

Adopted Rule: §344.1. Administrative Fines and Penalties
to be effective 11/11//2018

Summary of Amendment: The amendment is adopted in order to establish a Schedule of Sanctions and factors for consideration in conjunction with the Schedule of Sanctions when determining the appropriate penalty/sanction in disciplinary matters.

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<rule>

§344.1. Administrative Fines and Penalties.

(a) – (b) No change.

(c) The Board shall utilize the following Schedule of Sanctions in all disciplinary matters.

Figure: 1 TAC 344.1

(d) ~~[(e)]~~ Assessment of the penalties will follow procedures as established in §343.41 of this title (relating to Agreed Orders). The Board shall consider the following factors in conjunction with the Schedule of Sanctions when determining the appropriate penalty/sanction in disciplinary matters: ~~[The nature and amount of the penalty shall be based on:]~~

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of the violation; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation;

(5) the economic harm to the public interest or public confidence caused by the violation;

(6) whether the violation was intentional; and

(7) any other matter that justice may require.

~~[(1) the seriousness of the violation, including nature, circumstances, extent, and gravity of any prohibited act, and hazard or potential hazard created to the health, safety, or economic welfare of the public;~~

~~(2) the economic harm to property or the environment caused by the violation;~~

~~(3) the history of previous violations;~~

~~(4) the amount necessary to deter future violations;~~

~~(5) efforts to correct the violation; and~~

~~(6) any other matter that justice may require.]~~

~~(e) [(d)]~~ The provisions of subsections (a)-(d) ~~[(e)]~~ of this section shall not be construed so as to prohibit other appropriate civil or criminal action and remedy and enforcement under other laws.