

Figure: 22 TAC §78.10(b)

Chapter 78 Graphics

22 TAC §78.10(b)

MAXIMUM SANCTIONS TABLE

Category I. — Up to \$1000 fine per day and/or suspension or revocation

Category I. Threat of Injury to Patient	
Violation	Reference
Sexual Misconduct	22 TAC §78.1(a)(1) CA §201.502(a)(7)
Lack of diligence/gross inefficient practice	22 TAC §78.2 CA §201.502(a)(18)
Practicing outside the scope of practice	22 TAC §§78.2, 78.13; 78.15 CA §§ 201.002, 201.502(a)(1), (18)
Unauthorized Practice of Acupuncture	22 TAC §78.17
Proved Insane	CA §§201.502(17)
Impaired licensee/applicant	22 TAC §72.4
Practicing chiropractic while intoxicated	CA §201.606(b)
Knowingly permitting an unlicensed person to practice	CA §§201.502(a)(10); 201.5025(a)(7)
Impersonating a licensed chiropractor	CA §201.502(a)(15)
Improper control of patient care and treatment	22 TAC §73.4(b)
Prescribe/administer a nontherapeutic treatment	CA §201.5026(a)(2)
Knowingly delegating chiropractic responsibility to unqualified persons	CA §201.5026(a)(5)

Procuring or assisting an abortion	CA §201.502(a)(6)
Habit of intemperance or drug addiction or other habit endangering life of patient	CA §201.502(a)(8)
Furnishing or prescribing controlled substances	22 TAC §78.3(k)(5)
Physically harming or threatening to physically harm a patient	22 TAC §78.1(a)(3) CA §201.502(a)(7)
Criminal Conviction (sexual or violent in nature)	22 TAC §78.3(k)(4)(A)(B)(D)(F)-(I) CA §201.5065(C)

Category II. — Up to \$750 fine per day and/or suspension or revocation

Category II. Fraud and Deception	
Violation	Reference
Overtreating/overcharging a patient	22 TAC §78.1(a)(2)(A) HPCA §101.203
Violates Section 311.0025 of Health and Safety Code (billing)	CA §201.5026(a)(3)
Presenting/using license, certificate or diploma/transcript illegally/fraudulently obtained, counterfeit/alterd	CA §201.502(a)(3)
Presenting untrue statement/document/testimony to pass examination	CA §201.502(a)(4)
Directly/indirectly employing/associating with person commits unlicensed practice	CA §201.502(a)(10)
Purchasing, selling, bartering, etc. a chiropractic degree, license, certificate, diploma/transcript relating to application to practice	CA §201.502(a)(12)

Intentionally, fraudulently altering with a chiropractic license, certificate, or diploma	CA §201.502(a)(13)
Commits fraud or deception in taking or passing an examination; Impersonating or acting as proxy in examination	CA §201.502(a)(14) CA §201.5025(a)(2)
Practicing without a chiropractic license	22 TAC §78.9(d) CA §201.301
Impersonating a licensed chiropractor	CA §201.502(a)(15)
Permitting a license to be used by another to practice	CA §201.502(a)(16)
Submission of false or misleading statement, document or certificate in application for licensure	CA §201.5025(a)(1)
Employs a person whose license to practice chiropractic has been suspended, canceled or revoked	CA §201.5025(a)(5)
Aiding or abetting the practice of chiropractic by a person not licensed by the board	CA §201.5025(a)(7)
Delegating authority to a licensee whose license has been suspended or revoked	22 TAC §77.5(h) CA §201.5025(a)(6)(A)
Delegating to a non-licensee authority to perform adjustments or manipulations	22 TAC §77.5(b), (f), (i), (j)
Failure to comply with the CA, other law or a board order or rule	22 TAC §78.9(c) CA §§201.501, 201.502(a)(1)
Failure to comply with down-time restrictions	22 TAC §78.9(f)
Medicaid fraud Medicare fraud	CA §201.502(a)(2), (7); HRC §§36.002, 36.005
Solicitation/Barratry	Occ. Code §§102.001, 102.006 CA §201.502 (a)(21)
Failure to respond to board inquiries	22 TAC §§78.3(h), 78.5
Failure to report criminal conviction	22 TAC §78.3(f)
Bribery	22 TAC §77.13
Coercion	22 TAC §77.14
Improper Influence	22 TAC §77.15

Tamper w/ Witness	22 TAC §77.16
Destruction/Retaliation	22 TAC §77.17
Criminal Conviction (non-violent, non-sexual)	Occ. Code §53.021 CA §§201.502(a)(5); 201.5065 22 TAC §78.3(b),(c)

Category III. — Up to \$500 fine per day and/or suspension

Category III. General Practice	
Violation	Reference
Practicing with an expired license (nonrenewal due to default student loan)	22 TAC §75.2(i) CA §§201.301, 201.351, 201.354(f)
Practicing with an expired license (nonrenewal)	22 TAC §75.2(i) CA §§201.301, 201.351, 201.354(f)
Practicing while on inactive status	22 TAC §75.4(f) CA §§201.301, 201.311(b)(2)
Practicing in non-compliance with continuing education requirements	22 TAC §75.6(g) CA §§201.301, 201.354(f)
Association in the practice of chiropractic with a person: whose license has been suspended, canceled or revoked; or convicted of the unlawful practice of chiropractic in any state	CA §201.5025(a)(6)
Failure to supervise chiropractic by a student or recent graduate	22 TAC §77.5(c), (d) CA §201.5026(a)(4)
Failure to maintain sanitary conditions in practice and/or exposing a patient to unsanitary conditions	22 TAC §78.1(a)(4)
Failure to comply with requirements/restrictions on prepaid treatment plans	22 TAC §77.12
Practicing in a facility without a certificate of registration or with an expired registration	CA §201.312 22 TAC §73.2(k)

Operating a facility without a certificate of registration or with an expired registration	CA §201.312 22 TAC §§73.2(a), 73.3(f), 73.4(a)
Unauthorized disclosure of patient records	22 TAC §77.7 CA §§201.402, 201.405
Violation of patient confidentiality	CA §201.402(a)
Publicity; Misleading Claims Deception or Fraud in Practice Advertising – false statement, tends to mislead, or deceive public	22 TAC §§77.2, 77.4 CA §201.502(a)(2), (9), (11); HPCA §101.201
Use of the term "physician," "chiropractic physician"	CA §201.502(a)(22)
Failure to use "chiropractor" or "D.C." in advertising	22 TAC §§77.2 (f); 78.1(a)(6)
Using "chiropractor" or "D.C." in advertising without holding a chiropractic license issued by the board	22 TAC §78.1(a)(8) CA §201.002(b)(4) CA §201.301
Using "chiropractor" or "D.C." in advertising for services outside the scope of practice	22 TAC §78.1(a)(7) 22 TAC §§77.2, 77.4

Category IV. – Up to \$250 fine per day

Category IV. Administrative Violations	
Violation	Reference
Failure to furnish patient records; Overcharging for copies of patient records	22 TAC §77.7 CA §201.405(f)
Failure to disclose charges to patient	22 TAC §§78.1(a)(2)(C), 77.3(a) HPCA §101.202
Failure to maintain patient records	22 TAC §77.8
Failure to report Out-of-Facility practice	22 TAC §77.9

Failure to display public interest information, current facility registration or current annual license renewal	22 TAC §78.7
Failing to clearly differentiate a chiropractic office/clinic from another business/enterprise	§201.502(a)(19)
Failure to complete continuing education	75.5(1)(C)
Failure to comply with Spinal Screenings requirements	22 TAC §78.17
Failure to report change of address	22 TAC §75.1
Failure to report change of facility address/ownership	22 TAC §73.4(c)
Failure to report <i>locum tenens</i> information	22 TAC §75.2(b)
Default on Student Loan	Occ. Code Chapter 56 22 TAC §77.6

Performing radiologic procedures without registering, with an expired registration, or without DSHS approval; failure to renew (including non-payment of fees)	22 TAC §74.2(a), (d), (e), (h)
MRTCA, DSHS rules or order	22 TAC §74.2(h), (j), (o)
Performing (1) radiologic procedures without supervision, or (2) cineradiography or other restricted procedure	22 TAC §74.2(g), (k), (l), (m) (1), (2)