

ment" has the meaning assigned by Title 49, Code of Federal Regulations, §395.2.

(5) Drivers of vehicles operating in intrastate transportation claiming the 150 air-mile radius exemption in paragraph (4) of this subsection must return to the work reporting location; be released from work within 12 consecutive hours; and have at least 8 consecutive hours off-duty separating each 12 hours on-duty.

(6) The provisions of Title 49, Code of Federal Regulations, §391.11(b)(1) shall not apply to intrastate commerce. The minimum age for an intrastate driver shall be 18 years of age. Intrastate drivers in violation of this paragraph shall be placed out-of-service until no longer in violation.

(7) The provisions of Title 49, Code of Federal Regulations, §391.11(b)(2) shall not apply to intrastate commerce. An intrastate driver must have successfully passed the examination for a Texas Commercial Driver's License and be a minimum age of 18 years old.

(8) Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations §571.121) applicable to the vehicle at the time it was manufactured.

(9) Title 49, Code of Federal Regulations, §390.23 (Relief from Regulations), is adopted for intrastate motor carriers with the exceptions detailed in subparagraph (A) and subparagraph (B) of this paragraph:

(A) Title 49, Code of Federal Regulations, §390.23(a)(2) is not applicable to intrastate motor carriers making emergency residential deliveries of heating fuels or responding to a pipeline emergency, provided the carrier:

(i) documents the type of emergency, the duration of the emergency, and the drivers utilized; and

(ii) maintains the documentation on file for a minimum of six months. An emergency under this paragraph is one that if left unattended would result in immediate serious bodily harm, death or substantial property damage but does not include routine requests to refill empty propane gas tanks.

(B) The requirements of Title 49, Code of Federal Regulations, §390.23(c)(1) and (2), for intrastate motor carriers shall be:

(i) the driver has met the requirements of Texas Transportation Code, Chapter 644; and

(ii) the driver has had at least eight consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has had at least 34 consecutive hours off duty when the driver has been on duty for more than 70 hours in seven consecutive days.

(10) The provisions of Title 49, Code of Federal Regulations, Part 380 (Subparts A - D) shall not apply to intrastate motor carriers and drivers. Title 49, Code of Federal Regulations, Part 380 (Subpart E) is adopted for intrastate motor carriers and drivers. Intrastate motor carriers and drivers must complete the requirements of Title 49, Code of Federal Regulations, §380.500 on or before July 31, 2005.

(11) In accordance with §4132 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETA-LU) (Pub. L. 109-59), the hours of service regulations in this subchapter are not applicable to utility service vehicles that

operate in either interstate or intrastate commerce. Utility service vehicles are those vehicles operated by public utilities, as defined in the Public Utility Regulatory Act, the Gas Utility Regulatory Act, the Texas Water Code, Title 49, Code of Federal Regulations, §395.2, or other applicable regulations, and charged with the responsibility for maintaining essential services to the public to protect health and safety.

(12) The United States Department of Transportation number requirements in Texas Transportation Code, Chapter 643 do not apply to vehicles/motor carriers operating exclusively in intrastate commerce and that are exempted from the requirements by Texas Transportation Code, §643.002.

(13) Drivers of vehicles under this section, operating in intrastate transportation, who encounter adverse driving conditions and cannot, because of those conditions, safely complete the run within the maximum driving time or duty time during which driving is permitted under subsection (a)(2) of this section, may drive and be permitted or required to drive a commercial motor vehicle for not more than two additional hours beyond the maximum allowable hours permitted under subsection (a)(2) of this section to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo. Adverse driving conditions means snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or a motor carrier immediately prior to dispatching the driver.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 5, 2020.

TRD-202003167

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: September 20, 2020

For further information, please call: (512) 424-5848



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

#### **CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LI-CENSURE OF PERSONS WITH CRIMINAL CONVICTIONS**

##### **40 TAC §374.1**

The Texas Board of Occupational Therapy Examiners proposes amendments to the Schedule of Sanctions Figure in 40 Texas Administrative Code §374.1, concerning Disciplinary Actions.

The amendments are proposed to replace "investigative costs" with "administrative penalties" in the Schedule of Sanctions, and to update other language to make the schedule consistent with other provisions in the chapter.

Changes to the Schedule of Sanctions include replacing investigative costs with administrative penalties. The Occupational Therapy Practice Act, Texas Occupations Code §454.3521, authorizes the Board to impose an administrative penalty for a violation of the chapter or a rule adopted under the chapter. The proposed amendments to the Schedule of Sanctions Figure in §374.1 will impose administrative penalties, not to exceed \$200 for each day a violation continues or occurs, to the "Minimum Discipline," "Intermediate Discipline," and "Maximum Discipline" levels per §454.3521. The graduated penalty amounts are assessed based on the severity and type of violation per §454.3025(a).

Additional changes to the Schedule of Sanctions include updating citations to the "OT Act/Rule" column. The changes also include removing from the "Failed to Properly Renew a License" violation the reference to §367.1(b) and replacing such with a reference to the full §367.1, concerning continuing education, as further provisions in the section concern the violation. Such a change, concomitantly, will ensure that the schedule's reference to the section remains intact in the event that changes to the lettering of the section's provisions are made.

An additional cleanup removes the phrase "until conditions are met or indefinitely" from the "Maximum Discipline" column, with regard to the revocation or surrender of a license. The change is made to reflect that the administrative penalty assessed in an order is fixed, not indefinitely cumulative.

A further change to the section concerns removing from the "Minimum Discipline" and "Intermediate Discipline" columns the extraneous term "provisional" when it precedes "restricted practice." The removal is a cleanup to increase consistency in the schedule, as in other areas of the schedule, just the phrase "restricted practice" is employed for an equivalent sanction. A further change to the section involves a cleanup to correct "licensee" to "license."

#### FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4) because the amendments do not impose a cost on state or local governments.

#### LOCAL EMPLOYMENT IMPACT

Mr. Harper has determined that the proposed amendments would not impact a local economy. Therefore, a local employment impact statement is not required under Texas Government Code §2001.022 and §2001.024(a)(6).

#### PUBLIC BENEFIT AND COST NOTE

Mr. Harper has determined under Texas Government Code §2001.024(a)(5) that for each of the first five years the proposed amendments would be in effect, the public benefit will be the increased consistency of the penalties in the Schedule of Sanctions and conformity with other sections in the Occupational Therapy Practice Act. There would not be an additional

anticipated economic cost to persons required to comply with the proposed amendments because the Occupational Therapy Practice Act already allows for the Board to impose an administrative penalty and proposed changes do not exceed that amount, and the remaining proposed amendments are cleanups that do not concern costs.

#### ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Harper has determined there would be no costs or adverse economic effects on small businesses, micro-businesses, or rural communities. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by these proposed amendments and that these amendments do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, these amendments do not constitute a taking under Texas Government Code §2007.043.

#### GOVERNMENT GROWTH IMPACT STATEMENT

The agency has determined under Texas Government Code §2001.0221 that during the first five years the rule would be in effect:

- (1) the rule will not create or eliminate a government program;
- (2) the rule will not require the creation of new employee positions or the elimination of existing employee positions;
- (3) the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create a new regulation as the changes concerning administrative penalties reflect extant regulations concerning such in the Occupational Therapy Practice Act, and further changes are cleanups;
- (6) the rule will not limit, repeal, or expand an existing regulation as changes concerning administrative penalties reflect extant regulations already in effect in the Occupational Therapy Practice Act, and further changes are cleanups;
- (7) the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the rule will neither positively nor adversely affect this state's economy.

#### COSTS TO REGULATED PERSONS

The agency determined that the rule does not impose a cost on regulated persons who practice in compliance with the Board's statute and rules, and the rule does not impose a cost on another state agency, a special district, or a local government. To the extent the rule imposes a cost on regulated persons by imposing an administrative penalty at the conclusion of a disciplinary action, the sanction is necessary to deter the practice of occupational therapy in a manner detrimental to the public health and welfare. This rule is not subject to Texas Government Code §2001.0045 because the rule is necessary to protect the health, safety, and welfare of the residents of this state and the Board is required to

adopt a schedule of administrative penalties and other sanctions by rule pursuant to Texas Occupations Code §454.3025(a).

#### ENVIRONMENTAL IMPACT STATEMENT

The agency has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

#### PUBLIC COMMENT

Comments on the proposed amendments may be submitted in writing to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to lea@ptot.texas.gov within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

#### STATUTORY AUTHORITY

The amendments to the Schedule of Sanctions Figure in 40 TAC §374.1(c) are proposed under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under chapter 454. The amendments are also proposed under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter. Lastly, the amendments are proposed under §454.3521, which authorizes the Board to impose an administrative penalty, not to exceed \$200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter.

#### CROSS REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

#### §374.1. *Disciplinary Actions.*

(a) The board, in accordance with the Administrative Procedure Act, may deny, revoke, suspend, or refuse to renew or issue a license, or may reprimand or impose probationary conditions, if the licensee or applicant for licensure has been found in violation of the rules or the Act. The board will adhere to procedures for such action as stated in the Act, §§454.301, 454.302, 454.303, and 454.304.

(b) The board recognizes four levels of disciplinary action for its licensees.

(1) Level I: Order and/or Letter of Reprimand or Other Appropriate Disciplinary Action (including but not limited to community service hours).

(2) Level II: Probation--The licensee may continue to practice while on probation. The board orders the probationary status which may include but is not limited to restrictions on practice and continued monitoring by the board during the specified time period.

(3) Level III: Suspension--A specified period of time that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon the successful completion of the suspension period, the license will be reinstated upon the licensee successfully meeting all requirements.

(4) Level IV: Revocation--A determination that the licensee may not practice as an occupational therapist or occupational therapy assistant. Upon passage of 180 days, from the date the revo-

cation order becomes final, the former licensee may petition the board for re-issuance of a license. The former licensee may be required to re-take the Examination.

(c) The board shall utilize the following schedule of sanctions in all disciplinary matters.

Figure: 40 TAC §374.1(c)

[Figure: 40 TAC §374.1(e)]

(d) The board shall consider the following factors in conjunction with the schedule of sanctions when determining the appropriate penalty/sanction in disciplinary matters:

(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 requires.

(e) Licensees who provide occupational therapy services are responsible for understanding and complying with Chapter 454 of the Occupations Code (the Occupational Therapy Practice Act), and the Texas Board of Occupational Therapy Examiners' rules.

(f) Final disciplinary actions taken by the board will be routinely published as to the names and offenses of the licensees.

(g) A licensee who is ordered by the board to perform certain act(s) will be monitored by the board to ensure that the required act(s) are completed per the order of the board.

(h) The board may expunge any record of disciplinary action taken against a license holder before September 1, 2019, for practicing in a facility that failed to meet the registration requirements of §454.215 of the Act (relating to Occupational Therapy Facility Registration), as that section existed on January 1, 2019. The board may not expunge a record under this subsection after September 1, 2021.

(i) A licensee or applicant is required to report to the board a felony of which he/she is convicted within 60 days after the conviction occurs.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 7, 2020.

TRD-202003213

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Earliest possible date of adoption: September 20, 2020

For further information, please call: (512) 305-6900



## TITLE 43. TRANSPORTATION

Figure: 40 TAC §374.1(c)

**Schedule of Sanctions**

<b>Disciplinary Violations</b>	<b>OT Act/Rule</b>	<b>Minimum Discipline</b>	<b>Intermediate Discipline</b>	<b>Maximum Discipline</b>	<b>Remarks</b>
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> [ <del>+investigative costs</del> ] / Cease and desist letter to the impersonator	45-90 day license suspension <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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> [ <del>+investigative costs</del> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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> [ <del>+investigative costs</del> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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> [ <del>+investigative costs</del> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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

**Schedule of Sanctions**

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
abusing, or intimidating a patient either physically or verbally	§374.2(5)	service <u>+up to \$100 per violation</u> [ <del>+investigative costs</del> ]	suspension with restricted practice <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]; referral for criminal investigative entity	of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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> [ <del>+investigative costs</del> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <del>+investigative costs</del> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>(until conditions are met or indefinitely)</del> ]	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

## Schedule of Sanctions

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
the purpose or with the result of receiving a fee or other consideration from the third person		[+investigative costs]	[+investigative costs]	[ <del>until conditions are met or indefinitely</del> ]	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> [ <del>until conditions are met or indefinitely</del> ]	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> [ <del>until conditions are met or indefinitely</del> ]	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) <u>Sec. 454.201</u> §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> [ <del>until conditions are met or indefinitely</del> ]	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> [ <del>until conditions are met or indefinitely</del> ]	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

Disciplinary Violations	OT Act/Rule	Minimum Discipline	Intermediate Discipline	Maximum Discipline	Remarks
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> [ <u>+investigative costs</u> ]	desist; if licensed, 30-60 day license suspension <u>+up to \$150 per violation</u> [ <u>+investigative costs</u> ]	of license <u>+up to \$200 per violation</u> [ <del>until conditions are met or indefinitely</del> ]	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> [ <u>+investigative costs</u> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <u>+investigative costs</u> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>until conditions are met or indefinitely</del> ]	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> [ <u>+investigative costs</u> ]	30-60 day license suspension <u>+up to \$150 per violation</u> [ <u>+investigative costs</u> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>until conditions are met or indefinitely</del> ]	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> [ <u>+investigative costs</u> ]	30-60 day license suspension and completion of CE hours <u>+up to \$150 per violation</u> [ <u>+investigative costs</u> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>until conditions are met or indefinitely</del> ]	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 <del>(b)</del> §370.1	30-60 hours community service and completion of CE hours <u>+up to \$100 per violation</u> [ <u>+investigative costs</u> ]	30-60 day license suspension and completion of CE hours <u>+up to \$150 per violation</u> [ <u>+investigative costs</u> ]	Revocation or Surrender of license <u>+up to \$200 per violation</u> [ <del>until conditions are met or indefinitely</del> ]	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

**Schedule of Sanctions**

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