

**§90.236(l) Administrative Penalties**  
**Per Diem Penalties for Facilities Serving Persons with Mental Retardation and/or Related Conditions**

<b>Description of Violation</b>	<b>Size of Facility</b>	<b>First Offense (1) No Right to Correct</b>	<b>Second Offense (2) No Right to Correct</b>	<b>Third Offense (3) No Right to Correct</b>
A. A violation that DADS determines has resulted in an outcome described in §90.240(b)(1)-(3) of this subchapter (related to Right to Correct)				
1. A violation that DADS determines has resulted in serious harm to or death of a resident.	59 beds or less	\$1,000	\$1,000	\$1,000
2. A violation that DADS determines has resulted in serious harm to or death of a resident.	60 or more beds	\$5,000	\$5,000	\$5,000
3. A violation that DADS determines constitutes a serious threat to the health and safety of a resident.	59 beds or less	\$1,000	\$1,000	\$1,000
4. A violation that DADS determines constitutes a serious threat to the health and safety of a resident.	60 or more beds	\$5,000	\$5,000	\$5,000
5. A violation that DADS determines substantially limits the facility's capacity to provide care.	59 beds or less	\$1,000	\$1,000	\$1,000
6. A violation that DADS determines substantially limits the facility's capacity to provide care.	60 or more beds	\$5,000	\$5,000	\$5,000

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B. Actions described in subsection (a)(2)-(8) of this section (related to Administrative Penalties)				
1. Making a false statement that the person knows or should know is false, of a material fact on an application for issuance or renewal of a license or in documentation submitted to DADS in support of the application.	59 beds or less	\$500	\$750	\$1,000
2. Making a false statement that the person knows or should know is false, of a material fact on an application for issuance or renewal of a license or in documentation submitted to DADS in support of the application.	60 or more beds	\$500	\$3,500	\$5,000
3. Making a false statement that the person knows or should know is false, of a material fact with respect to a matter under investigation by DADS.	59 beds or less	\$500	\$750	\$1,000
4. Making a false statement that the person knows or should know is false, of a material fact with respect to a matter under investigation by DADS.	60 or more beds	\$500	\$3,500	\$5,000

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5. Refusing to allow a representative of DADS to inspect a book, record, or file required to be maintained by the person.	59 beds or less	\$500	\$750	\$1,000
6. Refusing to allow a representative of DADS to inspect a book, record, or file required to be maintained by the person.	60 or more beds	\$500	\$3,500	\$5,000
7. Refusing to allow a representative of DADS to inspect any portion of the premises a facility.	59 beds or less	\$500	\$750	\$1,000
8. Refusing to allow a representative of DADS to inspect any portion of the premises a facility.	60 or more beds	\$500	\$3,500	\$5,000
9. Willfully interfering with the work of a representative of DADS or the enforcement of Texas Health and Safety Code, Chapter 252.	59 beds or less	\$500	\$750	\$1,000
10. Willfully interfering with the work of a representative of DADS or the enforcement of Texas Health and Safety Code, Chapter 252.	60 or more beds	\$500	\$3,500	\$5,000

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Description of Violation	Size of Facility	First Offense (1) No Right to Correct	Second Offense (2) No Right to Correct	Third Offense (3) No Right to Correct
11. Willfully interfering with a representative of DADS preserving evidence of a violation of Texas Health and Safety Code, Chapter 252, or a rule, standard, or order adopted or license issued under that chapter.	59 beds or less	\$500	\$750	\$1,000
12. Willfully interfering with a representative of DADS preserving evidence of a violation of Texas Health and Safety Code, Chapter 252, or a rule, standard, or order adopted or license issued under that chapter.	60 or more beds	\$500	\$3,500	\$5,000
13. Failing to pay a penalty assessed by DADS under Texas Health and Safety Code, Chapter 252, not later than the 10th day after the date the assessment of the penalty becomes final.	59 beds or less	\$500	\$750	\$1,000
14. Failing to pay a penalty assessed by DADS under Texas Health and Safety Code, Chapter 252, not later than the 10th day after the date the assessment of the penalty becomes final.	60 or more beds	\$500	\$3,500	\$5,000

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15. Failing to submit a plan of correction to DADS within 10 working days after receiving the final statement of licensing violations.	59 beds or less	\$500	\$750	\$1,000
16. Failing to submit a plan of correction to DADS within 10 working days after receiving the final statement of licensing violations.	60 or more beds	\$500	\$3,500	\$5,000
17. Failing to notify DADS of a change in ownership before the effective date of that change of ownership.	59 beds or less	\$500	\$750	\$1,000
18. Failing to notify DADS of a change in ownership before the effective date of that change of ownership.	60 or more beds	\$500	\$3,500	\$5,000

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