



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G BROWN JR.

Physical Therapy Board of California

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Agenda Item # 5(A)

Briefing Paper

Date: July 22, 2011

Prepared for: Board Members

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SUBJECT: Conviction and Continuing Competency Cases

Purpose:

To inform Board members of conviction and continuing competency cases, and possible course of action for each.

Report:

Conviction Cases:

The majority of conviction cases for applicants and licensees are for alcohol related convictions.

Applicants with a conviction prior to filing an application for licensure must submit certified copies of police and court documents in addition to a written explanation of the circumstances surrounding the conviction. Upon receipt of all documents, the analyst will provide a recommended course of action to the executive officer. The recommendation will be to either issue an unrestricted or restricted license to the applicant. If the applicant has presented evidence that a subsequent conviction is unlikely to occur, an unrestricted license is usually recommended. If an unrestricted license may be issued, the analyst notifies the applicant the Board has concluded its review of the case and no action will be taken; however, all documents will be retained and would be a source of consideration the event of a subsequent conviction.

If the applicant has recently been convicted and is serving probation, or has multiple convictions, an Initial Probationary License (IPL) is recommended. The length of the IPL depends on the circumstances of the conviction and may be issued for three to five years. The terms of probation include the standard terms and terms specific to the violation. A notice of intent is issued to the applicant once the applicant has passed both licensing exams. This notice allows the applicant to review the terms and conditions of the IPL. The IPL is issued approximately one month after the notice of intent is sent to the applicant.

For licensees, first time alcohol related convictions, generally result in a citation. The Board will request certified police and court documents as well as the licensee's written explanation of the circumstances surrounding the conviction. Once all requested documents are received and reviewed, the analyst will make a recommendation to the EO. Citation fines for first time alcohol related convictions range from approximately \$250-\$500 depending on the circumstances of the arrest and conviction.

In some cases, first time convictions can result in disciplinary action including public reprimand or probation. If the PTBC feels that a license has alcohol related issues, the case will be referred to the Deputy Attorney General's office.

Continuing Competency Cases:

The circumstances regarding continuing competency cases vary. Continuing competency cases are initiated when audited licensees cannot provide proof they have fulfilled the CC requirement. Factors for audit failure can include missing hours, missing basic life support for health care providers or an ethics, laws, and regulation course, or completing courses not approved by an approved provider.

Failing a continuing competency audit may result in a citation or disciplinary action. Fines for citations are approximately \$500 which includes a \$250 fine for not being in compliance with the regulation and a \$250 fine for a false statement to the Board. An order of abatement is included with the citation allowing the licensee to come into compliance with the regulation. Depending on the circumstance of the audit, the licensee may be ordered to complete up to 30 hours of continuing competency.

If a licensee does not provide proof of continuing competency hours or ignoring the Board's requests, the case will be forwarded to the DAG's office.

Action Requested:

None, for informational purposes.