(g)	Category I
<b>Telemarketing</b>	
Using telemarketing that misrepresents the licensee as being associated with an insurance company – 22 TAC §77.2(a)	Category II
Using telemarketing that misrepresents the licensee as being associated with another licensee - 22 TAC §77.2(b)	Category II
Using telemarketing that promises the successful treatment of any condition – 22 TAC §77.2(c)	Category I
Using telemarketing that fails to identify the licensee's name and name of any affiliated healthcare practice – 22 TAC §77.2(d)	Category II

Failing to maintain a copy of any telemarketing script and log of all contacts for two years – 22 TAC §77.2(e)	Category II
<b>Misleading Claims</b>	
Using misleading advertising intended to create a false expectation of the favorable results of treatment – 22 TAC §77.4(a)(1)	Category I
Using misleading advertising intended to create a false expectation of the cost of treatment – 22 TAC §77.4(a)(2)	Category I
Using misleading advertising representing only a partial disclosure of the conditions and facts of the extent of treatment – 22 TAC §77.4(a)(3)	Category I
Using claims in advertising that state or imply chiropractic services can cure any condition – 22 TAC §77.4(a)(4)	Category I
Using claims in advertising that chiropractic services can cure or lessen conditions outside the scope of practice – 22 TAC §77.4(a)(5)	Category I
Using claims in advertising that guarantee the results of chiropractic services – 22 TAC §77.4(a)(6)	Category I
Using claims in advertising that offer results not within the realm of scientific proof beyond testimonial statements or manufacturer's claims – 22 TAC §77.4(a)(7)	Category I
Using claims in advertising that create a false expectation of the adverse consequences of not receiving chiropractic treatment – 22 TAC §77.4(a)(8)	Category I
Using claims in advertising of professional superiority if that superiority is not readily subject to verification – OC §201.502(a)(11)	Category II
Using the term "physician" or "chiropractic physician" in advertising – OC §201.502(a)(22)	Category II
<b>SCOPE OF PRACTICE</b>	
<b>Prohibited Acts Outside the Scope of Practice</b>	
Performing, prescribing, or ordering incisive or surgical procedures outside the scope of practice – 22 TAC §78.2(a)(1); OC §201.002(c)(1)	Category I
Prescribing controlled substances, dangerous drugs, or any other drug that requires a prescription outside the scope of practice – 22 TAC §78.2(a)(2); OC §201.002(c)(2)	Category I

Using, prescribing, or ordering X-ray therapy or therapy that exposes a body to radioactive materials outside the scope of practice – 22 TAC §78.2(a)(3); OC §201.0-02(c)(3)	Category I
Performing, prescribing, or ordering solely cosmetic treatments – 22 TAC §78.2(a)(4)	Category I
Practicing acupuncture without a Board-issued permit – 22 TAC §78.14(b)	Category I
Prescribing or administering a nontherapeutic treatment – OC §201.5026(a)(2)	Category I
Procuring or assisting in the procuring of an abortion – OC §201.502(a)(6)	Category I
<b>Unlawful Associations</b>	
Aiding or abetting the practice of chiropractic by an unlicensed individual – OC §201.5025(a)(7)	Category I
Employing or associating with an individual practicing chiropractic without a license – OC §201.502(a)(10)	Category I
Employing an individual whose license to practice chiropractic has been suspended or revoked – OC §201.5025(a)(5)	Category I
Associating in the practice of chiropractic with an individual whose license has been suspended or revoked – OC §201.5025(a)(6)(A)	Category I
Associating in the practice of chiropractic with an individual who has been convicted of the unlawful practice of chiropractic – OC §201.5025(a)(6)(B)	Category I
<b>Fraudulent Acts</b>	
Allowing a licensee's license to be used by another individual to practice chiropractic – OC §201.502(a)(16)	Category I
Being convicted of a crime of moral turpitude or a felony – OC §201.502(a)(5)	Category I
Intentionally altering a chiropractic license, certificate, or diploma, or transcript of a license, certificate, or diploma – OC §201.502(a)(13)	Category I
Impersonating a licensed chiropractor – OC §201.502(a)(15)	Category I
Presenting or using license, certificate, or diploma or transcript illegally, fraudulently obtained, counterfeited, or altered – OC §201.502(a)(3)	Category I
Presenting untrue statement, document, or testimony to pass examination, or engaging in conduct that subverts or attempts to subvert an examination process required for a chiropractic license – OC §201.502(a)(4); §201.5025(a)(4)76.1	Category I

Commit fraud or deception in taking or passing examination, or impersonating or acting as proxy in an examination – OC §201.502(a)(14); §201.5025(a)(2)	Category I
<b>Delegation</b>	
Delegating responsibility to an untrained individual – 22 TAC §79.2(b)(2); OC §201.5026(a)(5)	Category I
Delegating responsibility to render a diagnosis, prescribe a treatment plan, or perform adjustment or manipulations – 22 TAC §78.3(b); OC §201.5026(a)(4)	Category I
Failing to document that individual is qualified to perform acts under a general delegation of responsibility – 22 TAC §78.3(d); OC §201.5026(a)(4)	Category II
Failing to be physically present or on-call when a qualified individual performs acts under a general delegation of responsibility – 22 TAC §78.3(g); OC §201.5026(a)(4)	Category II
Supervising an unreasonable number of qualified individuals under a general delegation of responsibility – 22 TAC §78.3(f); OC §201.5026(a)(4)	Category II
Failing to differentiate on a patient's record between acts performed by the licensee and acts performed by a qualified individual under a general delegation of responsibility – 22 TAC §78.3(i)	Category II
Delegating responsibility to a chiropractic student when the licensee has not had a license in good standing for five years and has not been licensed by the Board for one year – 22 TAC §78.4(a)	Category I
Failing to be on-site when a chiropractic student performs an adjustment or manipulation – 22 TAC §78.4(c); OC §201.5026(a)(4)	Category I
Failing to be on-call when a recent graduate performs an adjustment or manipulation – 22 TAC §78.4(f); OC §201.5026(a)(4)	Category II
Failing to submit to the Board the required information about a recent graduate to whom a licensee delegates responsibility – 22 TAC 78.4(g)	Category II
Delegating the performance of adjustments or manipulations to a recent graduate after the one year anniversary of the graduate's graduation – 22 TAC §78.4(h); OC §201.5026(a)(4)	Category II
Delegating the performance of radiologic procedures to an untrained individual – 22 TAC §78.5(a); OC §201.5026(a)(4)	Category I
Failing to document the qualifications of an individual to whom the licensee has delegated the performance of radiologic procedures – 22 TAC §78.5(c)	Category II
Failing to be on the premises where a radiologic procedure is performed – 22 TAC §78.5(d); OC §201.5026(a)(4)	Category I

<b>UNPROFESSIONAL CONDUCT</b>	
<b>General</b>	
Committing an act that violates any state or federal law if the act is connected with the chiropractor's practice of chiropractic – OC §201.5026(a)(1)	Category I
Engaging in grossly unprofessional conduct or dishonorable conduct of a character likely to deceive or defraud the public – OC §201.502(a)(7); §201.5025(a)(3)	Category I
Failing to use proper diligence in the practice of chiropractic or using gross inefficiency in the practice of chiropractic – OC §201.502(a)(18)	Category I
Failing to conform to the generally accepted standards of care of the profession – 22 TAC §79.2(a)(1)	Category I
<b>Patient Care</b>	
Failing to properly evaluate a patient – 22 TAC §79.2(a)(2)	Category I
Failing to protect a patient's privacy, dignity, safety, or confidential records – 22 TAC §79.2(a)(3)	Category I
Failing to timely transfer a patient's records – 22 TAC §79.2(a)(4); 22 TAC §76.2(p)	Category II
Failing to timely refer a patient to another health care provider for a condition outside the scope of practice – 22 TAC §79.2(a)(5)	Category I
Failing to timely refer a patient to a health care provider when the licensee determines the patient suffers from a condition within the scope of practice but requires a diagnosis or treatment exceeding the licensee's abilities – 22 TAC §79.2(a)(6)	Category I
Performing or attempting to perform procedures for which the licensee is untrained – 22 TAC §79.2(b)(1)	Category I
Physically harming or allowing physical harm to an individual – 22 TAC §79.2(b)(3)	Category I
Abandoning a patient without reasonable cause or adequate notice – 22 TAC §79.2(b)(4)	Category I
Exposing an individual to unsafe or unsanitary conditions – 22 TAC §79.2(b)(4)	Category I
Engaging in deception or fraud in the practice of chiropractic – OC §201.502(a)(2)	Category I
<b>FINANCIAL MISCONDUCT</b>	

<b>Soliciting Patients</b>	
Offering to pay or agreeing to accept any remuneration to or from another for securing or soliciting a patient or patronage for or from an individual licensed by a state health care regulatory agency – OC §102.001	Category I
Personally soliciting a patient or causing a patient to be solicited by the use of a case history of another patient of another chiropractor – OC §201.502(a)(20)	Category I
Using an accident report prepared by a peace officer for the purpose of soliciting patients – OC §201.502(a)(21)	Category I
<b>Billing and Financial Fraud</b>	
Submitting a bill for a treatment that was not provided or was improper, unreasonable, or medically or clinically unnecessary – HSC §311.0025; OC §201.5026(a)(3)	Category I
Committing fraud in the charging of goods or services – 22 TAC §79.3(a)	Category I
Charging or billing a patient or third party for goods or services that are clearly excessive – 22 TAC §79.3(b)	Category I
Submitting a claim for goods or services are not sold or rendered – 22 TAC §79.3(c)	Category I
<b>Sexual Misconduct</b>	
Engaging in a consensual sexual relationship with a patient – 22 TAC §79.1(a)(1)	Category I
Touching inappropriately an individual's genitals, anus, or breast – 22 TAC §79.1(a)(2)	Category I
Making statements, gesture, or expression towards an individual which may be reasonably be interpreted as sexual in nature – 22 TAC §79.1 (a)(3)	Category I
Requesting unnecessary details of an individual's sexual history or sexual preferences – 22 TAC §79.1(a)(4)	Category I
Requesting to initiate an intimate relationship with a patient – 22 TAC §79.1(a)(5) – 22 TAC §79.1(a)(5)	Category I
Discussing the licensee's sexual desires, problems, preferences, or fantasies – 22 TAC §79.1(a)(6)	Category I
Requesting sexual acts or favors in exchange for services – 22 TAC §79.1(a)(7)	Category I
Exposing inappropriately genitalia or other customarily covered body parts to an individual – 22 TAC §79.1(a)(8)	Category I



Masturbating in the presence of an individual – 22 TAC §79.1(a)(9)	Category I
<b>Substance Abuse and Impairment</b>	
Having a habit of intemperance or drug addiction or another habit that endangers the life of a patient – OC §201.502(a)(8)	Category I
Providing chiropractic services while intoxicated – OC §201.606(b)	Category I
Practicing chiropractic without reasonable skill or safety because of substance abuse or any mental or physical condition – 22 TAC §79.4(b)	Category I
Practicing chiropractic after being proved insane – OC §201.502(a)(17)	Category I
<b>COMPLAINTS AND ENFORCEMENT ACTIONS</b>	
Failing to fully cooperate with or timely respond to the Board's investigation of any complaint – 22 TAC §80.1	Category I
Receiving remuneration from the practice of chiropractic during a suspension – 22 TAC §80.3(e)(1)	Category I
Communicating with any patients other than to ensure continuation of care during a suspension – 22 TAC §80.3(e)(2)	Category I
Providing any chiropractic services to any person during a suspension – 22 TAC §80.3(e)(3)	Category I
Being present at any location where chiropractic services are provided during a suspension – 22 TAC §80.3(e)(4)	Category I
Practicing chiropractic during a temporary suspension – 22 TAC §80.9(m)	Category I